

The Two Lives of Napoleon Beazley

by
John Fleming

from a concept by
Dana Nau

Based on a true story

Script used for 2008 New York
production by Incumbo Theatre

John Fleming
1023 W. San Antonio St.
San Marcos, TX 78666
(512) 775-8598
JF18@txstate.edu
© 2007 John Fleming and Dana Nau

Cast of Characters

Henry Boyd, attorney, 40s-50s

Napoleon Beazley, a lighter-skinned African American, 17-25;
due to his time on death row, he appears older

Ireland Beazley, 40s-50s, Napoleon's father

Rena (Faye) Beazley, 40s-50s, Napoleon's mother

Chorus

1 black male, 2 white males, 1 white female play a variety of roles, including:

Recurring Black roles

Antonio Thompson

(Note: The actress playing RENA, says the 2 passages attributed to Napoleon's sister, MARIA)

Recurring White roles

District Attorney Robert Meese

Judge Matthew Muller

Judge Anne Davis

Sarah Boyd

The chorus also plays the members of the Grapeland Community, the people of Tyler, the citizens of Huntsville, Richard, Guard, TV Host, Dr. Kent, Amy, Robert Harris, Reporters, Bailiff, Bill (Public Information Officer), TV Reporters, Governor, Warden, and Doctor.

Total Cast:

6 Males (2BM 20s, 1 BM 40s, 2WM 40s, 1WM who plays 20-40)

2 Females (1BF 40s, 1WF who plays 20-60)

Time

1994-2002

Place

Multiple locations in Texas

NOTE: This play is a dramatization of actual events; the essential events and points of view are a matter of public record. The Beazley family names have been kept intact; all other names have been changed.

The suggested projections are available from the author.

The Two Lives of Napoleon Beazley

(Pre-Show: A series of 6-10 projections of the real Napoleon Beazley, from infancy through high school graduation; it is a series of photos of his life before prison. PROJECTIONS FADE)

(A TIGHT SPOTLIGHT on HENRY. He is reading a prepared statement)

HENRY

“... Tonight we tell the world that there are no second chances in the eyes of justice. Tonight we tell our children that in some instances, killing is right. No one wins tonight. No one gets closure. No one walks away victorious.” Those are the words of my client. And yes, I am still his lawyer.

(As LIGHTS start to FADE on Henry, we HEAR a clamor of voices “Mr. Boyd. Mr. Boyd, a question.” But the din of the press conference gives way to darkness. IN DARKNESS we hear the following voices)

BAILIFF (V.O.)

Docket Number 45876. The State of Texas vs. Napoleon Beazley. Defendant is charged with Capital Murder.

JUDGE ANNE DAVIS (V.O.)

How do you plead?

DEFENSE LAWYER (V.O.)

Your Honor, on the advice of counsel, the defense offers a plea of guilty, in exchange for life imprisonment.

DISTRICT ATTORNEY MEESE (V.O.)

Your Honor, we have had substantial contact with the family of the victim, and so we are not prepared to accept that plea.

JUDGE DAVIS (V.O.)

Please clarify.

DISTRICT ATTORNEY MEESE (V.O.)

With all due respect, the state seeks the death penalty.

JUDGE ANNE DAVIS (V.O.)

Mr. Meese, you are aware that the defendant is seventeen years old and is offering a plea of guilty.

DISTRICT ATTORNEY MEESE (V.O.)

Your honor, considering the brutal nature of this crime, we believe the perpetrator should be punished to the full extent that the law provides.

JUDGE ANNE DAVIS (V.O.)

(Slight pause)

Understood. Enter a plea of Not Guilty. We will adjourn until next Monday, nine a.m.

(Raps gavel)

(Upstage, there is a 6 x 9 platform. On it there is a bed and a toilet/sink combo, the accommodations for a death row inmate. A DIM LIGHT RISES on NAPOLEON in his cell. The MAIN LIGHT RISES on HENRY BOYD, a lawyer)

HENRY

It all started in 1994. His name was Napoleon Beazley, a seventeen-year-old African American living in Grapeland, a small town in East Texas. On a warm spring night he joined two friends. The three of them drove eighty miles down the road to Tyler, where they planned on stealing a car. In Tyler, they spotted a Mercedes and followed the driver to his home. There, inexplicably, he shot and killed James Muller, a 63-year-old white man... who happened to be the father of a Federal Appellate Court Judge. Napoleon was found guilty and sentenced to death by lethal injection.

(Slight pause)

Those are the facts, as reported here in the case file. But no case file can ever contain the truth of a person's life.

(LIGHTS DOWN on NAPOLEON. Throughout the play, he remains on stage, in his cell.

Throughout, the action flows from moment to moment. IRELAND and RENA Beazley, 40s, enter)

HENRY (cont'd)

What can I do for you?

IRELAND

Mr. Boyd, we need your help. Our son is on death row.

RENA

And he said now was the time to get a good lawyer.

HENRY

Why now?

RENA

They're done with the state habeas, and now we're ready for the federal appeals. He said that's where something could happen.

IRELAND

We heard you were handling Karla Faye Tucker's case. We're hoping you might be able to help.

HENRY

We're not taking any new cases until hers is resolved. And I have to warn you that the appeals process is an uphill battle the whole way.

RENA

Mr. Boyd, whatever it takes for my baby to live, we'll do.

HENRY

What makes your case different?

IRELAND

He's a good kid. He may have killed a man, but he's a good kid. They don't need to kill him.

RENA

He was a child, only 17.

(The BEAZLEYS exit)

HENRY

A juvenile. In the 1990s, there were seven countries that executed juvenile offenders. The United States, Congo, Nigeria, Yemen, Pakistan, Iran, and Saudi Arabia. By 2002, there was only one, the United States.

I'm part of a three lawyer firm, and so we have to be judicious in which cases we accept, and in the case of Napoleon Beazley there was no shortage of opinions.—
Edith Johnson, 67, citizen of Grapeland.

(The relevant cast members have entered the stage;
HENRY might be "referencing" newspapers as he introduces the different
choral voices)

EDITH

He was a nice kid. Always said "Yes, ma'am. No ma'am." Good manners. No chip on his shoulder. I remember a rainy day when he helped carry my groceries to the car.

HENRY

District Attorney Robert Meese, the chief prosecutor.

MEESE

So then Beazley walked back around the car, put a gun to James Muller's head and executed him, right there on his own driveway.

HENRY

Tom Dotson, Grapeland City Councilman.

TOM (white)

Ireland sat on the council with me. We were in shock, complete shock. Whole town was. Nobody expected it. Not from Napoleon.

HENRY

Sue Ellen Muller, the victim's wife.

SUE ELLEN (white)

We'd been married 45 years. After it happened, for the next six months I never went out at night. Never. Slept with the lights on, too afraid to fall asleep.

HENRY

Russell Lunz, his business partner.

RUSSELL (white)

Yeah, James and I were in the oil business together. He was a great guy, he really was. Always a gentleman, always. A good businessman, and an even better family man. His family was very important to him.

SUE ELLEN

It was our worst nightmare come true. We were about to enjoy retirement together, but now... Now, our daughter's in therapy, and I wake up in the middle of the night, trembling at the sight of him lying there, with his blood running down our driveway...

HENRY

Walter Burns, a coach at Grapeland High.

WALTER (black)

Napoleon was a good athlete and a good student, As and Bs. He was on the debate team. Very articulate. Very charismatic. He was senior class President and runner-up for Mr. Grapeland High. Had a lot going for him.

HENRY

J.B. Logan, a friend.

J.B. (white)

His dad coached me in Little League. My parents considered him part of the family. I'm still stunned. I mean, he was the peacemaker, the one who broke up fights on the practice field. It doesn't make sense.

HENRY

Randall Johanson, owner of a coffee shop in Tyler.

RANDALL (white)

I know they say he's an honor roll student and all. But the fact is he killed a man.— What would you say if it happened to your daddy? I know I'd want him dead.

(CHORUS exits. Henry ponders this last statement.)

(RENA and IRELAND enter. HENRY steps forward, as if entering their home)

IRELAND

Mr. Boyd, welcome. Take a seat.

HENRY

Thank you.

(There is an initial awkwardness)

RENA

Can I get you anything?

HENRY

No, I'm fine.

(Slight pause)

IRELAND

Have you/

HENRY

(Overlapping)

I was wondering/

(Both stop)

Mrs. Beazley, what was Napoleon like as a kid?

RENA

He was a ray of sunshine. When he smiled, the way his eyes lit up, and that grin.... it'd melt your heart.

IRELAND

He loved to learn.

RENA

He had plans to go to Stanford Law.

IRELAND

He liked to draw. Good artist.

RENA

But we had to put up paneling because he'd use the crayolas right on the wall. Little pictures behind chairs and stuff. Hard to get off.

(Tearing up)

But I wish I was cleaning them up right now.

IRELAND

It's all right, Faye.

HENRY

Is there anything that might explain...

(RENA is shaking her head)

Was he ever in trouble? At school or...

IRELAND

Mr. Boyd, as we far as we knew, the closest he ever...

Tell you what I remember most. When he was a kid, maybe 7 or so, he pinched a puppy from the neighbor. They'd just had a litter. Neighbor knew and said it was okay. Well, Poleon and his sister, they loved that dog. We named it Peter—at the time we didn't realize it was a girl dog, but it was.— Anyway, one day Peter wandered out in to the street, got hit, bad. I figured there was no way she was gonna live. But I told the kids to pray. That night, when I went to tuck them in, there were Maria and Poleon, on their knees praying for Peter. Well, Mr. Boyd I believe that the Good Lord answers children's prayers, and shore enough Peter lived. Hopped around here on three legs for another 5 or 6 years. So, Mr. Boyd we're gonna keep prayin'.

HENRY

(Slight beat)

Let me talk to my partners. I'll let you know soon.

(THE BEAZLEYS exit. SARAH, Henry's wife, enters)

SARAH

How'd it go?

HENRY

Women and children first.... And their families be damned.

(SARAH gives him a spousal look to proceed)

He has a brother, Jamaal, eight years younger. Though his older brother is in jail, that's who Jamaal looks to. How in the hell do you go through adolescence when your guiding force is in prison and you know that some day they are going to kill him?

(Slight beat)

SARAH

Are you going to take the case?

HENRY

Even if I did... Karla Faye was completely reformed, not a threat to anyone, and they still pumped her veins full of the "cocktail."

SARAH

You can't let Karla's case color your judgment.

HENRY

But it does. She looked like a lamb being led to slaughter. She was not the same person who committed that crime. She was a docile born-again Christian, and yet people still cheered when she was executed. Cheered!

SARAH

Maybe now is not the time for another case.

(HENRY is silent)

It'd be nice to have you around. The kids miss you.

HENRY

Yeah.

(SARAH exits. LIGHTS UP on NAPOLEON. HENRY unfolds a letter or simply stands there listening)

NAPOLEON

Dear Mr. Boyd:

I appreciate you looking in to my case. It must be a thankless job going against the frontier mentality. String 'em up and let God sort it out. Still, it is the process that gives life meaning and for you to care enough to even consider taking on a *pro bono* case speaks highly of you as a human being. I hope that I get a chance to meet with you. Sincerely, Napoleon..... P.S. Any truth to the rumor that the gov wants to add an Express Lane to death row? Cuz, frankly I'm a little concerned.

(HENRY puts the letter away.

DISTRICT ATTORNEY MEESE enters)

HENRY

So why did you seek the death penalty?

MEESE

Sparing a cold-blooded killer would not have seemed like justice. We are tough on crime, always have been, always will be.

HENRY

If that's the case, then why, two years later, for the same crime, did you not seek the death penalty for a Philip Johnson?

MEESE

I don't recall all my cases.

HENRY

Mr. Johnson, a young man described as having a "Hitler fetish", told two friends that he intended to "kill a nigger", and that night the three of them murdered George Robertson, a 63-year-old homeless, black man.

MEESE

In the Beazley case, there were extenuating circumstances.

HENRY

You mean the family. And Judge Muller.

MEESE

No. The crime of robbery is the aggravating circumstance. You know that that makes it a capital offense.

HENRY

They detained Mr. Robertson long enough that you could have called it a kidnapping if you had wanted to. Or you could have prosecuted it as a hate crime.

MEESE

We interviewed a couple of African Americans and they said they didn't think it was a hate crime.

(HENRY bites his tongue, deciding not to pursue that line of questioning)

HENRY

So this white guy who goes out intending to kill is eligible for parole in less than 25 years, while a black kid, acting in the heat of the moment—

MEESE

—A criminal doesn't bring a gun unless he intends to use it.

HENRY

That's—... Is there any consistency to your prosecutorial pattern?

MEESE

Say what you want, but the two crimes affected the community completely differently. It is the community to which I am answerable.

HENRY

Yes, I imagine that Judge Muller's family has more influence than a homeless black man.—

MEESE

—That's not what I said.—

HENRY

—Or that some lives are more valuable than others—

MEESE

—No, that's distorting—

HENRY

—Or that if Mr. Robertson had had kids to testify... No, in that case you had already accepted a plea of 45 years. But for the same crime, you refused my client's plea of life in prison.

MEESE

It wasn't as you say, the "same crime." In the Muller case, the man killed is not the only victim. My responsibility is to the living.

HENRY

As is mine.

MEESE

Mr. Boyd, I have no idea how you can even think of defending a brutal, heinous killer.

(MEESE starts to exit)

HENRY

So Judge Muller was not a factor? No pressure that a powerful judge moved his chambers from the east coast to Texas so that he could supervise the trials.

MEESE

I don't need supervision.

HENRY

Then why did you consult with Judge Muller on jury selection? Do you do that with all your clients?

MEESE

Mr. Boyd, you are entitled to believe whatever you want. But I did my job, the killer was convicted, and justice is being served.

HENRY

There is a difference between vengeance and justice.

MEESE

A good afternoon to you and yours.

(MEESE exits. SARAH enters)

SARAH

Henry, what is it?

HENRY

It doesn't feel right. None of it.

SARAH

Come to bed.

HENRY

Why? Why would a kid like Napoleon do something like this? He doesn't fit any of the usual patterns.

(HENRY and SARAH freeze. The relevant CHORUS members enter)

HARRY (white)

Napoleon was one of my favorite students. Very popular. He had white friends, he had black friends, dated both white and black girls. But sometimes, I sensed a tension, as if he were struggling to figure out who he was.

DOUG (white)

Napoleon and I go back to tee-ball. A lot of good times. He was one of the guys. I don't think Napoleon saw race. He treated people as people. Just wanted to be himself. But it wasn't always easy. He took a lot of shit, the black guys said he wasn't tough enough.

MARIA (black)

There was sort of an unwritten rule. You could have white friends at school and in sports, but other than that you weren't supposed to cross the tracks. But my brother, he crossed the tracks, and he caught a lot of flak, mostly from kids in the Quarters.

CARL (black)

You mean, "White Boy"? Shit, Uncle Tom just gettin' what he deserves.

MARIA

I think they resented the fact that we were better off. That we spoke proper English. That he dated white girls.

(CHORUS exits. The other scene resumes)

SARAH

His motivations are not on trial.

HENRY

I know. But I'm also pretty sure he's guilty. And if I take this case, by the time it's done, Emily will be out of high school... and so I need to know what it is I'm fighting for.

SARAH

Then talk to him.

HENRY

I just don't know if we have anything legally to stand on. There's no point in raising hope without some justification.

SARAH

I thought you said some causes are worth fighting for regardless of the outcome?

(Pause. HENRY smiles, turns playful)

HENRY
Did I? Are you sure that was me?

SARAH
Oh Henry, it was you.

(SARAH exits. LIGHTS rise on the cell. GUARD enters)

HENRY
Prisoner 999141.

NAPOLEON
Yeah.

HENRY
Lawyer.

NAPOLEON
How's it going?

HENRY
Not bad.

NAPOLEON
They treating you okay?

HENRY
Man, I don't want to talk about life in here. It'll just bring you down, while keeping me trapped in here. The two hours of visitation and lawyer chat are my time outside these walls.

NAPOLEON
I hear you sleep on the floor.

HENRY
Yeah. That or the bed frame.

NAPOLEON
Must be uncomfortable.

HENRY
That's the point. I don't ever want to be comfortable here. As soon as I do, as soon as I accept that this is my destiny, I'm done.

NAPOLEON
Are you saying you're innocent?

NAPOLEON

No, I did what I did and I'm sorry.

(Searches for a way to explain)

Cell is 6 by 9. Twenty-three hours a day, that's my world. That's why I read. My mind's got to get out of that box.

HENRY

Are they treating you okay?

NAPOLEON

Mr. Boyd, shit goes down in here that you don't want to know. But I'm doing all right. Tell you a story. My first day in here, a guy named Bruce pulled me aside and said I needed three things to survive. 1) A family to love. I got that in spades. They're here every Saturday, bar none. 2) Knowing the law. That's why I've been reading and talking to everyone I can. It's our own inside legal counsel. And now I'm seeking number three.

HENRY

What's that?

NAPOLEON

A lawyer I can trust.

HENRY

So why me?

NAPOLEON

Word gets around.

(HENRY looks at him)

Karla may have been executed, but you didn't lose.

(Slight beat)

HENRY

So is Bruce still a friend?

NAPOLEON

He was. Till he got executed. Nature of the beast in here. I've seen 85 die and another 115 come in.

HENRY

So much for the death penalty being a deterrent.

(Slight beat)

NAPOLEON

So you gonna take my case?

HENRY

Why should I?

NAPOLEON

(Pause)

Man, there ain't no reason for you to do it.

HENRY

From a legal perspective, there are a lot of problems, but almost everything's been waived; right now, all we've got is that you were a juvenile.

NAPOLEON

If the age don't fit, you gotta acquit. Is that it, HB?

HENRY

It's an international norm that executing juvenile offenders is a violation of human rights.

NAPOLEON

Man, I want to live. But just because I was 17 and some joker was 23 don't mean we should be treated differently. No, you need to let them know that the death penalty is just wrong. It's just not constructive to kill your own citizens. And if anybody should know I should know. Every day I wake up and think of James Muller and his wife. Every day. It ain't right. None of it is.

HENRY

I still need to look into the defaulted issues.

NAPOLEON

(Indicates a guard)

I'd help you out, but Jerry over there ain't cool with me taking a walk.

HENRY

Are they mistreating you?

NAPOLEON

Shit, Henry, you ain't the one gonna die. You gotta lighten up.

(HENRY shakes his head, catching on to NAPOLEON's sensibilities)

HENRY

Any requests?

NAPOLEON

Besides a commutation?

HENRY

Yeah, something to fill the interim.

NAPOLEON

How about some Greek tragedy?

HENRY

Oh, some light reading.

NAPOLEON

Don't knock the classics.

HENRY

I'll see what I can find.

(HENRY starts to walk away)

NAPOLEON

And if you can track it down, The Tao of Pooh would be cool.

(HENRY stops)

HENRY

What?

NAPOLEON

The Tao of Pooh. It's sort of the layman's guide to Taoism. Probably not as good as the TaoTe Ching, but worth a read.

(NAPOLEON places his hands together, and does a slight "Zen bow" to Henry, who smiles. LIGHTS down on NAPOLEON. HENRY addresses the audience)

HENRY

A thousand years after the Old Testament declaration of "An eye for an eye", a Greek playwright named Aeschylus penned a play called The Oresteia. It tells the tale of the evolution of the concept of justice, moving from the never-ending cycle of personal revenge to the impartial jury system of the state. A noble concept.

Thanks to Napoleon I re-read the play and discovered that it wasn't what I remembered. It tells of a young man, Orestes, who murders his mother in vengeance for her having killed his father. While the legal question is whether or not Orestes was justified in killing his mother, in many ways, the trial is about who is the true parent. The defense argues that the father is the true parent, and that the woman is merely a "seed-carrier."

In the play, the jury is hung, and so the deciding vote is cast by the goddess Athena. Who does she think is the true parent? Well, she votes.... The father. Why? Because she was not born of woman, but rather sprang fully formed from Zeus' head.

The moral? Well, I would like for it to be that justice is always impartial, but instead it reminds me of how each person's own experiences bubble up when one must weigh a human issue on the scales of justice.

(RICHARD, their investigator, enters)

RICHARD

Henry. I think you're going to be interested in this.

HENRY

What is it?

(RICHARD hands Henry a photo; it shows a white-haired woman officiating at a ceremony in which a Confederate flag is prominently displayed)

What does this have to do with Napoleon's case?

RICHARD

That woman is Molly Hewlitt, Juror #12. Since 1994, she's also served as President of the Tyler chapter of the United Daughters of the Confederacy.

HENRY

I don't suppose she bothered to mention that fact on her juror questionnaire?

RICHARD

No, but their newsletter later praised her for her service on the jury.

HENRY

Adds new meaning to the phrase "a jury of your peers"... Have you spoken to her?

RICHARD

She refuses to talk. But every day she raises and lowers the Confederate flag over her house.

HENRY

Well see what else you can find out about her.

RICHARD

That's not all. I have a statement here, and I quote: "The nigger got what he deserved."

HENRY

She said that?

RICHARD

No, Juror #8.

HENRY

Where did you get that?

RICHARD

From the investigator for the state habeas.

HENRY

So why didn't they raise a claim challenging the juror's bias?

RICHARD

Says he didn't have time.

HENRY

Well, go interview this juror #8.

RICHARD

I have. He claims he never said it, and he assures me that he is not a racist. However, I got an affidavit from his wife, declaring her husband racially prejudiced and expressing concern about his objectivity. Turns out that in his line of work, he refuses to serve black customers.

HENRY

Damn! Why didn't Napoleon's attorney go after this in the state habeas?... They're gonna exclude all this. Say it's waived.

RICHARD

So what's the point of going further with the investigation?

HENRY

Our state system is so flawed I just keep hoping that the federal courts will let us take an honest look at the issues.

(RICHARD exits. HENRY has a new look of resolve, perhaps literally rolling up his sleeves... SARAH enters. She takes in Henry's demeanor and knows. HE notices her and pauses)

HENRY

I'm sorry.

SARAH

No need... What makes you hard to live with also makes me love you.

HENRY

I couldn't do it without you.

SARAH

I'll let the kids know.

HENRY

No, I'll do that.

(HENRY and SARAH exit. LIGHTS RISE on NAPOLEON)

NAPOLEON

"Living and Dying on Death Row"
by Napoleon Beazley

Fifty-four feet of real estate
Bed and bath taking half.
Rest is mine to roam,
Roaming 23 hours.
Caged like an animal
But still a man.
Free the mind.
Free the heart.

Cell confines
Should not define.
Looking for Light
As they strangle hope.
Inhumane humanity
Seeking second chance.
Is Justice blind
Or just denied

I pray to
God of Mercy,
While fearing
Man of vengeance.
Kneeling down
Offering up
My petition
Of contrition.

(LIGHTS DOWN on Napoleon. HENRY enters with a sense of purpose.
He is met by DISTRICT ATTORNEY MEESE, who has also entered)

MEESE

Mr. Henry Boyd, I have better use for my time, as do you.

HENRY

You sold him out. The jury was stacked.

MEESE

That's a blatant lie.

HENRY

You struck 4 out of 5 potential black jurors.

MEESE

They excluded one. We had just cause on the others.

HENRY

You excluded one James Buchanan because he was a coach.

MEESE

Since Mr. Beazley was an athlete, we had reason to believe the defense would call coaches as character witnesses. And we were correct.

HENRY

And what about Jefferson Johnson? Excluded because he had been acquitted of a DWI over 10 years ago. Acquitted.

MEESE

Potential bias against overzealous prosecutors.

HENRY

Then why didn't you strike the white juror who was arrested and convicted of a DWI?

MEESE

I don't recall the details of every last potential juror. I do know that Judge Davis ruled that we had valid, racially neutral grounds for our challenges. Furthermore, there was a black alternate.

HENRY

Who might have actually served if you had not suppressed the fact that Juror #12, Molly Hewlitt, knew the victim.

MEESE

I have no idea what you're talking about, nor do I have the time to listen to unfounded allegations.

HENRY

She was the secretary to the victim's business partner. I think you knew it!

MEESE

Henry, that was over four years ago—

HENRY

—So neither you nor anyone in the Muller family recognized the long-time secretary of their father's business partner!?

MEESE

If you'd give me a chance to answer, I will.

(Slight beat)

Now I can't speak for the family, but as for myself, I have no recollection of being aware that Mrs. Hewlitt's boss was Mr. Muller's business partner.

HENRY

You also failed to catch the fact that she's president of the local branch of the United Daughters of the Confederacy.

MEESE

Just because she honors her ancestors doesn't make her a racist.

HENRY

In a recent case, a judge wrote, and I quote: "It is the sincerely held view of many Americans, of all races, that the confederate flag is a symbol of racial separation and oppression. As such, it is not an irrational inference that one who displays the confederate flag may harbor racial bias against African-Americans."

MEESE

Just because some Clinton appointee says so, doesn't make it so.

HENRY

No. No, the only case I could find where a judge addresses the relationship between a juror and the Confederate flag was in a decision handed down by the Honorable Judge Matthew Muller. Those are his words.

MEESE

Henry, your client killed a man, killed Judge Muller's daddy, and he's going to pay.

HENRY

Does none of this bother you?

MEESE

Are you going to tell me Napoleon Beazley's innocent?

HENRY

The bias of a juror is not some technicality. It's the difference between whether or not a man lives or dies.

MEESE

It's a shame your client didn't have such a concern for human life.

(MEESE exits)

HENRY

Human life. That's what's at stake here. I lost my father, too. Loss is a feeling I understand.

(MULLER appears in a pool of light; he is a phantom projection of Henry's feverish drive for understanding, a shadowy version of the victim's son.)

MULLER

Do you Mr. Boyd? Do you know what it's like knowing that your mother had to lay on a greasy garage floor pretending to be dead as the second bullet went through her husband's head?

HENRY

I empathize with you, I do.

MULLER

You don't know true empathy until you stand in my shoes and feel the horror and the emptiness I felt when I was informed that the man I had worshiped all my life was lying dead in his driveway. Do you know what it's like fighting back tears as you tell your daughter that paw-paw isn't coming back? My family cannot go back, that home is no more. The pain would break us. Especially since he was killed for a car, an act of random violence that defies comprehension.

HENRY

You're right, I will never experience your pain the way you do, but I also know that killing Napoleon will only create a whole new slate of victims.

MULLER

The only victims are my father and my family, and I pray to God that no one else will ever have to endure what we have experienced. On Christmas night I sat beside my father's grave, sat into the night in 30-degree weather so that he wouldn't be alone on that first Christmas.

HENRY

I am sorry. On behalf of Napoleon and his family, I am sorry.

MULLER

This country lives by the rule of law, and crimes such as that committed against my family are intolerable in any society that calls itself not only free, but civilized.

HENRY

How is killing the killer civilized?

MULLER

The law provides for punishment that will ensure that others will not suffer again at those same hands....

(MULLER turns away, his LIGHT FADES)

HENRY

Wait! If that's your concern, then lock him up for life. We can make it so there's no chance for parole, but let him live!

(To audience)

You see, I when I read Judge Muller's victim's statement, the one he spoke to the jury before sentencing, I want to understand. I mean how can you sit there and say that you hope

HENRY (cont'd)

no other family will experience what you have experienced and then turn around and say to Jamaal Beazley that his pillar, his grounding in the world is going to be ripped away on this day at this time... There is more than one family effected.

(HENRY freezes. RENA and IRELAND enter)

IRELAND

Every Saturday we make the two hour drive to Livingston.

RENA

Goes fast on the way there.

IRELAND

Real slow on the way back.

RENA

Ellis was closer, but after a prison break, they moved them all to Livingston.

IRELAND

We thought Ellis was bad, but it's nothing compared to Livingston.

RENA

He has no contact with other inmates.

IRELAND

Just has to sit in that dead cell.

RENA

And on the way home, we sit there wondering what we could've done differently.

IRELAND

He did a bad thing, but he's more than that one act. I'm proud of him. I am.

RENA

He's our son, and we're gonna love him till God calls him home.

(HENRY steps forward, as if entering their home)

IRELAND

Henry, welcome.

HENRY

Thank you. How's Napoleon?

RENA

He's good. Always a smile— that grin of his.

IRELAND

I don't know how he stays so optimistic. Some folks would be angry, pent up in a cell 23 hours a day.

HENRY

Well, I think we have some reason for hope.

RENA

I'm so glad you've taken this on. Did Ireland ever tell you what the first lawyer told him?

IRELAND

It was right after Poleon was arrested. I was in shock. I grabbed whatever money I could and drove up to Tyler—that's where the arraignment was going to be. Well, I picked an attorney at random, walked in to his office, and said, "I need help. My son was involved in a car jacking." The lawyer stopped me, and said, "Is this related to the Muller case?" I said, "Yes." And he said, "I can't represent you. But I want you to know, your son is going to die for this."

HENRY

I'm sorry.

RENA

He knew the Mullers. He was angry. Wanted to hurt us.

IRELAND

It was all too much to bear, and so on the way back, I remember it very clearly. There was a big Walmart truck coming towards me, and Henry, it took everything I had—everything I had—not to turn my car into its path. I wanted to. But I also knew I had to be there, for him. For Rena. I'd do anything to protect my boy. Anything.

RENA

We ended up using the state appointed attorney. We thought it'd be okay. Because at the time I was working at the courthouse here, and our county judge said there was no way Napoleon would get the death penalty, that he didn't meet the requirements.

IRELAND

It wasn't premeditated, he had no prior record, and the whole town would testify that this was totally unusual, that he wasn't the kind of kid to do this type of thing again.

RENA

Then the Thompson brothers testified, falsely I believe.

(Their scene freezes as LIGHTS rise as ANTONIO THOMPSON is on the witness stand with MEESE)

ANTONIO

We were driving along and Napoleon said he wanted to jack a car.

MEESE

Did he say anything else?

ANTONIO

He said he wanted to see what it's like to kill somebody.

MEESE

As you were driving back that night, did he seem at all upset about the man he had killed?

ANTONIO

Not that I could tell. He just said he'd kill us if we told anyone what happened.

MEESE

In the days after the crime, did he say anything to you or your brother?

ANTONIO

Yeah, we were chillin' around the house one day when Napoleon flashed his gun, looked at Antwan and said "If you don't say anything, you don't have anything to worry about. You didn't do anything. So don't say anything to anybody."

MEESE

Did he threaten you or your brother on any other occasion?

ANTONIO

Not me. But he'd heard that our cousin had heard about it, and so he said if I didn't keep him in line he might have to pop a cap in him.

MEESE

Thank you. We pass the witness.

(LIGHTS DOWN on ANTONIO and MEESE; the other scene resumes)

RENA

I heard their mother went shopping with Mrs. Muller.

IRELAND

And I saw the two women hug in court.

RENA

Yes, the Thompsons made up half of what they said.

IRELAND

I don't blame 'em. They're brothers, and brothers gonna stick together. Gonna save each other's neck.

HENRY

How'd Napoleon get involved with them?

RENA

I should have known better. I should have stopped him.

IRELAND

We had no way of knowing. He had straight As that fall. Only odd thing was enlisting in the marines.

HENRY

Marines?

RENA

Said the G.I. Bill would help pay for college.

IRELAND

That's what he said. Anyway, about the Thompsons. Poleon was an athlete, a pretty good one. Football and weight lifting were his favorites. Well Antonio, the older Thompson, is about three years older than Poleon, but just a grade ahead. Well, junior year Antonio was an all-state running back, and so Napoleon looked up to him. But Antonio had poor grades and so he didn't get the big scholarship he thought he was going to get, havin' been all-state and all.

RENA

He ended up at a junior college.

IRELAND

Where he tore up his knee; at least that's the reason he gave for dropping out. And that's when he came back to town.

HENRY

What about Antwan?

IRELAND

I think Antonio was the connection more than Antwan, cause of football. And for whatever reason summer before Napoleon's senior year they began hanging out more.

RENA

That fall we heard from a friend that Napoleon was involved with drugs.

IRELAND

So we had him tested, two, three times.

RENA

He always said we were wasting our time and money.

IRELAND

He was clean every time.

HENRY

So they were referring to the dealing?

IRELAND

Apparently. Cause we had no idea. No idea.

RENA

We never knew it till after the arrest. At the trial his ex-girlfriend testified against him, said she saw crack cocaine spread out on his dresser.

(The scene freezes. LIGHTS UP on NAPOLEON)

NAPOLEON

The crack dealing was never for the money; it was for the image. Every now and then I'd carry a few rocks in the pocket of my sweatpants and take a nighttime jog through the Quarters. Just a little dealing got me a whole load of respect in the Quarters. My white friends and my family never knew, but just dealing the occasional rock I had street cred with all the blacks who were considered hip, the ones who were tough and black.

IRELAND

I don't know how he got started, but he did.

NAPOLEON

Looking back it was stupid, but that's where I was.

(LIGHTS DOWN on NAPOLEON)

RENA

If he wouldn't have hung out with the Thompson brothers, he wouldn't be where he's at.

IRELAND

Henry, I know my son did wrong, but it was a lynchin'. Honest to God, that morning of the arraignment, if somebody would have hollered "Get a rope", they would've strung him up from the nearest lamppost.

(Shakes head)

I don't care what anyone says, it was a lynchin'.

(HENRY takes focus; IRELAND and RENA exit. JUDGE DAVIS enters)

JUDGE DAVIS

I don't know that I'd call it a lynching, but I know that I'll never forget the Napoleon Beazley case. As an elected judge, I did my duty, but personally I would never have sought the death penalty, not in that case.

HENRY

Why not?

JUDGE DAVIS

For starters, he was a juvenile. While Texas law is clear that juveniles can be executed, we need a discussion as to what the law should be. Don't get me wrong. I'm not a weak-kneed judge. I have sentenced six men to execution. Still I understood the situation.

(JUDGE DAVIS exit)

HENRY

While the prosecution cast Napoleon as the leader of the gang, they never tried him in federal court. I imagine that's because at the federal level there was no death penalty for juveniles. On the other hand, since the Thompsons were adults they were tried at the federal level for car-jacking and then again at the state level for capital murder.

(As HENRY ponders the situation, MULLER appears)

MULLER

Opportunity for cross-examination granted. Proceed.

HENRY

You went for more than the max in everything.

MULLER

I simply sought the justice that the law allows.

HENRY

Neither Thompson fired a shot, yet you sought life in prison without parole. You were upset that for the federal carjacking crime they "only" got 40 years.

MULLER

It was my duty to make society safe from the threat they posed.

HENRY

Did you really think that at age 60 they'd be trying to steal a car?

MULLER

The punishment should fit the crime; they were accomplices to the brutal murder of my father.

HENRY

Antwan had an opportunity to shoot your mother, but he refused to. He refused to shoot her, and his brother never left his car and yet you didn't discourage Meese from tacking on an additional 40 year state sentence. 80 years? No parole for 80 years? That's life.

MULLER

What I want is for my father to be alive. I'll never get that.

HENRY

I'm sorry. I wish there was a way to bring your father back, but there isn't. And killing Napoleon will not fill that hole in your heart. It will, however, create another hole, in the heart of Napoleon's parents.

MULLER

There are violent criminals out there. Being soft on crime only hurts us all. We need the full punishment that the law provides.

HENRY

Is that why you want Napoleon executed?

MULLER

We never asked for the death penalty.

HENRY

Maybe not on the witness stand, but I do know that you never asked for it not to be imposed.

MULLER

Individuals must be held accountable. I thought it an appropriate case for the death penalty. And, yes, I was pleased that the jury returned the verdict they did.

HENRY

What about the Beazley family?

MULLER

No one in my family is happy with what happened, but as custodians of the law we must do our duty.

HENRY

Doesn't that include due process?

MULLER

I believe Beazley received the fairest trial possible, in part because I was there.

(MULLER is gone)

HENRY

I don't know if that's exactly how he'd answer, but I've re-read the transcripts, combed the newspapers, searching for clues as to what goes on inside the mind of someone who holds life and death in the balance. I know he's strong on capital punishment and has never granted a new hearing to a death-row defendant...

To save Napoleon's life we needed a new hearing, from the federal District Court, the Fifth Circuit, the Supreme Court, the Board of Pardons and Paroles, or the Court of Criminal Appeals. If any one of those would order a fair and impartial new hearing, we'd have a chance.

(HENRY crosses to NAPOLEON's cell.
The scene picks up mid-conversation)

NAPOLEON

It's strange but I swear that I felt more racism from blacks than I ever could from whites. I caught a lot of shit for having white friends, for dating white girls. And the ridicule came from the Quarters, not the whites. They accepted me, but I didn't know who I was.

HENRY

Is that what you meant about dealing?

NAPOLEON

Yeah, when I was 13, my cousin Danny came back to Grapeland in a tricked out Caddie. With the bling around his neck he was respected and admired. No one questioned his blackness. So I bounced between the two worlds, changing roles to fit the scene. When Antonio took me under his wing, I knew I had my chance to “be black” and so I started to do a little dealin’. Same reason I got a gun. Instant credibility.

HENRY

And now you’re here.

NAPOLEON

Choices. Bad choices. Screwed myself up big time. Took the road too often traveled.

HENRY

So what happened that night?

(NAPOLEON shuts down.)

Napoleon?

NAPOLEON

No. I ain’t goin’ there.

HENRY

It would help if I knew.

NAPOLEON

Any explanation would sound like a justification, and there is no justification for what I did. I can’t undo what’s done.

HENRY

I’m not here to judge you.

NAPOLEON

Man, I destroyed two families. Every time I look in my brother’s eyes I want to cry, but instead I make damn sure he laughs. I’m not going back down the road that led me here.

HENRY

I’m sorry.

NAPOLEON

Don’t be.

(Beat)

HENRY

So, you like the books?

NAPOLEON

Yeah.

(Slight beat)

You ever read The Tao of Pooh?

HENRY

No, but my son loves Winnie-the-Pooh.

NAPOLEON

As he should. Because Pooh's the Tao master, he's the Uncarved Block who always finds the good in things.

HENRY

Kind of like you.

NAPOLEON

No, I ain't there yet... Being on the row is kind of like having cancer. It eats away at you piece by piece, but once you accept they're going to stick the needle in you, there's only reasons to live. And life is going to be whatever you make of it. I always thought I'd go to Stanford law, so yeah I would have preferred another direction for my life, but I've learned a lot here. Met people I'm glad to have met. Now my job each day is to atone for the past. Re-make myself. Find the essence of what's inside my own Uncarved Block.

HENRY

I never thought I'd be defending the Lao-tse of Livingston.

NAPOLEON

Taoism is just a tool to help me find myself...

(Slight beat)

Henry, why do you do these cases?

HENRY

I get to meet people like you.

NAPOLEON

No, I'm serious. I mean I know why I'd do it, but I want to know why you do.

HENRY

One of my friends—other side of the political spectrum— says I have “an unbalanced, overweening respect for life.”

NAPOLEON

(With a shit-eating grin)

What the fuck does that mean?

HENRY

It means I'd rather err on the side of life.

NAPOLEON

I know that. I just want to know how the hell you can have too much respect for life.

HENRY

Like I said, other side of the political spectrum.

NAPOLEON

You gotta be careful who you hang out with Henry.

(They share this moment of mirth)

Now back to my question: why?

HENRY

Damn. Cross-examined by my own client.

NAPOLEON

Man, time is my only commodity, and so I want to absorb as much as I can, get a sense of what makes people tick.

HENRY

All right, I'll tell you a story, sort of relates to what I'm doing.

NAPOLEON

Dang old Aesop Boyd gonna tell me a story. Bring it on.

HENRY

In the early 1980s I was in the Peace Corps, in Honduras. Well for one of my breaks, a buddy hooked me up with a family in El Salvador. And one day we went to the beach. This beautiful black sand beach. You would never know the country was in the midst of a civil war. I mean, I went with this young guy, his wife and kids and we spent this wonderful day at the beach. Then when we drove back home, I'll never forget it. We came out on a flat stretch of road, and the guy gestured across a field, and asked, "You know what that is?" I shook my head. He said, "It's El Playon." There, across the field, were the mass graves of those executed by the death squads, and I knew people who had searched that corpse-strewn field looking for their mother. When I realized that there was El Playon, I said, "It's terrible." This young man kept his eyes on the road and said, "Yeah, it's terrible. But it's necessary."

NAPOLEON

Damn.

HENRY

In retrospect that was a turning point... The banality of evil mixed with a day at the beach.

NAPOLEON

I got one for ya. True story. You ready?

HENRY

Yeah.

NAPOLEON

Warden of Huntsville, 1924. They've just passed the law to make Huntsville the place for executions. Well, two weeks before the first execution, the warden resigns. You know why?

HENRY

Why?

NAPOLEON

He tells the press. "It can't be done boys. A warden can't be a warden and a killer too. The penitentiary is a place to reform a man, not to kill him." True story.

(LIGHTS DOWN on NAPOLEON. As he goes back to his cell, HENRY moves downstage. ANTONIO THOMPSON enters in a prison uniform)

ANTONIO

So you representin' Poleon now are you?

HENRY

That's right.

ANTONIO

And you want to talk to me?

HENRY

Just a few questions for you and your brother.

ANTONIO

Twan ain't feelin' too good today, but I'll talk wid ya.

HENRY

I want to ask you about your testimony in Napoleon's trial.

ANTONIO

What about it?

HENRY

Napoleon tells me you made a lot of it up, embellished some things.

ANTONIO

I might have.

HENRY

Then let's talk.

(LIGHTS DOWN on ANTONIO.

MEESE appears. HENRY waves affidavits at him)

Mr. Meese, do you care to discuss these affidavits?

MEESE

What about them?

HENRY

They clearly show that there was a "wink and a nod" deal between you and the Thompson brothers.

MEESE

That's only if you believe two guys who have nothing left to lose. What's perjury if they can help out an old friend?

HENRY

Your assistant, in his affidavit, admits that he may have "overheard" a conversation between Antonio Thompson and his lawyer wherein Mr. Daniels told Antonio "if you testify it might help the Muller family and law enforcement officials to agree to waive the death penalty at a later time." Why was your assistant even present at a meeting between Mr. Daniels and his client?

MEESE

You'll have to ask him that. But as you know the Thompsons both testified under oath that there was no deal.

HENRY

Perhaps you can tell me why Antonio's story kept changing; it changed right up until the point between his conviction and his sentencing for the federal crime.

MEESE

I believe he said he wanted to make right by the family; that it was time for the truth to be known.

HENRY

Well, Mr. Meese, that's not what his affidavit says.

MEESE

I don't give a damn what his affidavit says.

HENRY

They have recanted their testimony that Napoleon "wanted to see what it was like to kill somebody." They have recanted their assertion that he was remorseless. In fact, they say he was crying and suicidal all the way back to Grapeland. They have also recanted the statement that he treated the offense flippantly or that he specifically said that he wanted to kill someone else who reminded him of Mr. Muller. All those things you got them to say they have recanted.

MEESE

There was no deal. They said what they said.

HENRY

Your lead prosecutor was once quoted as saying: "It's always best to know the price of groceries before you get to the checkout stand." He was bragging about the under-the-table deals that are common in your county.

MEESE

Mr. Boyd, all your accusations are simply distractions from the fact that your client committed a horrific crime and he's going to die. Get used to it.

(MEESE starts to exit)

HENRY

One moment.

MEESE

What?

HENRY

Judge Muller told a reporter that his family did not push for the death penalty, but the trial transcripts indicate that you sought the death penalty due to substantial contact with the victim's family. So which is it?

MEESE

The decision to seek the death penalty was based on the facts of the case. Pure and simple.

(MEESE walks away)

HENRY

Hey, which is it? Which version is the truth?

(MEESE never looks back. Beat)

Two tainted jurors. False testimony that was pivotal for the death sentence instead of life in prison. These as well as eight other issues were filed in our appeal to the federal courts. The final verdict of the federal appeal came in March 2001.

(LIGHTS RISE on NAPOLEON. In their respective spots, HENRY and NAPOLEON stand, waiting to hear the verdict)

FEDERAL JUDGE (V.O.)

The issues raised in the appeal of Napoleon Beazley are procedurally defaulted and barred from merits review.

(SOUND of a GAVEL RAPPING)

(HENRY hangs his head)

NAPOLEON

You once asked what I remember most, when it truly sunk in. It was at the state track meet in Austin, twenty-six days after the murder, twenty days before my arrest. That day as I crouched in the starter's block I was overwhelmed by a regret that pierced my soul. I could hear the crowd cheering, but I knew I'd never run again. You can't outrun your deeds. State is the athlete's goal, a sign of success. The crowd cheering should have been my future, but I had pissed it away in one misguided moment, and I hurt like I never hurt before.

(During the speech, we start to HEAR the sound of a CROWD CHEERING; it builds in intensity. At the end, mixed in, we might hear the starter's voice: "Runners, take your mark. Set." Then we HEAR a loud GUNSHOT. BLACKOUT.

END of ACT ONE)

ACT TWO

(In darkness, we hear the following)

JUDGE DAVIS (V.O.)

On this day of March 30, 2001, your federal appeals having been exhausted, Napoleon Beazley you are hereby sentenced to death by lethal injection, with said execution to occur on August 15, 2001.

(SOUND of GAVEL RAPPING)

(LIGHTS RISE on the cell. HENRY visits NAPOLEON; his time on death row and his impending execution have aged him a good ten years)

NAPOLEON

Man, can you believe the clothes they had me wearing? Two sizes too small.

HENRY

I kind of liked the argyle socks.

NAPOLEON

Don't say that too loud.

HENRY

Wardrobe aside, how you doing?

NAPOLEON

All right. Considering I have 120 days and all. It's a trip, man. We all know we're gonna die. Only I know I'm gonna die August 15th around 6:00 p.m. Just when The Simpsons are coming on.

HENRY

Well, we still have the Supreme Court. We're going to apply for a stay of execution and cert review.

NAPOLEON

It'd be sweet if they gave us a new hearing on the issues you've raised, but I ain't holdin' my breath.

HENRY

Napoleon, I'm going to fight to the very end, I promise you.

NAPOLEON

I know you will. Because you're a fuckin' samurai, Henry. That's what you are. Sticking up for the little guy. Trying to slay the judicial dragons.

HENRY

I don't know about that.

NAPOLEON

Well, in my next life, I've got some karma to correct. And I will. I'm going to carry on with where I'm at now, not with what I did when I was 17. There are a lot of people who I have to make things up to, and I'm going to. In my next life, I'm going to do things differently.

HENRY

Don't give up on this life just yet.

NAPOLEON

I ain't giving up, but we both know that when you drive through the appeals courts, they're more often dead ends than avenues of justice.

HENRY

Where have I heard that?... That interview with you. On the web.

NAPOLEON

You like it?

HENRY

What about it?

NAPOLEON

I wrote it. Both interviewer and interviewee, plus the lead-in.

(HENRY smiles or chuckles.)

HENRY

Are you still leery of the press?

NAPOLEON

Hell, no. I wish Oprah and Nightline would come calling again. Now I'm ready to talk.

HENRY

That's what I wanted to ask you. We've been invited to be on TV for a debate about the death penalty and this case.

NAPOLEON

Shoot, if the criminal courts won't hear us, then bring on Jerry Springer.

HENRY

That's not exactly what I was thinking.

NAPOLEON

Henry, if it's PBS, ain't nobody gonna see us.

HENRY

Actually, it's Court TV. A reputable show.

NAPOLEON

I'm there.

HENRY

And this time I'll wear the socks.

(He reveals argyle socks. LIGHTS DOWN on the cell.

HENRY takes focus)

Court TV. Two things that shouldn't be mixed. The law and ratings-driven TV. Would they be our friend or our foe? Should I go for the sound bite that lingers in the mind or try to sway with the legal merits of his case?

(HENRY takes a seat. LIGHTS RISE on the TV HOST; played by either sex and race. They can be in the same studio or via remote)

TV HOST

Eloquent and articulate, or deadly and dangerous? Who is the real Napoleon Beazley, and does he deserve to die? Tonight we go inside the death penalty to look at a case that is drawing both national and international attention. While there have been over 100 death row inmates who have been exonerated and set free, Napoleon Beazley is not one of those falsely accused. Instead, it is his juvenile status that has sparked heated debate over the death penalty in general and the execution of juvenile offenders in particular. — Tonight, from Austin, Texas, we have Henry Boyd, Napoleon's appeals lawyer.

(LIGHTS RISE on Henry)

HENRY

Good evening. Thank you for having me.

TV HOST

And from Tyler, we are joined by District Attorney Robert Meese, the man who prosecuted Beazley.

(LIGHTS RISE on MEESE)

MEESE

Good evening.

TV HOST

Mr. Boyd, I'll start with you. It's my understanding that you have letters from Archbishop Desmond Tutu and numerous other international figures and organizations, all asking for clemency for Napoleon Beazley.

HENRY

That's correct.

TV HOST

While that's interesting, I'm sure many Americans are saying, "So what?" I mean, if we believe that what we are doing is right, why should we care what people in other countries think?

HENRY

While we are an independent country, we are also part of the international community, and I think Americans should be troubled by the fact that we are the only country—the only country—that executes juvenile offenders.

TV HOST

Mr. Meese, your response?

MEESE

Age is not the issue. A bullet through a man's head is. Mr. Boyd's argument is moot in a U.S. court.

HENRY

The rest of the world considers it barbaric.

MEESE

I don't know about Mr. Boyd, but I believe in the Bible, and Biblical justice includes "An eye for an eye."

TV HOST

Didn't Gandhi say "an eye for an eye makes the whole world blind?"

HENRY

Actually, if you look at the Biblical passage. "An eye for an eye" refers to the punishment for bearing false witness in a court case.

MEESE

Most Americans support the death penalty.

HENRY

But the churches they say they belong to, oppose it.

TV HOST

(Considers their comments; returns to planned questions)

Mr. Boyd, how do you think a person such as Napoleon Beazley, who admits to his crime, should be punished?

HENRY

There has to be punishment, no doubt about that. But I also believe in rehabilitation.

TV HOST

Mr. Meese, many people cite the danger of criminals, of murderers, returning to society once they are eligible for parole...

MEESE

Yes, that is a major factor in using the death penalty. Experience has proven that many criminals are repeat offenders.

TV HOST

Mr. Boyd?

HENRY

Mr. Meese could have easily made it so that Napoleon would not have been eligible for parole until he was 98. Were they worried he was going to gum somebody to death?... Seriously, what do we gain by killing Napoleon? How does his execution make the world a better place?

MEESE

It is justice for the heinous crime he committed, and it serves as a deterrent to other would-be criminals.

HENRY

Deterrence? I suppose it's just a statistical oddity that almost 90% of executions occur in former states of the confederacy.

MEESE

His execution has nothing to do with race.

TV HOST

You have both brought up some provocative ideas, but before we go further, let's get another perspective on the juvenile issue. We are joined by Dr. Barbara Kent, a neurologist from Macalister University in Ontario, Canada. Dr. Kent, good evening.
(LIGHTS RISE ON DR. KENT, a person of either race; if played by a male, it is Ryan Kent)

DR. KENT

Good evening, and thank you for having me on.

TV HOST

We are glad you could join us. Briefly, in layman's terms, could you summarize what your research is revealing?

DR. KENT

Well, basically the teenage brain is still a work in progress. In particular there is a region known as the prefrontal cortex. It does not mature until about the age of 21.

TV HOST

Why is that important?

DR. KENT

The prefrontal cortex helps govern self-control, judgment, emotional regulation, things like that. One result is that peer pressure plays a much stronger role. Often teens cannot walk away from risky activities. Their brain has not yet developed full capacity for good judgment.

TV HOST

So how does your research affect legal issues?

DR. KENT

I can't speak to legal issues, but from a scientific perspective, there is a difference between adults and adolescents. Our research clearly shows that there is a physiological reason why teens can be self-destructive or violent towards others. They do not yet have full control of their faculties.

TV HOST

Dr. Kent, thank you.

KENT

You're welcome.

TV HOST

Mr. Boyd, your response?

HENRY

The research of Dr. Kent and others is very important. It bolsters the view of the American Psychiatric Association that an individual's super ego, their conscience, continues to develop into a person's early 20s.

MEESE

The idea that a person three months shy of his 18th birthday cannot control his actions as a mature adult would is junk science.

TV HOST

Putting aside the age issue, I understand there are other issues at stake in Napoleon Beazley's case.

HENRY

For starters, there were two racist jurors, not to mention prosecutorial misconduct. I have sworn affidavits from the Thompson brothers recanting their most damaging testimony.

MEESE

And I have affidavits from two FBI agents and three attorneys affirming the Thompsons' original testimony and denying any deal. Who are you gonna believe?

TV HOST

Mr. Boyd, could you clarify the significance?

HENRY

The death penalty is supposed to be reserved for the "worst of the worst." And to get the death penalty one must prove that the perpetrator presents a continuing threat to society. In assessing Napoleon's character and recommending execution, the state's own psychologist declared, and I quote: "I am relying heavily upon the statements of the Thompsons in my prognosis and diagnosis, and if those statements are proved to be wrong, the jury should consider that and grade my opinion accordingly." In other words, they used these trumped up allegations to get the execution they sought.

HOST

Mr. Meese?

MEESE

He is a danger to society. All the evidence in the case, as well as two psychologists attested to the fact. It's the same old song and dance. They can't defend their client, and so they attack us.

HENRY

The whole town was ready to testify to Napoleon's good character.

MEESE

Till they saw the crime scene photos. Then they realized that there was another Napoleon Beazley, one that the adults didn't know. He told Antwan Thompson to "kill the bitch" and then he walked through the man's blood to get the keys.

HENRY

Again, we are not disputing the crime. But rather the community testified, and still testifies, that this horrific deed is not the real Napoleon. There is good in him that is worth saving and preserving.

TV HOST

So are you trying to say that a good, intelligent young human being can commit senseless, murderous crimes?

HENRY

Yes.

TV HOST

Would that imply that there is, potentially, a murderer or thief, in all of us?

MEESE

—Excuse me. The simple fact is that over 99% of people do not commit murder, and so there is clearly something wrong with those that do. Furthermore, this so-called remorse is a new phenomenon. He showed no remorse when he was arrested, and no remorse when he lied to police officers.

TV HOST

Perhaps this is a good segue way back to the future dangerousness issue. Mr. Meese, I'd like to read a portion of your closing argument.

MEESE

That's fine.

TV HOST

After noting that people tend to be most violent between the ages of 17 and 26, you argued: "What do you think we've got to look forward to in the next eight years? What do you think the administrators, guards, and inmates at the penitentiary have to look forward to in just eight years with this Defendant?"

HENRY

It's the same rhetoric he used with Kerry Max Cook. A man who was later exonerated. It's the politics of fear.—

TV HOST

—Mr. Boyd.

(HENRY stops)

Mr. Meese, it's time to answer the questions you posed. At this point six years have passed. Has Napoleon Beazley been the threat you predicted?

MEESE

Well, no one can fully predict future behavior, but I do believe that the violent nature of the crime, the ruthlessness with which he executed Mr. Muller clearly indicated a future threat—

HENRY

—The fact is that ever since he was incarcerated, Napoleon has been a model prisoner. At Ellis, he earned special privileges. The guards liked and respected him. And I have here a letter from a former prison warden requesting clemency for Napoleon. When it comes right down to it, the death penalty defies its own logic. To be executed, the jury must speculate that you're a future threat, but by the time of execution there's tangible proof of whether you are or not. And Napoleon is not.

MEESE

That's a nice argument, but it still doesn't wash away the blood from the driveway. If your spouse was murdered in your own garage would you say he is not a violent threat. It was a premeditated, predatory crime.

HENRY

That's another thing! You went out of your way to portray Napoleon as a predatory animal. You evoked the historical image of the African American as animal-like, as sub-human to gather gusto for the jury to execute him.

MEESE

It's not about race. It's his actions that make him a predator. //When you select your victim at random, stalk them for several miles...

HENRY

(Overlapping)

//The murder was not premeditated; it happened in the heat of the moment...

(BOTH can improvise until the HOST quiets them)

TV HOST

Gentlemen, please! We need to halt that debate because we are now going to go live to Livingston, Texas where Napoleon Beazley sits on death row awaiting his execution, which is less than four months away. Mr. Beazley, welcome.

NAPOLEON

Thank you. I appreciate y'all doing this show.

TV HOST

Mr. Beazley we were discussing the international attention your case has generated. Is it correct that you have no less than seven international pen pals, people who not only write you but who have traveled to the U.S. to visit you?

NAPOLEON

Actually there's six from Europe. Plus Janet from Florida, as well as Bryan from Texas. He's become my best friend.—While their letters and visits have meant a lot to me, if Mrs. Muller and her family won't forgive me, it's for nothing. More than anything I want them to know that I am truly sorry for what I did.

TV HOST

That brings me to my next question. How would you answer those who question the sincerity of your remorse? That it's the product of having lost your appeals and facing imminent execution?

NAPOLEON

You gotta understand something. At the time of the trial, I don't want to say I was a punk, but I was different than I am now. At the trial I was still holding on to my pride. I was ashamed, but stubborn, and could not yet show how sorry I was for what I had done.

TV HOST

Why wait six years?

NAPOLEON

Words are one thing, but what's more important is for people to look at how I conducted my life before and after that day. Every day I wake up and try to make myself a better human being. I have had seven years to look at myself, and there is no one to blame but myself. It was a tragedy for James Muller to die. But I also think it's wrong for them to kill me. It serves no constructive purpose, and I am not the same person who committed that crime. I have changed, I have grown, and the change is evident in my actions. I am not a threat to anyone.

TV HOST

How do we know that?

NAPOLEON

Talk to the guards, talk to the inmates. Talk to anyone who's known me the six years I've been on death row. One thing you have to understand is that there are many guys on death row who have died long before their execution day because when you're living on the row it's hard to find a reason to live. But I want to prove to everyone that I am more than a kid who killed a man, that even though I did a horrendous thing I am still a good person. I know that I destroyed the Muller family, and I also destroyed my own family. If I didn't care about what I had done, I wouldn't care about changing what's in me.

TV HOST

Thank you Mr. Beazley.

(LIGHTS FADE on NAPOLEON)

And thank you Mr. Boyd and Mr. Meese.

(They nod as their LIGHTS FADE)

Well, that's all the time we have tonight. And I leave you the viewers with the unresolved question. Napoleon Beazley, does he deserve to die? You've heard the views, now you decide.

(LIGHTS DOWN on TV HOST. HENRY takes focus. SARAH enters.)

HENRY

How are things at the Center?

SARAH

Emily worked her first shift. Gets to work on her Spanish while earning extra credit.

HENRY

I remember when people volunteered because it was the right thing to do.

SARAH

She was going to do it anyway.

HENRY

Sí, es verdad?

SARAH

Sí, es verdad.... Señor Estrella de televisión.

HENRY

I'm not a television star.

SARAH

Well, the women from Guatemala thought you were muy guapo.

HENRY

What did Emily think?

SARAH

She thought you were muy guapo.

(HENRY looks at her, wanting a serious answer)

She's proud of you. She knows you're doing the right thing.

HENRY

Do you ever worry about Emily? I mean she's only a year younger than Napoleon was at the time of the crime. Do we know what she does when she's out with her friends? Do parents ever really know what teenagers do, or are we simply too afraid to want to know the truth?

SARAH

Right now, I worry more about you.

HENRY

I keep thinking of Rena and Ireland and what they must be going through. The years of guilt and now a sense of foreboding doom and pain that I can't even comprehend. They're the new slate of victims, only without the sympathy.

SARAH

How's Jamaal?

HENRY

Gets shit at school, but looks forward to Saturdays... God, I hope it helps... Maybe in the overall juvenile debate, but probably not for Napoleon.

SARAH

You don't think the Supremes were tuning in?

HENRY

Our best bet is for the media to pick it up enough to pressure the Governor... Then again, the only time a Texas Governor has ever commuted a sentence is when it was pretty clear the guy was in another state when the crime occurred.

SARAH

Then you're going to have make sure the Governor hears you.

(HENRY reflects on this as SARAH exits.

HENRY turns and looks at NAPOLEON in his cell.

They share a silent moment)

HENRY

Tempers run high when blood is in the air, and the week leading up to Wednesday, August 15, 2001 was probably the longest week of my life. It was a mix of media circus, community self-reflection, and last minute appeals. Our request for relief from the Supreme Court was complicated by three justices recusing themselves due to their personal relationship with the victim's son.

(The CHORUS enters; Meese, the white female and black male form the counter protest reaction, while the other white male and Rena and Ireland form the Austin press conference.)

In Austin a press conference was held. Members of the clergy, attorneys, civil rights advocates and family members appealed for commutation of Napoleon's death sentence.—Father James Mulroney, Catholic priest.

FR. MULRONEY

The values of my faith call me to seek restorative justice. I ask for clemency. We cannot teach killing is wrong by killing.

HENRY

Outside, a counter protest was waged.

SHELLY

I know they're arguing that his execution violates the 8th Amendment. But it's not cruel and unusual punishment and so there is no constitutional barrier to his execution. At 17, he is as deadly as if he were 27 or 37 or 57.

RENA

If the victim wasn't the father of a federal judge, they would never have sought the death penalty. My son is sorry for what he did, and so it is a question of whether he is a menace to society—and he is not. I think he deserves to live.

JACOB (black)

They still get to watch TV and shit. You kill a man, you give up your rights. I don't think they should be able to sit around watching TV. You kill someone, you should be killed.... Maybe that makes me vengeful, but that's what I think.

HENRY

At the end of the press conference the organizers presented the governor with letters from over 40 institutions. Included was a letter from Amnesty International, from the Council of Europe, from a Texas District Attorney, and one from F.W. de Klerk, former President of South Africa.

DE KLERK

As a supporter of the death penalty, I know the difficulty you face in weighing such matters, but I recommend that you err on the side of mercy, particularly when the perpetrator was not yet an adult.

HENRY

While the number of people supporting clemency was growing, the Tyler newspaper, understandably, reported the local perspective.— District Attorney Meese.

MEESE

Press conferences like those in Austin are a travesty of justice. They have politicized this case and revictimized Judge Muller and his family. Lost in all the rhetoric is the simple fact that a husband and father was brutally killed, and all for a vehicle.

(CHORUS moves out of focus or exits.)

HENRY

Two days before the execution, the Supreme Court issued their decision.

(NAPOLEON RISES as a LIGHT shines down on him)

SUPREME COURT REPRESENTATIVE (V.O.)

With 3 justices granting a stay of execution, 3 dissenting, and 3 recused, the Supreme Court, lacking a majority, hereby denies Napoleon Beazley's request for a stay of execution.

(GAVEL rapping)

HENRY

An hour later the Texas Board of Pardons and Parole weighed in.

TBP & P (V.O.)

By a vote of 10-6, Napoleon Beazley's request for clemency is denied, as is his request for a stay of execution.

(GAVEL rapping)

(LIGHTS DOWN on NAPOLEON. HENRY hangs his head and rubs his eyes. AMY, his secretary, steps forward)

AMY

Henry, take a nap, please.

HENRY

No, I'm fine.

AMY

You haven't slept in three days.

HENRY

After tomorrow I can sleep as long as I need to.

AMY

Henry, you need sleep.

HENRY

Please fax a letter to the Court of Criminal Appeals telling them we're filing another petition in the morning. With the unresolved issue of Graves v. Texas as a prominent basis.

(AMY looks at him; he won't be dissuaded)

And get Robert Harris on the phone.

(ROBERT HARRIS steps forward)

ROBERT

What can I do for you, Mr. Boyd?

HENRY

Mr. Harris, I know this is asking a lot, but will you sign an affidavit attesting to what we discussed?

ROBERT

(Slight pause)

All right.

HENRY

Thank you. Thank you.

ROBERT

(Dictating)

My name is Robert Harris. I was appointed state habeas counsel for Napoleon Beazley. I acknowledge that the investigation of Mr. Beazley's case was inadequate to discover all of the potentially important issues affecting the legality of his death sentence. For example.....

(As he trails off, HENRY takes focus)

HENRY

Judge Davis.

(JUDGE DAVIS steps forward)

JUDGE DAVIS

Yes.

HENRY

I know this is highly unusual, but only hours remain.

JUDGE DAVIS

Your point?

HENRY

I know your views on the case, and we would be eternally grateful if you would write a letter conveying your personal opinion on the matter.

JUDGE DAVIS

(Slight pause)

Okay. I'll do it.

HENRY

Thank you. Thank you so much.

JUDGE DAVIS

(Dictating)

Dear Governor. This letter is written as the Judge of the trial court in this proceeding and in accordance with the provisions of Texas law which allow me to recommend that the Governor commute the sentence to a life sentence...

ROBERT

... I firmly believe that he should have the benefit of one full and fair round of review. Denial of such an opportunity would, in my opinion, be a miscarriage of justice.

(ROBERT HARRIS steps back)

JUDGE DAVIS

...While Texas law is clear in permitting the execution of juvenile offenders, this case raises serious questions not as to what the law is, but rather what it should be. As a judge I am bound to Texas statutes, and it is not in my purview to dole out mercy like a god. However, the law does provide for the Executive Branch to consider and evaluate justice and mercy. Having overseen all aspects of this case, I believe that on behalf of Mr. Beazley, the Defense Council is simply asking "Don't kill him."

(JUDGE DAVIS steps back)

HENRY

And CNN was there to document it all.

(REPORTER and IRELAND step forward)

REPORTER

How does a father prepare for such an event?

IRELAND

You've got to pray. You've got to put your faith and trust in God. We'll see him on Saturday.

REPORTER

You'll see him on Saturday?

IRELAND

That's visitation day. We'll see him Saturday.

REPORTER

How?

IRELAND

I have faith in God.

REPORTER

So you think you're coming back on Saturday to see your son?

IRELAND

I'm hopin' and prayin' that I do.

(REPORTER and IRELAND step back; HENRY takes focus
and the CHORUS enters or assumes new positions)

HENRY

At 12:30 p.m. Napoleon was removed from his cell at Livingston and transferred to Huntsville to the holding cell outside the Texas Death Chamber. In Huntsville, it was just another day.—Michelle Peters, waitress.

MICHELLE

No, people aren't talking about it much. Most of the talk is about the weather or the upcoming football season. Not so much about the execution. Except for the foreign journalists. They don't like that we sell "Killer Burgers." Maybe I can see why someone would be offended, but I think it's kind of catchy.

HENRY

Daniel Hancock, curator of the Texas Prison Museum.

DANIEL

I'd say that probably the best seller are these Death Row commemorative hats. For whatever reason people like them. Of course, what they really come to see is the "Old Sparky" exhibit. It's the chair in which 361 condemned inmates were executed. Basically, they'd strap the inmate inside the chair, and then they would send 2000 volts of alternating current through the inmate's body. Then they would reduce it to 200 volts, so the inmate wouldn't catch on fire.

HENRY

Bill Bressler, Texas Department of Criminal Justice public information officer.

BILL

On the day of the execution, in the death house, we have a table full of snacks, punch, coffee, tea, sort of a party tray for whoever wants it. Well, party tray is probably not a good word, but we have finger food for the inmate, the officers, whoever. You know, deviled eggs, that kind of thing.

RAYMOND

Generally speaking, the offenders haven't had deviled eggs for a long time, and so they really do enjoy them.

HENRY

The Reverend Raymond Walters, death row chaplain.

RAYMOND

I try to visit the prisoner the day before, try to get to know him and his personality, what he's feeling. Because coming over here, to the death chamber, is quite traumatic.

BILL

I see my job as sort of a service to the citizens of Texas. I don't mean that to sound cold, but what I do is just an extension of what the courts have ordered.

RAYMOND

I don't look at it as a job, I look at it as a ministry. That's why I'm here.... As long as the opportunity allows, I'll be here.

HENRY

Rufus Patterson, prison guard.

RUFUS (black)

I'm part of the tie-down team. Basically, there's five of us. We're positioned around the gurney, and our job is to strap down the inmate's arms and ankles, and then put the remaining restraints over his body. Sometimes they resist a little bit. On the other hand, one guy lay there telling lawyer jokes until... well, you know.

HENRY

Back in Grapeland, other preparations were underway.—Paul Smith, Ireland's co-worker.

PAUL

I believe from my heart that Napoleon is truly sorry for what he has done, and he's not the monster that he's been made out to be. He's a good kid. At lunch our line supervisor came by and told us that at his execution hour, this division here in Grapeland is going to shut down, in respect for his parents and in respect for Napoleon.

(IRELAND starts to hum or sing a Gospel song. The CHORUS assumes new positions. Two assume the demeanor of prison guards, one is like a reporter, and the 4th is AMY. Meanwhile, HENRY, RENA and IRELAND are now isolated in separate areas)

HENRY

As near as I can remember it was about two o'clock.

RENA

I had left the Hospitality House and gone back home.

IRELAND

I was, believe it or not, looking at coffins.

HENRY

I was trying to get a meeting with the Governor.

AMY

Henry, line two.

(HENRY stands there listening)

HENRY

Yes. Yes. That's wonderful!—We've got a stay! The Court of Criminal Appeals has stayed his execution!

(As he and AMY move to embrace/celebrate, we get RENA and IRELAND'S reactions)

RENA

Thank you, Lord! Thank you, Jesus. Thank you.

IRELAND

Rena what did I tell you. We're not going to no execution tonight.

(As the Black Male CHORUS member goes to join RENA and IRELAND, the THREE WHITE CHORUS members assume new positions. NAPOLEON takes focus; he has been writing what would be his last statement His reaction is muted; he is stunned)

NAPOLEON

Wow. That's... No, I'm fine. I just have to comprehend this. Give me a second.

(LIGHTS DOWN on NAPOLEON.

RENA, IRELAND, and the BLACK CHORUS MEMBER are still hugging and celebrating as HENRY takes focus)

HENRY

In Tyler, the reaction was quite different.

(A MALE REPORTER is interviewing a woman)

VERA

It's wrong. Wrong, wrong, wrong. That's the second time a black man has gotten off. Second time. If he weren't black I don't think he'd have gotten off.

(A MAN approaches; VERA stays, looking on)

MALE REPORTER

What is your reaction to the stay of execution of Napoleon Beazley?

TYLER

I think it was that judge's fault. She had no business sendin' that letter. That ain't her job. Yeah, if you ask me, it's her fault he's still alive...She won't get my vote in the next election. That's for sure.

VERA

(Chiming in)

I heard she's Catholic. That probably had somethin' to do with it.

HENRY

District Attorney Meese also addressed the media.

MEESE

It's very very difficult to go through six years of appeals, after an extremely traumatic trial, after the loss of your husband. You wait six years for appeals. Then the day for the execution finally arrives, and for it to be stayed.

(IRELAND picks up the tune of a Gospel song. IRELAND and RENA hold hands; they have survived. The CHORUS exits. HENRY takes focus)

HENRY

The whirlwind of that week's emotions was eventually tempered by the fact that it was a stay of execution and not a commutation of the sentence. Still hope had been restored, and hope is a powerful drug.

(IRELAND and RENA welcome HENRY into their home)

IRELAND

Henry, how are you?

(Gives him a big hug)

RENA

We are so thankful.

(Kisses him on the cheek)

HENRY

It's good to see you.

IRELAND

I can't get the grin off my face.

HENRY

It ain't over. We still got a long way.

IRELAND

I know.

RENA

So what's new?

HENRY

Good news and bad news. Which do you want first?

IRELAND

For the last seven years we've only had one piece of good news, so give me the bad first.

HENRY

The Supreme Court has denied our cert petition. They refuse to consider our case.

RENA

Why do we even have all these courts if none of them are even willing to look at the facts and issues you keep bringing up? They all just say denied without even listening.

HENRY

I know.

IRELAND

I guess they figure you'll eventually stop knocking.

HENRY

You know I won't.

IRELAND

We know that. None of us are gonna stop.

RENA

So what's the good news?

HENRY

Eighteen members of the Texas House of Representatives wrote a letter to the Governor requesting commutation. They were part of the group who passed a bill that would have banned the execution of juveniles, only to see the bill stall in a Senate subcommittee. They're hopeful that in the next session they'll get it passed.

IRELAND

So then we need to keep the hangman away till then.

HENRY

That's what we're hoping. Right now the stay is indefinite.

RENA

So what's the Graves case you mentioned?

HENRY

It's the reason they stayed Napoleon's execution, until that case is decided.... Basically, the 6th Amendment provides every citizen with the right to due process and "competent council." Graves argues that these same constitutional protections should apply to the state habeas.

IRELAND

You got that letter from that lawyer saying he wasn't competent.

HENRY

Traditionally the courts have defined competent as having your law license and being able to breath. Maybe Graves will change that, maybe it won't.

RENA

I hope so, because if someone would just listen, they'd see that Napoleon isn't the monster they've made him out to be.

IRELAND

Who knew justice had a timeline, that facts don't matter if they're not presented at just the right moment.

HENRY

It's complicated.

IRELAND

Well, if people can change, then so can laws and views. I still believe.

(LIGHTS DOWN on them. HENRY crosses to NAPOLEON)

HENRY

How you doing?

NAPOLEON

Pretty good. Mighty glad to be alive.

HENRY

I want to ask you something.

NAPOLEON

Shoot.

HENRY

You ever think of contacting the Mullers?

(NAPOLEON'S demeanor changes; his zest for life is replaced by shame; the thought of the family intimidates him)

NAPOLEON

No, they don't want to hear from me. They can't stand me.

HENRY

Napoleon, I know that more than anything you want their forgiveness. We know you're sorry, we know that you're a better person than that act. Let them know.

NAPOLEON

Man, if they want to talk to me, I will. But it's presumptuous for me to contact them. What right do I have? I don't want to add anymore pain to their lives.—

HENRY

—I understand that.—

NAPOLEON

—For me to go to them would be an insult.

HENRY

All right, I got ya.

NAPOLEON

Henry, the person who killed James Muller isn't here anymore, but there's no way for me to express that without it coming across as crocodile tears, a ploy for clemency.

HENRY

I know. The system only wants to hear you're sorry when you're lying on the gurney... Some days I want to quit—

NAPOLEON

—No.—

HENRY

—because the system looks at me and says, “Napoleon's got a lawyer.” A walking, talking, breathing, preferably not sleeping, lawyer. As long as there is an appearance of fairness, the system will kill with impunity. It uses me as an excuse. I'm oil in the machinery. I file my petitions so that at the end of the day, they can stick a needle in a man's arm, and call it justice.

NAPOLEON

Henry, the only reason you're here is because of me. And the only reason I'm here now is because of you.

HENRY

Thanks.

NAPOLEON

(Slight beat)

Man, as long as we're laying our cards down... I've been trying to figure it out. I don't want to make excuses because that'd be like walking on his grave... How does an acorn become an oak tree? It isn't over night... Grapeland's a small town. There's sports and there's chasing girls, and I was good at both. Summer before senior year I was dating Antonio's cousin, Veronica. She was like 25 and I was 16. Moms didn't like it. Not one bit. Anyway I had sort of a fling with another girl, Kathy Boulware.... Kathy Boulware.

HENRY

She got pregnant?

NAPOLEON

Yeah. Said I was the father. This was about August. We weren't together, but if that's my kid, that's my responsibility. It meant I had to put off college, defer my hopes and dreams... you ever read Langston Hughes?

HENRY

Not really.

NAPOLEON

"What happens to a dream deferred?

Does it dry up

Like a raisin in the sun?

Or fester like a sore--

And then run?

Maybe it just sags

Like a heavy load.

Or, does it explode?"

He nailed it. Dead on.... I joined the Marines, putting off induction till after graduation.

HENRY

(Mocking/sarcastic tone)

So it wasn't to become "a trained killer"?

NAPOLEON

Fuckin' Meese. Pulling that shit on my dad on the witness stand. No, I needed to step up to the plate and provide for this baby. The Marines would let me do that, and I'd still have the G.I. bill and Stanford Law waiting.

HENRY

So what happened?

NAPOLEON

Kathy's white, I'm black, and I don't care how many times you pour cream into coffee, you ain't going to get a baby that looked like that... I'd been played. And I was devastated... That was in March. I don't know why she said I was the father. Maybe because I was the captain of the football team, I don't know.

HENRY

Maybe she just wanted you to be the father.

NAPOLEON

Maybe... Then one day in April, Antonio said he was thinking of jacking a car, and he asked: "You down with that?" I said, "Yeah, I'm down with that."

HENRY

So you weren't the ring leader, like Meese made you out to be?

NAPOLEON

It doesn't matter who was the ring leader, I'm still to blame.... Anyway, we first stopped at some Mexican restaurant. I had my pistol out and was walking up to this Cadillac to get the guy's keys, when he suddenly stopped, turned around, and went back in to the restaurant. I got scared, went back to the car, and told Antonio to drive, to just drive. We actually started heading back to Grapeland, and they were giving me shit. I don't know if I didn't want to appear weak or what, but next thing I know is we're following the Mullers, to get their Mercedes. When we got there, I ran up the driveway. I had my gun out, Antwan was behind me. Then I don't know. Maybe he made a move at me. Maybe he didn't. I don't know. I shot him. I took a shot at her. Then I shot him through the head. It sounds like three separate actions, but it was all one. It's a blur. It's like I was trippin' or something, I don't know. It was stupid. I can't explain it. And even if I could, it wouldn't excuse it. There are no excuses.

HENRY

I'm sorry.

NAPOLEON

Not as sorry as I am.

HENRY

Yeah.

(LIGHTS DOWN on NAPOLEON. HENRY takes focus)

HENRY

One moment irrevocably changes two lives and the lives of everyone they knew. The carjacking was premeditated, the murder wasn't. His secret life of dealing drugs lead to his second life on death row. Meese needed to make the one violent act into a threat of future dangerousness; crack and a gun convey that impression. Ironically, the street-tough image Napoleon wanted in the Quarters is what he got in court, but it wasn't him. And

HENRY (cont'd)

maybe there is no explanation for that moment when the synapses misfire and a momentary impulse leads to a lifetime of regret.

(HENRY looks at NAPOLEON. The look they share is another moment that defies simple explanation)

In January 2002, the Texas Court of Criminal Appeals rejected Graves' argument. Then in April, they dismissed Napoleon's appeal and lifted his stay of execution.

(The setting shifts to a courtroom. MEESE and HENRY take up their positions. IRELAND, RENA, and the CHORUS MEMBERS enter as courtroom participants. A GUARD leads a shackled NAPOLEON to Henry's side. The Guard turns out and becomes the BAILIFF)

BAILIFF

All rise for the honorable Judge Anne Davis.

(JUDGE DAVIS enters)

JUDGE DAVIS

Be seated. On this date of April 26, 2002, the court is now in session.

(Raps gavel)

Mr. Beazley, you have been found guilty of capital murder and your appeals have been exhausted. However, before setting an execution date, is there anything defense council wishes to state?

HENRY

Your honor, if an execution date is to be set, we respectfully ask that the date be set late enough so as to allow other legal proceedings that bear upon our case to reach their proper conclusion.

JUDGE DAVIS

Your request then?

HENRY

I offer three dates. In a best case scenario, I propose September of next year thereby allowing Texas legislators an opportunity to pass their previously proposed law to halt the execution of juvenile offenders.

MEESE

Your Honor, that date is well beyond the norm and is based upon speculation. Having previously failed, there is no reason to believe that that law will now pass.

HENRY

Our second request would be late December. This would allow the Inter-American Commission on Human Rights to rule on the Domingues case, a case which parallels that of Mr. Beazley.

MEESE

Your honor, I respectfully submit that that date is inconsequential. The Domingues case rests on the premise of the execution of a juvenile as being a violation of international law; however, the Supreme Court has repeatedly upheld the execution of juveniles as lawful in this country.

HENRY

Our third request would be six months from now, in October. This would allow the Supreme Court to rule on *Atkins v. Virginia*.

MEESE

Atkins deals with the execution of the mentally retarded. Insofar as Mr. Beazley was a high school honor student he might be regarded as the "anti-*Atkins*", and thus the irony of his request for further delay should not be lost on this court.

HENRY

Your Honor.

JUDGE DAVIS

Yes, Mr. Boyd.

HENRY

I would submit that *Atkins* is relevant. Oral arguments suggest that the Supreme Court is prepared to rule that the execution of persons with mental retardation is unconstitutional.

JUDGE DAVIS

Please clarify your view as to its relevance here.

HENRY

There's a direct link between that issue and the juvenile issue. If the death penalty is reserved for the worst of the worst, then a class of people characterized by a lesser amount of responsibility should be exempt.

MEESE

Your honor, even if they rule in favor of *Atkins*, there is no reason to believe it will extend to the age issue or to honor students like Mr. Beazley. By state law, he is an adult and should be punished as such.

HENRY

Your Honor, there is ample scientific evidence to show that both people with mental retardation and juveniles are more likely to be subject to peer pressure, more likely to act impulsively, and more likely to lack the judgment needed to see the consequences of their actions. As such, *Atkins* does potentially bear upon my client's case.

JUDGE DAVIS

State's response?

MEESE

When all is said and done, it should be kept in mind that James Muller was murdered while he appealed to Mr. Beazley for mercy. Now eight years later Mr. Beazley has had plenty of appeals and all of them have been denied. As such, there is no legal reason why we can't proceed with this execution.

JUDGE DAVIS

So what is the state's recommendation?

MEESE

The Muller family has waited long enough. It's time for justice to be done. We request an execution date during the first week of June.

HENRY

Your honor, none of our three requests are contrary to state statutes. Let the law run its course. Mr. Beazley isn't going anywhere; he'll be right down the road in Livingston. But if he's executed before... Personally, I believe a June execution date would be a miscarriage of justice.

JUDGE DAVIS

The respective positions are duly entered into the court's record.

(Slight pause)

While I am obedient to the law, I don't have to be silent about it. Indeed, my personal views on this matter are well known. My letter supporting clemency was pursuant with Texas law and was based on principled objection to the execution of youthful offenders. While I have expressed my views, I am also ever mindful of looking back in history as to judges who blindly followed the law when the law was so fundamentally inappropriate. We need only think of Nazi Germany and the judges there who enforced and followed laws that were atrocious. In retrospect we are appalled. And so I struggle with that issue on select cases, and this is one of them.... At the same time I am aware that I am judge, not a legislator, and that I have a sworn duty to uphold the law. And so while there is a necessary debate as to whether this law should be changed, that change is not in this courtroom, nor is it today... Will the defendant please rise?

(Slight beat)

I am bound to the law, and as guidelines stipulate that at least 31 days must pass, I hereby sentence Napoleon Beazley to be executed next month on May 28, 2002.

(A ripple of surprise. NAPOLEON whispers to HENRY)

HENRY

Your Honor, may council approach the bench?

JUDGE DAVIS

Approach.

(HENRY and MEESE approach the bench. A moment of whispering. They return to their places and HENRY whispers to NAPOLEON)

Mr. Beazley, you may proceed.

NAPOLEON

(During the speech his voice is shaking)

I want to say something to Mrs. Muller and her family. I see none of them are in court today, but I will say it anyway, and hopefully they will hear it.

Eight years ago I involved myself in a crime I instantly regretted. I knew it was wrong. I know it is wrong now. I've been trying to make up for it ever since that moment. I've apologized ever since that moment, not just through words, but through my acts. If I didn't care enough about what happened to James Muller, then I wouldn't have cared enough to change. Nobody is going to win in this situation, and if we all lose, then I know all of those losses start with me.

I want everybody to know—the Muller family, the people in Tyler and in Grapeland, and my family—the reason y'all are here is because of me. It's my fault. I violated the law. I violated this city, and I violated a family—all to satisfy my own misguided emotions. I'm sorry. I wish I had a 2nd chance to make up for it, but I don't. And if nothing else, I ask for everybody's forgiveness.

(NAPOLEON is sobbing. As the courtroom scene dissolves, NAPOLEON is led back to his cell.

To cover the transition, IRELAND might sing a Gospel song, perhaps the verses on p. 68 EVERYONE EXITS except IRELAND and RENA. SEPARATE LIGHTS rise on IRELAND, RENA, and NAPOLEON)

IRELAND

That day was the last time we ever touched our son.

RENA

During his seven years on death row, we were able to touch him four times.

IRELAND

Basically, whenever there was a hearing, they would give us a little time afterwards.

RENA

I think that was the hardest part. He's my baby, my flesh and blood, and the only time I could hug him was on days they sentenced him to die.

IRELAND

That last time, they gave us maybe a half hour, with a guard watching us. I remember that when we walked in, he still had tears and snot on his face. They wouldn't even give him a Kleenex.

RENA

They tried to dehumanize my son, but he wouldn't let them. His spirit was stronger than their inhumanity.

(During the following IRELAND turns towards NAPOLEON and slowly raises his hand. It is as if he were pressing his palm against the mesh. Across the stage, NAPOLEON raises his hand, paralleling the motion)

IRELAND

At Ellis, there was a thick mesh between us. You could hear through it, and you could almost feel the warmth of his fingers reaching out through those little holes.

(They hold it a moment and then THEIR HANDS come down. As RENA speaks, she turns to NAPOLEON)

RENA

At Livingston things were much worse. In the visitors area you had to talk on phones because it was solid plexiglass.

(The HAND process is repeated with RENA)

You couldn't physically feel anything, but there was still a connection.

(THEY hold the pose a moment, savoring the bond.

As they break the connection, IRELAND speaks)

IRELAND

So the day they set the date of his death was the last time we ever hugged our son.

(AS IRELAND starts to sob, RENA hollers out desperately)

RENA

If there's anyone on this earth who is redeemable it's Napoleon. Why! Why?

(As she starts to cry, LIGHTS FADE on the parents. The last light to fade is NAPOLEON's, who looks with love and sadness at his parents)

IRELAND

(Singing, as they exit)

God be with you.

God be with you.

God be with you

Until we meet again.

(HENRY enters the cell area)

NAPOLEON

I wish the Mullers would have been there.

HENRY

Still it was the best time.

NAPOLEON

I heard Meese said the tears were simply a show, a plea for mercy.

HENRY

Doesn't matter what he thinks.

NAPOLEON

I know. So where is there an opportunity to convey how authentically sorry I am?

HENRY

You were right to say it at the hearing.

NAPOLEON

I'm not going to say anything on the gurney. Not a word. No one would believe it anyway. There's no trust in the words of a dying criminal.

HENRY

Yeah.

NAPOLEON

Whatever happened to "forgive us our trespasses as we forgive those who trespass against us." ... I know I did wrong. But their killing me is also wrong. I refuse to validate the state's authority. I won't participate in their ritual. No last meal. No signing the chaplain's book. No last words from the gurney. None of that.

HENRY

I respect that. I really do.

NAPOLEON

Henry, I'm not saying a word, but I'm going to write something. A last statement. And I want you to read it for me. To the press. To let people know what I thought, what I felt.

HENRY

I'm your lawyer. Now and until the day I die... And you're much more than that to me. Instead of quitting, you re-made yourself. Doing that on the outside isn't easy. In here...

NAPOLEON

Remember that poem you gave me, "The Woodcarver"?

HENRY

You gave it to me.

NAPOLEON

No.

HENRY

Are you sure?

NAPOLEON

Doesn't matter who gave it to who, the words still ring true. Been centering myself.
(Indicating the cell/physical world)

(LIGHTS DOWN on Bill. TWO MEDIA members, turn out as TV reporters)

FIRST TV REPORTER

His trial was riddled with legal errors, false testimony, racial overtones and powerful influence. An all-white jury took just thirty minutes to reach the death verdict in the case of the former high school class president...

SECOND TV REPORTER

Barring a last-minute reprieve, crack-cocaine dealer Napoleon Beazley will be executed today for the 1994 murder of Tyler civic leader James Muller...

FIRST TV REPORTER

Beazley's status as a juvenile has generated worldwide attention. Letters and emails have been streaming in to the Huntsville Item, most of them objecting to the execution...

SECOND TV REPORTER

Saying he wanted to see what it was like to kill a man, Beazley stalked, ambushed, and executed Mr. Muller in the driveway of his own home...

FIRST TV REPORTER

Earlier today Napoleon's parents addressed reporters.

RENA

My son is not a monster. He doesn't deserve to die.

IRELAND

We thank everyone for their prayers and letters of support. It's in God's hands now. We believe He has the last say in life and death.

RENA

We pray for the Mullers and we pray for our son. That's all we can do.

(CHORUS exits; HENRY takes focus)

HENRY

At 11:00 the Texas Board of Pardons and Parole voted 10-7 against commutation; it was their second closest vote ever, but still two votes shy of saving Napoleon's life. A couple of hours later I received word that the Supreme Court refused to hear our case and that the Court of Criminal Appeals had denied our motion for another stay. And so I got in my car and started to drive to Huntsville, to say good-bye to Napoleon.

(Beat)

At 2:30 I received a call. Based on the impending decision on *Atkins* the Missouri Supreme Court had just stayed the execution of Christopher Simmons, a juvenile offender.

(On cell phone)

Hey Napoleon, I'm on my way back to Austin right now. I was coming to see you, but I feel like I can still do something back in Austin. I'm going to do what I can do.

(HENRY moves out of focus. BILL returns to the "podium", the rest of the chorus assumes new roles and positions. One becomes a PRISON GUARD, one becomes the IV DOCTOR, and one the CHAPLAIN. As BILL gives a matter-of-fact, clinical description of the execution process, the GUARD starts to lead NAPOLEON to the Death Chamber; during Bill's speech, the gurney might be brought on)

BILL

At 6:00 p.m., the prisoner will be removed from his holding cell. Accompanied by guards, he will walk without restraints for the 15 feet to get to the death chamber. Once inside the death chamber he will be asked to get on the gurney.

(He continues sotto voce or trails off)

Once on the gurney, an IV will be attached to each forearm. Witnesses will then be summoned into an adjacent room. The warden will give Mr. Beazley an opportunity to speak any last words. Then the execution will begin...

(As BILL trails off, NAPOLEON, unaccompanied by the guards, stops in front of his loved ones to say good-bye. His words are from his poem "Forever." At each stop, they raise their hands as if trying to touch through glass. Unlike before there is only a small space between their hands)

(NAPOLEON goes to RENA; they raise hands)

NAPOLEON

If I die before I ever touch or feel you again
Shed a tear, forget me not, for this is not the end.

(He goes to IRELAND; they raise hands)

NAPOLEON

In my Father's hands I shall go; to see far and wide.
In your time of loneliness; I will be there by your side.

(He goes to HENRY)

NAPOLEON

Always remember me, and the times we spent together.
Because I will always remember you and love you forever.

(NAPOLEON and HENRY exchange a "Zen bow." When NAPOLEON turns from Henry, NAPOLEON'S demeanor changes from this surreal good-bye to the real-time moment of walking to the death chamber (possibly accompanied by the guard). As he walks to the death chamber, MUSIC is heard (a slow GOSPEL SONG or a more jarring instrumental?). The music plays as NAPOLEON is strapped in to the gurney)

HENRY

The rest of the day I waited for the Governor to respond to our request for a 30-day reprieve, to do what they did in Missouri... But the Governor refused to meet me. Then at 6:00 he spoke on the matter.

(BILL becomes the GOVERNOR)

GOVERNOR

This thing has gone on long enough. To delay his punishment is to delay justice.

HENRY

And with that, his execution began.

(HENRY exits. The MUSIC RESUMES as the DOCTOR steps forward and inserts the IV needle(s). When finished, the DOCTOR steps back. Bathed in light, NAPOLEON lies strapped to the gurney, a man waiting to die. THE GOVERNOR steps to the head of the gurney and becomes the WARDEN; the CHAPLAIN enters and takes his place at the foot of the gurney; he rests his hand on NAPOLEON's ankle)

WARDEN

Do you have any last words?

NAPOLEON

(He pauses. He looks around. Beat)

No.

(He looks up to the ceiling and closes his eyes)

WARDEN

Proceed.

(The DOCTOR pushes the buttons to start the IV. As the poison flows through his veins, NAPOLEON coughs violently four times. Each time his head comes off the pillow. The last cough is the most violent; then he lies there inert. The DOCTOR enters and checks NAPOLEON's pulse and then looks at his or her watch)

DOCTOR

Time of death, 6: 17 p.m.

(A sheet is pulled over his head. A separate SPOTLIGHT remains on NAPOLEON. As we hear his final statement, the spotlight on him slowly fades)

NAPOLEON (V.O.)

The act I committed to put me here was not just heinous, it was senseless. But the person that committed that act is no longer here—I am. Understand though that I'm not only

upset, but I'm saddened by what is happening here tonight. And I'm disappointed that a system that is supposed to protect and uphold what is just and right can be so much like me when I made the same shameful mistake. I'm sorry that I am here. I'm sorry that you're all here. I'm sorry that James Muller died. And I'm sorry that it was something in me that caused all of this to happen to begin with.

Tonight we tell the world that there are no second chances in the eyes of justice. Tonight we tell our children that in some instances, killing is right. No one wins tonight. No one gets closure. No one walks away victorious.

(LIGHTS FINISH FADING)

PROJECTION: On May 28, 2002 Napoleon Beazley was executed.

PROJECTION: On March 1, 2005, based on the Christopher Simmons case, the United States Supreme Court abolished the death penalty for juvenile offenders.

PROJECTION: On June 22, 2005, the State of Texas was forced to commute the sentences of 28 juvenile offenders on death row to life in prison.

END OF PLAY