

RACE

JACK

Here's what I think. We lead with Sex. You have: to interrupt the thinking process. Of the jury. What is this? I'll tell you what it is, it's a mattress, you know what some people do on it? They fuck. And sometimes, they're two different colors. However, that is not a crime. But they may think it is.

SUSAN

Who may?

JACK

Tell me.

SUSAN

The jury.

JACK

You're fucking A right. IN THEIR MIND, it is miscegenation. We've got to walk them past it. We say, "I know. But watch this: Black girl, same size, same dress, white guy, puts he on the bed, and rolls on her." Sounds funny? You fucking A bet it is. If you're not doing it, sex looks funny. But it's not a crime.

SUSAN

Unless it is without consent.

JACK

She says she didn't take her dress off. But, after the demonstration, there's red sequins all over the courtroom. What does that mean? That she took her dress off, and she lied. Why did she lie? Because she understood that taking the dress off was consent. How do we know? Because she lied about it. Why'd she lie? Who cares. Our man goes free.

SUSAN

How did you know I went to Venice?

JACK

I beg your pardon?

SUSAN

You were speaking of tourism.

JACK

Uh....huh

SUSAN

Of what people remembered. Of their trip. You asked me “what did I remember of my trip to Venice...?”

JACK

Yes. That’s right.

SUSAN

How did you know I went to Venice.

JACK

Everyone goes to Venice.

SUSAN

How did you know I went.

JACK

You wrote it on your resume.

SUSAN

But it wasn’t on my resume.

JACK

I saw it, I don’t know. Then, I saw it on your, the, I don’t know. On your employment application. Foreign travel within the last ten years. You went last year.

SUSAN

It said I went to Rome.

JACK

It said to Rome.

SUSAN

On my employment application.

JACK

Yes, it said “to Rome.” I beg your pardon.

SUSAN

But you knew I went to Venice.

JACK

Why do you say that?

SUSAN

Because you just confessed it?

JACK
"Confessed" it? It was a slip of the tongue.

SUSAN
How is a "slip of the tongue" different from "I mis-remembered?"

JACK
I...

SUSAN
...you investigated me.

JACK
I don't care why you went to Venice.

SUSAN
That's the wrong answer. You should have said "what do you mean."

JACK
Alright. "What do you mean?"

SUSAN
You investigated me.
Did you?
Before you hired me?

JACK
Of course I did.

SUSAN
Why?

JACK
We investigate all new-hires.

SUSAN
To what extent?

JACK
To what extent?

SUSAN
To the extent of researching their passports?

JACK
Yes.

SUSAN
To that extent

JACK
Yes.

SUSAN
Are you lying?

JACK
Why would I lie?
Why would I lie?

SUSAN
Why do people lie?

JACK
Well, you lied. On your employment form.

SUSAN
Why did I lie?

JACK
I don't care. It's not my business.

SUSAN
But you investigated me.

JACK
That's right.

SUSAN
And you found I lied. Then, why would you hire a liar?

JACK
I presumed you lied. Because you were, on that trip, involved in let us say, an activity you would not wish to be generally known,

SUSAN
Yes?

JACK
But, which would not impact- any association with the firm.

SUSAN
And you investigate all new hires?

JACK
.....please.....

SUSAN
Do you?

JACK
Yes. That's correct.

SUSAN
But you felt that the reason for my trip was none of your concern.

JACK
That is correct.

SUSAN
Then why is the question on the form?
Do you investigate all new hires. To the extent to which you investigated me?

JACK
Susan...

SUSAN
It's a legitimate question. Do you...

JACK
I don't know.

SUSAN
You're records show that you do not.

JACK
How would you know that?

SUSAN
I asked Kelley. For the forms.

JACK
Why would he give them to you? Did you use my name?

SUSAN
I didn't use your name.

JACK
Did he assume the request came from me?

SUSAN

How would I know what he assumed.

JACK

Uh huh.

SUSAN

When I was hired you made the request for an exhaustive background check and a quote complete field investigation.

JACK

Did you allow him to assume the request came from me?

SUSAN

In all your years of operation. You've requested that investigation. Twice. Only twice. In all the years. And both applicants were black.

JACK

Is there a difference between causality and correlation?

SUSAN

Both applicants were black. Did you make the "in depth" request because of their race?

JACK

Susan, sit down.

SUSAN

Did you?

JACK

Sit down. I want to tell you something.

SUSAN

Sit down. I. Know. There is nothing. A white person. Can say to a black person. About Race. Which is not both incorrect and offensive. Nothing. I know that. Race. Is the most incendiary topic in our history. And the moment it comes out, you cannot close the lid on that box. That may change. But not for a long long while. Now, meanwhile, the laws are such, that I, when I, or, someday, when you, even you, employ an African-American, should you wish to discharge that person, they are armed with the potential to allege discrimination. That's a fact.

I....

JACK

Which allegation...

SUSAN

I...

JACK

...which allegation the courts will most likely accept as proven and the accused stand as guilty until proven innocent.

SUSAN

"Even I..."

JACK

I, as a judicious businessman, then, must investigate. An African-American Applicant with a greater rigor. As I can't ask you directly, about your religion, about your family....

SUSAN

I...

JACK

To find "are you a good, moral person..." I must investigate, to try and determine...

SUSAN

It's illegal.

JACK

...your....

SUSAN

My qualifications? One would have thought those evident from my resume.

JACK

No, not your qualifications, your character.

SUSAN

You investigated me, to determine my "character."

JACK

That's right.

SUSAN

But you found I had lied. I lied.

JACK

Yes, you lied. But I hired you anyway, as I felt the lie A) was none of my business and B) was not germane to the determination. What are you bitching about? I gave you a job. You want to “change the Racial Tenor of this Country,” off you go. I’m trying to run a business which supports the three of us: fairly and legally....

SUSAN

It’s illegal to apply differing standards of investigation...

JACK

Okay, that’s illegal. But on the other hand it’s wrong, you understand? It’s ‘wrong’ that folks of different colors are treated differently under the law. It was wrong then, and it’s wrong now. Bullshit aside --- you are accorded special treatment, I have to take that into account.

SUSAN

You have to.

JACK

Yes.

SUSAN

Why?

JACK

To Run my business.

SUSAN

But it’s against the law.

JACK

....there you go....

SUSAN

Then are you free to break the law?

JACK

You’re an officer of the court. You lied on your employment application. When you signed it. That’s a false admission, with attempt to defraud. Which is a crime.

SUSAN

You were aware of it, and you hired me anyway, which...

JACK

Okay, good for you now: what’s the problem? Knock it off

SUSAN
You hired me anyway.

JACK
Yes.

SUSAN
Why?

JACK
Because you've got talent and it's vastly fucking rare. Now, what do you want from me?

SUSAN
Why does he want to confess?

JACK
All people want to confess.

SUSAN
White people?

JACK
All people. We have different forms. The whites say "Raise our Taxes," the Blacks say "Fuck you, whitey." Guilt and Shame. We Catholics hop into the confessional, the Jews weep on Yom Kippur. I've seen em. Everyone feels shame.

SUSAN
Blacks feel shame?

JACK
Everyone feels shame.

SUSAN
Is that different from guilt?

JACK
Guilt is a Legal term, the "feeling" of guilt, is a sign of our estrangement from God. What's your problem?

SUSAN
You exploited being white.

JACK
Is that what I did?

SUSAN

Yes.

JACK

How?

SUSAN

You investigated me.

JACK

The firm investigated you.

SUSAN

That's right.

JACK

So, did Henry exploit being white? Or was he just "acting" white, or some such bullshit? I'll tell you one more, you tell me that equally, you might not exploit being

Black? Or that any human being whatever might not, when pressed, exploit whatever momentary advantage he or she possessed. Tell me that, and I'll go give my life to Christ. Just knock it off, and what's the matter, two guys in a room? What is the fucking matter?

SUSAN

You asked me to wear the dress.

JACK

I asked you to wear the dress.

SUSAN

That's right.

JACK

To wear the Red Dress.

In court.

SUSAN

Yes.

JACK

I'm sorry

SUSAN

You're sorry.

JACK

Yes. I was wrong. Will you forgive me?
It's a complicated world. Full of misunderstanding. That's why we have lawyers.

SUSAN

I thought Lawyers existed to seek justice.

JACK

Well, you were wrong. Two parties to a case---loser ever say "Yes I lost. But, you know what? The other guy was right." Each side thinks it's right. And justice, if it exists --- lies only in the imperfect, and mutually unacceptable result of their interaction. I'm sorry I asked you to wear the dress. Will you forgive me?

SUSAN

Yes, I will.

JACK

Thank you. I very much appreciate it. Now, let's see if we can't settle this thing in our favor.