

A Jury of Her Peers: Ethics and Evidence

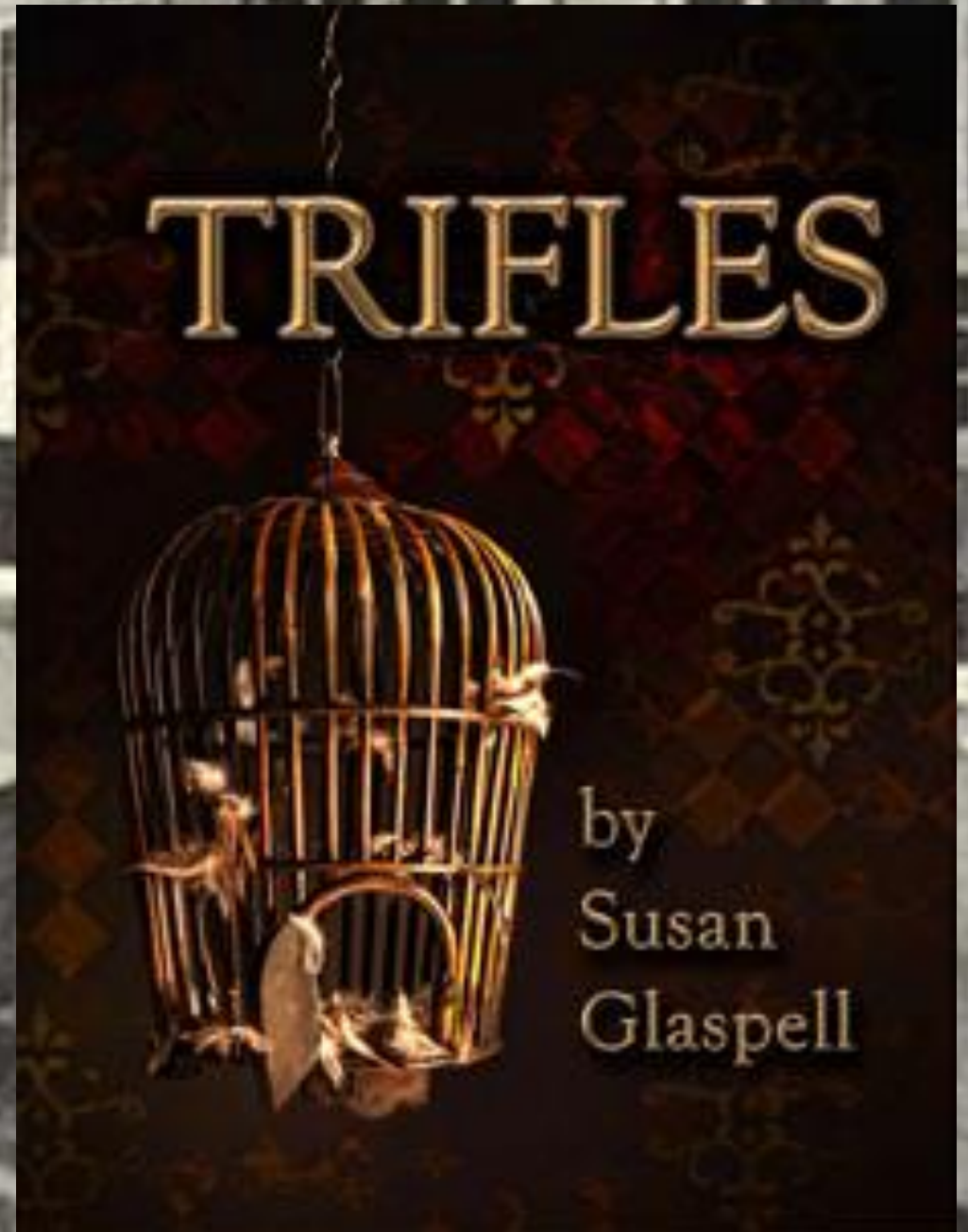
Travis R. Marker, JD, LLM
The Scrivener's Quill



- **Susan Keating Glaspell** (July 1, 1876 – July 27, 1948) was an American Pulitzer Prize-winning playwright, actress, novelist, and journalist. With her husband George Cram Cook she founded the Provincetown Players, the first modern American theater company.
- A best-selling author in her own time, Glaspell's novels and plays fell out of print after her death. Critical reassessment has led to renewed interest in her career, and she is today recognized as a pioneering feminist writer and America's first important modern female playwright. Her one-act play *Trifles* (1916) is frequently cited as one of the greatest works of American theater.



- "**A Jury of Her Peers**" is a short story by Susan Glaspell, loosely based on the **1900 murder of John Hossack**, which Glaspell covered while working as a journalist.
- Glaspell originally wrote the story as a one-act play entitled *Trifles* for the Provincetown Players in 1916.
- The story was adapted into an episode of the 1950s series Alfred Hitchcock Presents.
- In 2008, The Library of America selected the original newspaper article upon which "A Jury of Her Peers" is based, "The Hossack Murder," for inclusion in its two-century retrospective of American True Crime.
- The story was adapted into a 30-minute film by Sally Heckel in 1980. The film was nominated for an Academy Award for Best Live Action Short Film.



- **Mrs. Margaret Hossack must pay the penalty for the murder of her husband. The jury has just now returned a verdict of guilty as charged in the indictment.** Judge Gamble has sentenced her to the penitentiary for life. The court room was packed when it was reported the jury had reached a conclusion and was ready to make known the fate of Margaret Hossack. The latter sat calmly in her seat, the rigid expression which she had carried all through the trial, changing to that of earnest expectation of either good or evil news. Slowly the twelve men filed to their seats in the jury box. The foreman delivered the verdict to the bailiff, who handed it to the clerk. The latter stood erect. A death-like silence pervaded the room.

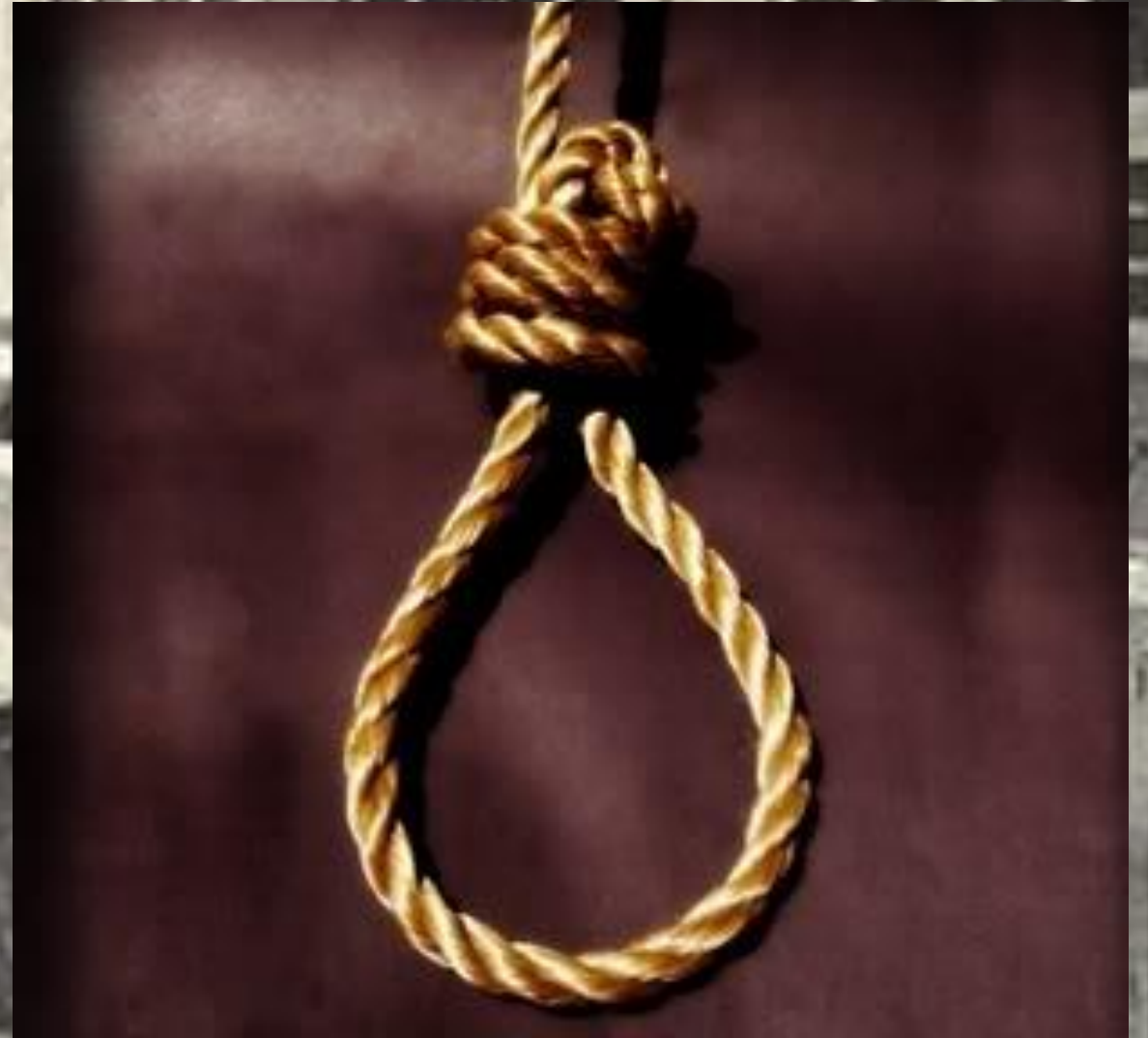


MRS. HOSSACK.

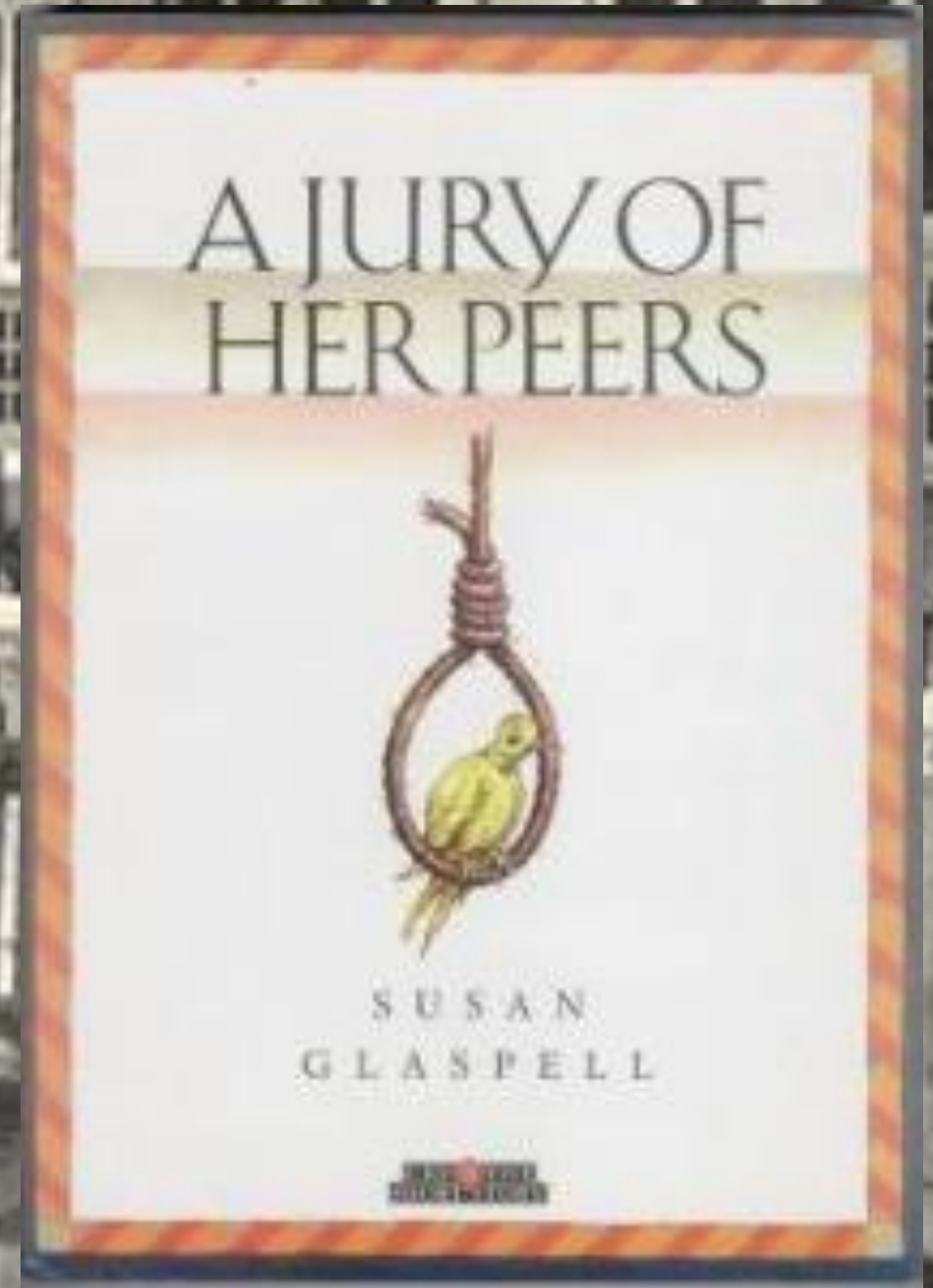
"Mrs. Hossack, sketched from life by G.A. Proctor as Mrs. Hossack sat at the preliminary trial. She kept her eyes almost continuously on the floor."



- Counselor
- Rule 2.1 Advisor
- In representing a client, a lawyer shall exercise independent professional judgment and render candid advice. In rendering advice, a lawyer may refer not only to law but to other considerations such as moral, economic, social and political factors, that may be relevant to the client's situation.



- Rule 8.4 Misconduct
- It is professional misconduct for a lawyer to:
- (d) engage in conduct that is **prejudicial to the administration of justice**;
- (g) engage in conduct that the lawyer knows or reasonably should know is harassment **or discrimination on the basis of** race, **sex**, religion, national origin, ethnicity, disability, age, sexual orientation, gender identity, marital status or socioeconomic status in conduct related to the practice of law.





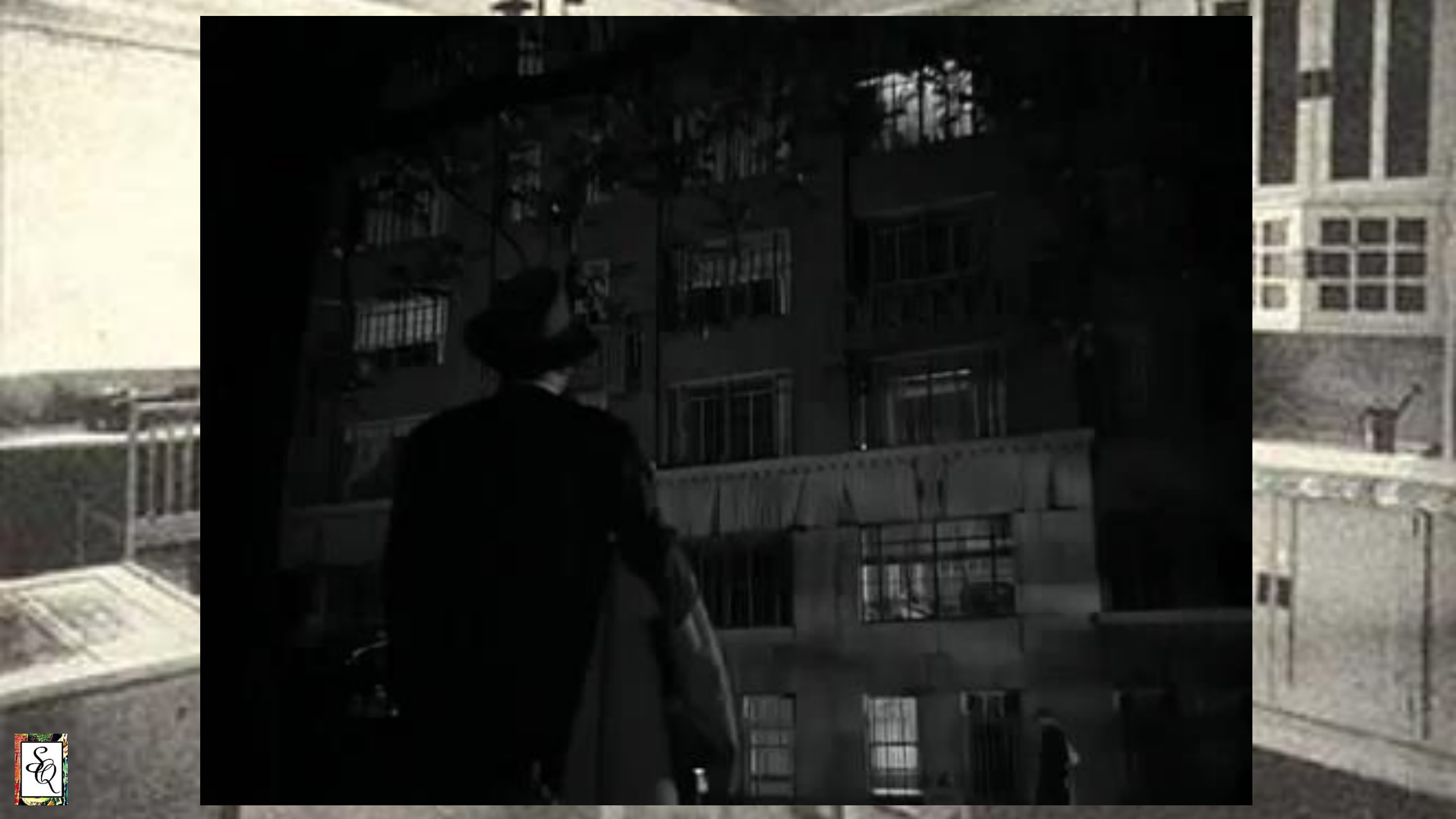
- When Martha Hale opened the storm-door and got a cut of the north wind, she ran back for her big woolen scarf. As she hurriedly wound that round her head her eye made **a scandalized sweep of her kitchen.** It was no ordinary thing that called her away – it was probably further from ordinary than anything that had ever happened in Dickson County. **But what her eye took in was that her kitchen was in no shape for leaving: her bread all ready for mixing, half the flour sifted and half unsifted. She hated to see things half done.**



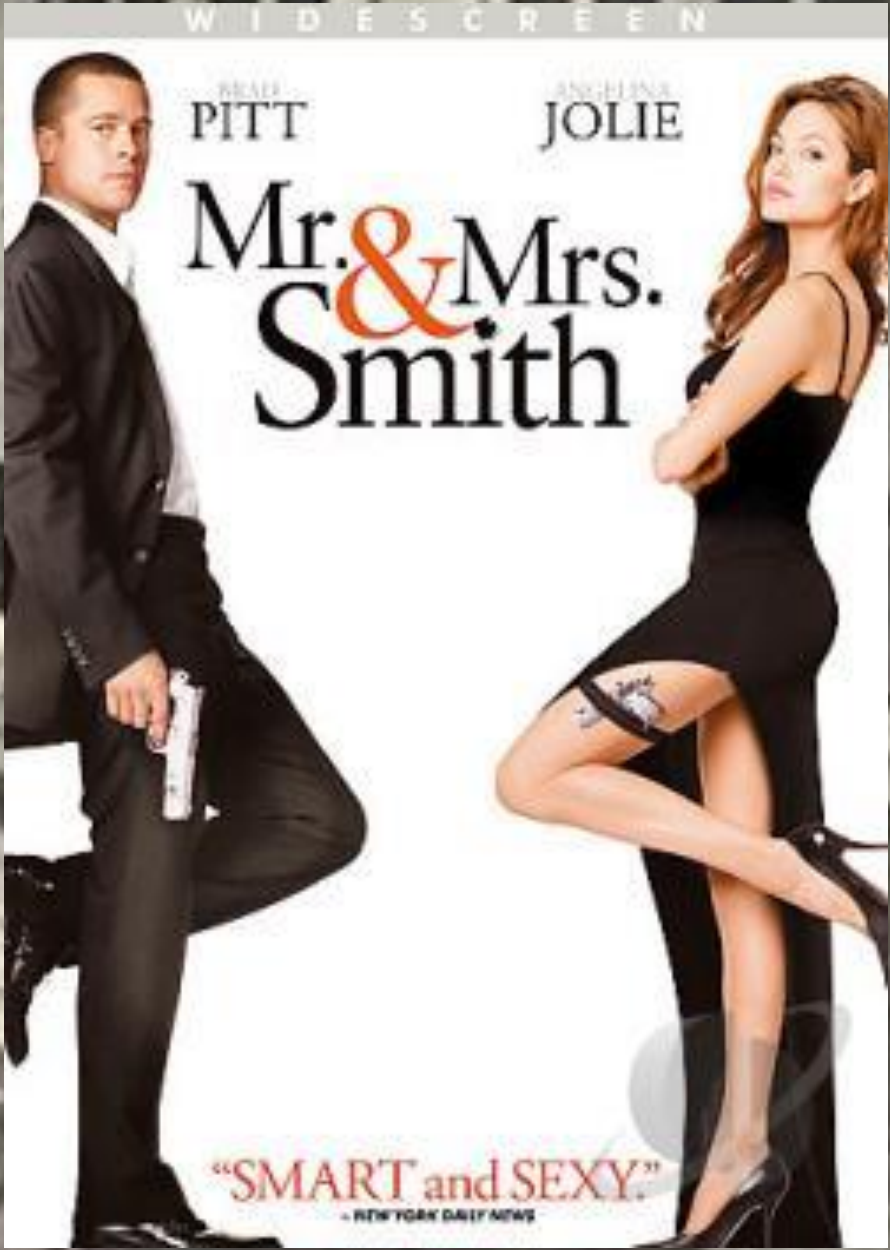
- She had met **Mrs. Peters** the year before at the county fair, and the thing she remembered about her was that **she didn't seem like a sheriff's wife. She was small and thin and didn't have a strong voice.** . . . But if Mrs. Peters didn't look like a sheriff's wife, **Peters** made it up in looking like a sheriff. **He was to a dot the kind of man who could get himself elected sheriff – a heavy man with a big voice, who was particularly genial with the law-abiding,** as if to make it plain that **he knew the difference between criminals and non-criminals.**



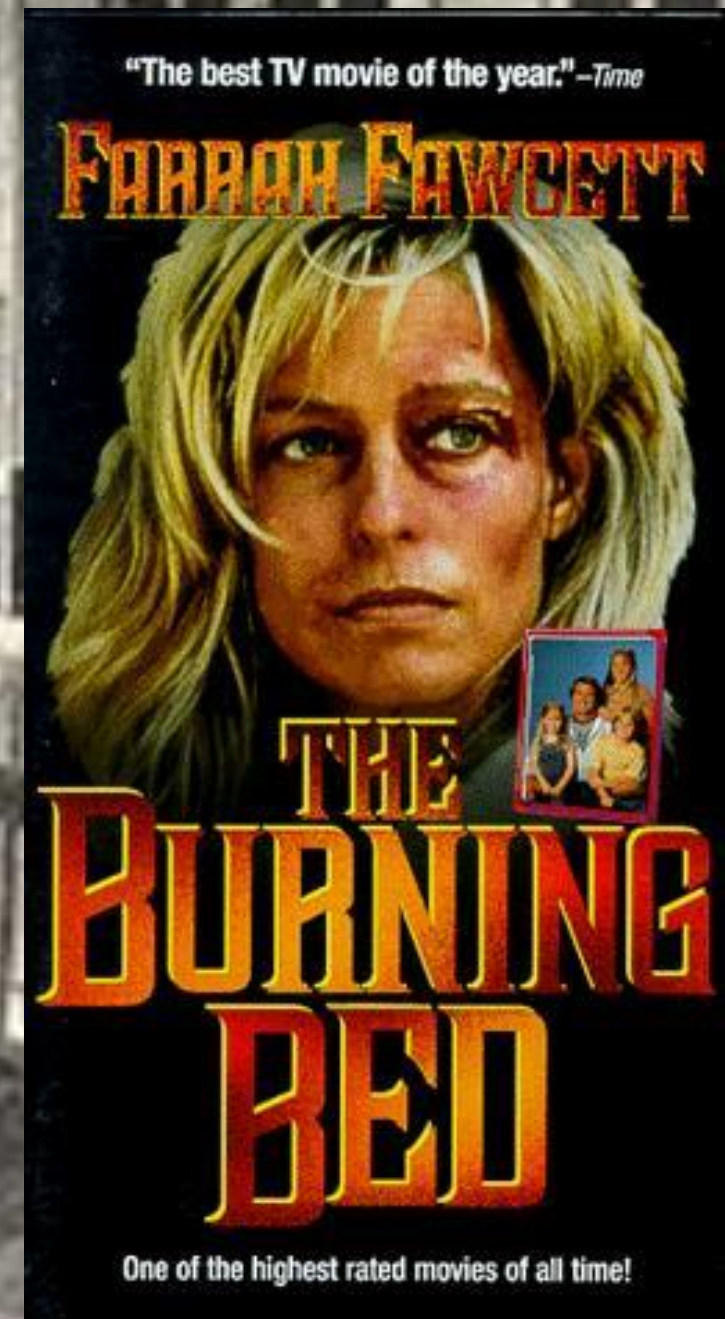






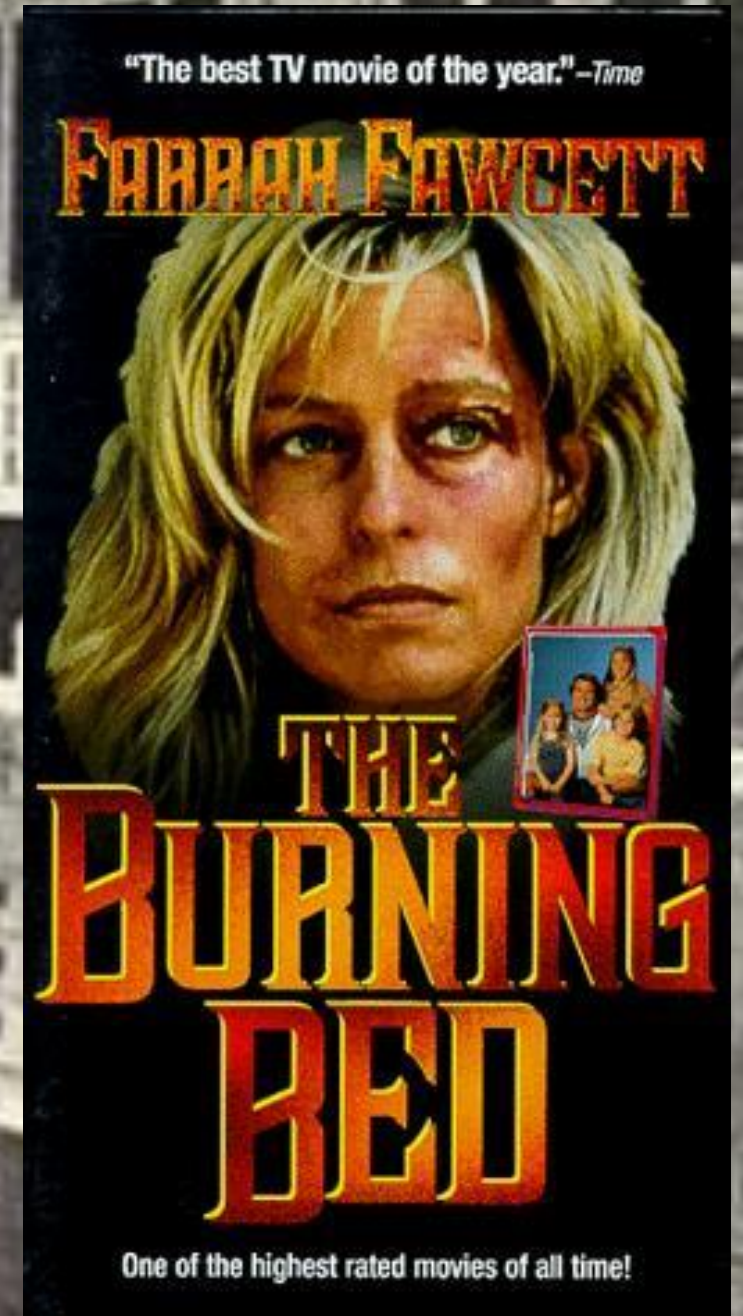


- On March 9, 1977, Francine Hughes, following thirteen years of physical domestic abuse at the hands of her husband, James Berlin "Mickey" Hughes, tells their children to put their coats on and wait for her in their car. She then pours gasoline around the bed in which Mickey is sleeping in their home in Dansville, Michigan. After the house catches fire, Hughes drives with her children to the local police station in order to confess to the act. Hughes is tried for first degree murder, and is found by a jury of her peers to be not guilty by reason of temporary insanity.

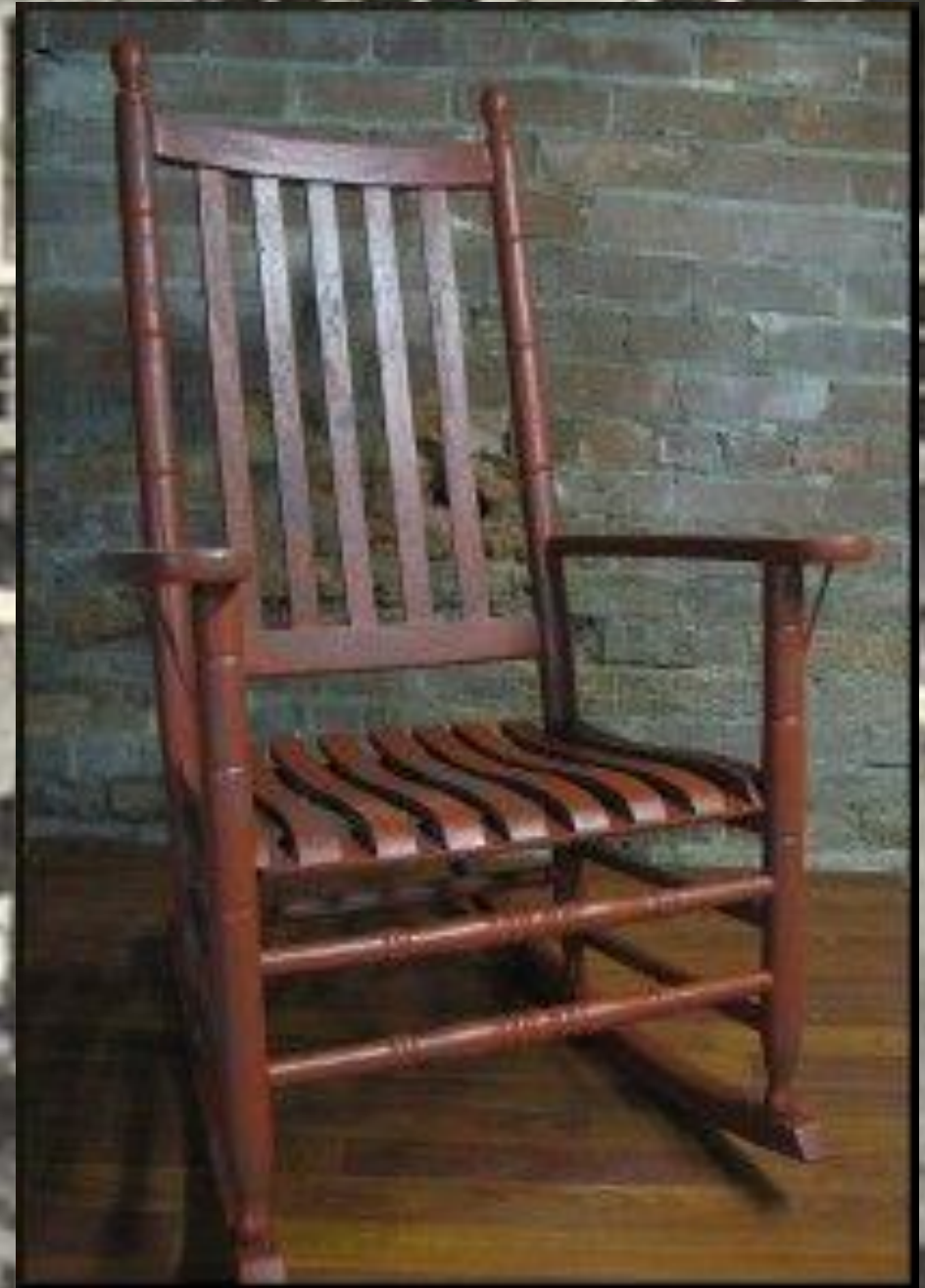




VS
Which out
come for
Mrs.
Wright



- Jury Personification of Evidence:
- “there, in that rocker” — pointing to it — “sat Mrs. Wright.”
- Everyone in the kitchen looked at the rocker. It came into Mrs. Hale’s mind that that rocker didn’t look in the least like Minnie Foster—the Minnie Foster of twenty years before. It was a dingy red, with wooden rungs up the back, and the middle rung was gone, and the chair sagged to one side.



- The main scene:
- The county attorney was looking around the kitchen.
- “By the way,” he said, “has anything been moved?” He turned to the sheriff. “Are things just as you left them yesterday?”
- Peters looked from cupboard to sink; from that to a small worn rocker a little to one side of the kitchen table.
- “It’s just the same.”



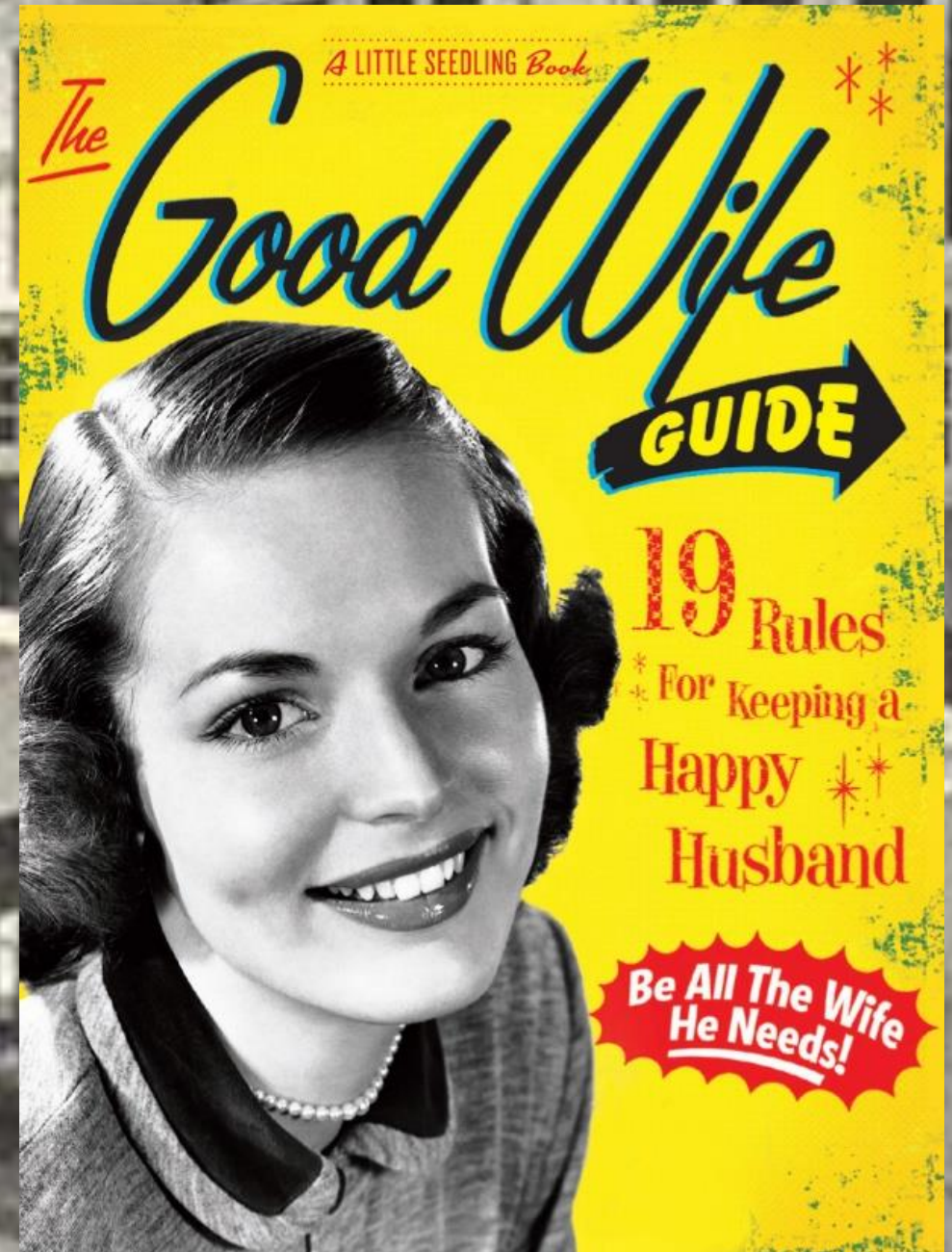
- Conflict re View of Importance of Evidence:
- “Here’s a nice mess,” he said resentfully.
- The two women had drawn near, and now the sheriff’s wife spoke:
- “Oh-her fruit,” She said, looking to Mrs. Hale for sympathetic understanding.
- She turned back to the county attorney and explained: “She worried about that when it turned so cold last night. She said the fire would go out and her jars might burst.”
- Mrs. Peter’s husband broke into a laugh. “Well, can you beat the women! Held for murder, and worrying about her preserves! . . . Women are used to worrying over trifles.”
- The two women moved a little closer together.



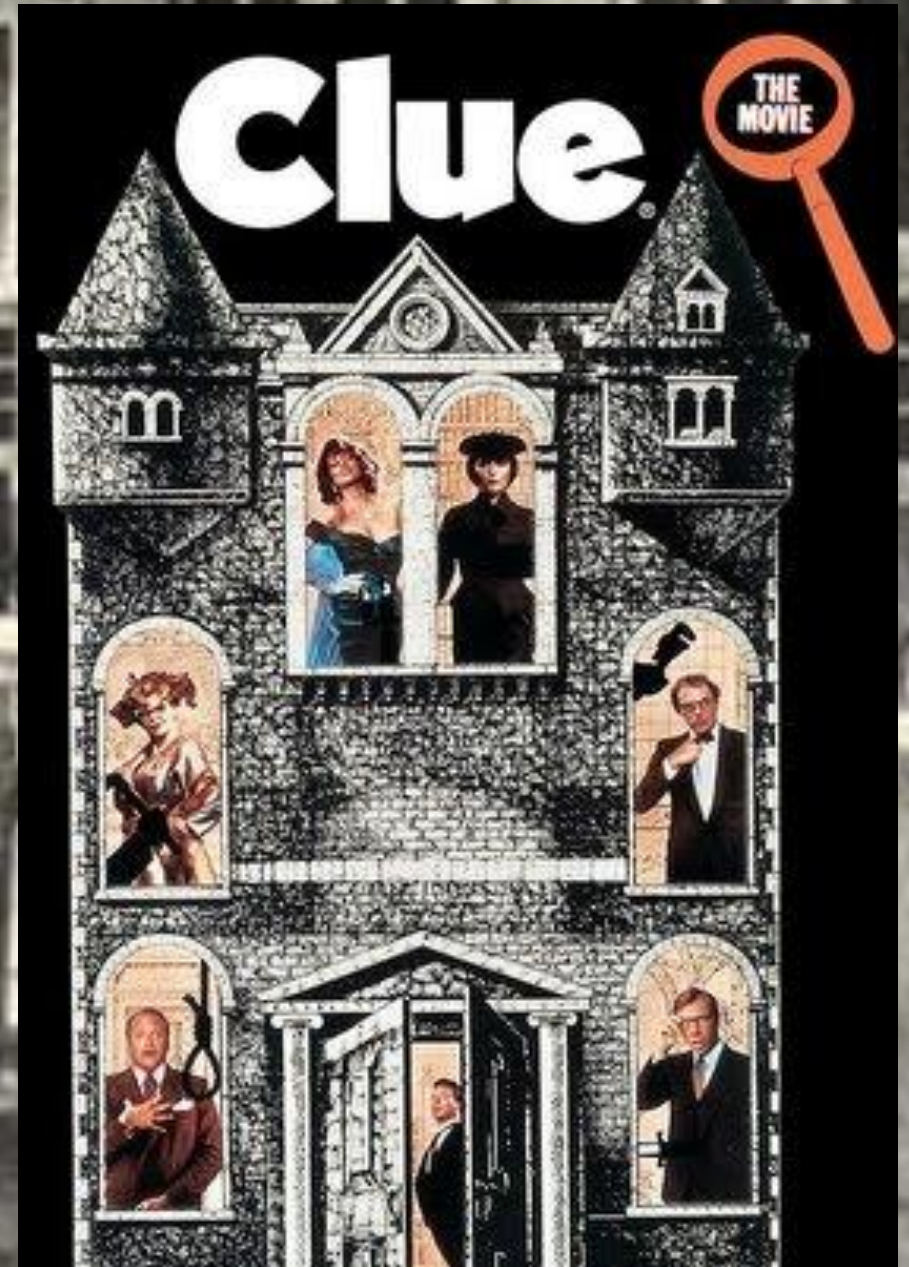
- **Trial Begins:**
- “Dirty towels! Not much of a housekeeper, would you say, would you say ladies?”
- He kicked his foot against some dirty pans under the sink.
- “There’s a great deal of work to be done on a farm,” said Mrs. Hale stiffly.
- “To be sure. And yet” – with a little bow to her – ‘I know there are some Dickson County farm-houses that do not have such roller towels.’ He gave it a pull to expose its full length again.
- “Those towels get dirty awful quick. Men’s hands aren’t always as clean as they might be.”
- “Ah, loyal to your sex, I see.” he laughed. He stopped and gave her a keen look, “But you and Mrs. Wright were neighbors. I suppose you were friends, too.”



- **Examination of Evidence Continues:**
- “I don’t think anyone would call it cheerful. I shouldn’t say she had the home-making instinct.”
- “Well, I don’t know as Wright had, either.” she muttered.
- “You mean they didn’t get on very well?” he was quick to ask. [trying to establish motive]
- “No; I don’t mean anything,” she answered, with decision. . . . “But, I don’t think a place would be any the cheerfuller for John Wright’s bein’ in it.”

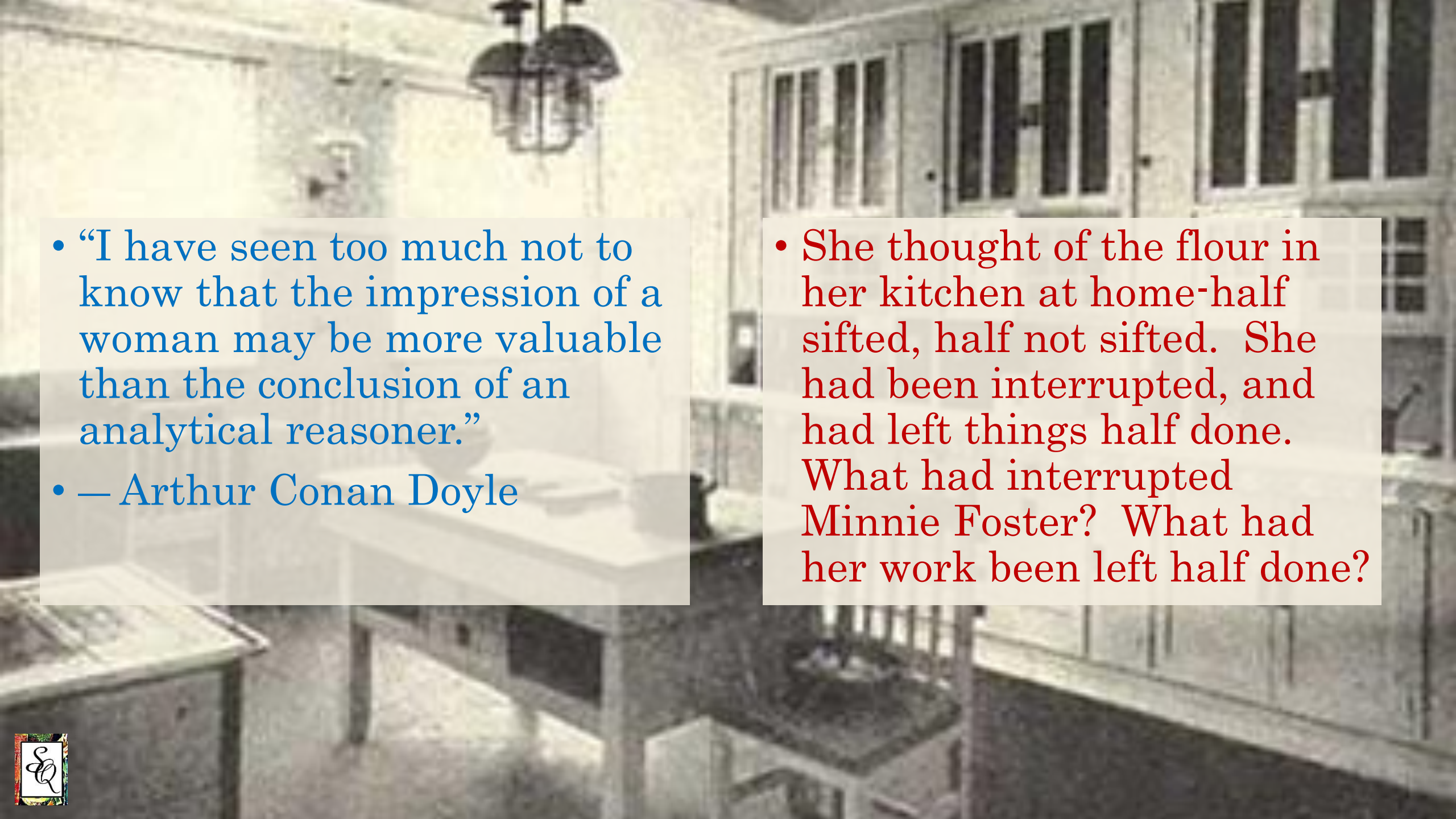


- Comment on the women being left in the kitchen:
- The county attorney looked at the two women they were leaving along there among the kitchen things.
- “Yes—Mrs. Peters,” he said, his glance resting on the woman who was not Mrs. Peters, the big farm woman who stood behind the sheriff’s wife. “Of course Mrs. Peters is one of us,” he said, in a manner of entrusting responsibility. “And keep your eye out, Mrs. Peters, for anything that might be of use. No telling; you women might come upon a clue to the motive – and that’s the thing we need.”
- Mr. Hale rubbed his face after the fashion of a showman getting ready for a pleasantry. “But would the women know a clue if they did come upon it?”



- Sherlock Holmes thoughts on the matter – The county attorney should take notes.



- 
- “I have seen too much not to know that the impression of a woman may be more valuable than the conclusion of an analytical reasoner.”
 - — Arthur Conan Doyle

- She thought of the flour in her kitchen at home—half sifted, half not sifted. She had been interrupted, and had left things half done. What had interrupted Minnie Foster? What had her work been left half done?



- “Women are naturally secretive, and they like to do their own secreting.”
- — Arthur Conan Doyle, *The Adventures of Sherlock Holmes*

- “Wright was close!” she exclaimed, holding up a shabby black skirt that bore the marks of much making over. “I think maybe that’s why she kept so much to herself. I s’pose she felt she couldn’t do her part; and then, you don’t enjoy things when you feel shabby. She used to wear pretty closes and be lively—when she was Minnie Foster, one of the town girls, singing in the choir. But that—oh, that was twenty years ago.



- “A man always finds it hard to realize that he may have finally lost a woman's love, however badly he may have treated her.”
- — Arthur Conan Doyle, *The Musgrave Ritual*

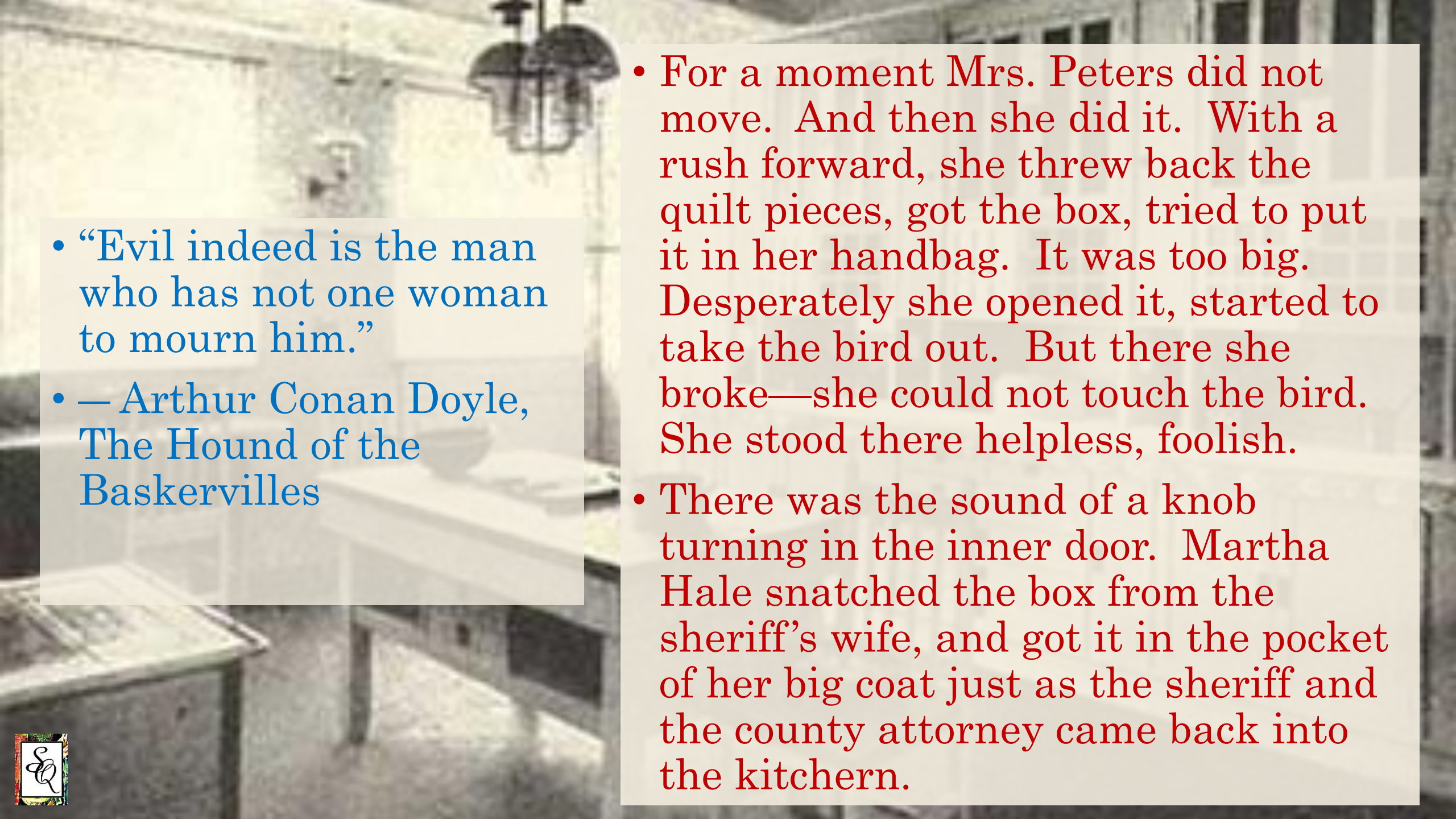
- “What a pretty box! I’ll warrant that was something she had a long time ago – when she was a girl.”
- . . .
- “There’s something wrapped in this piece of silk,” faltered Mrs. Hale.
- . . .
- “It’s the bird,” she whispered.
- “But, Mrs. Peters!” cried Mrs. Hale. “*Look* at it! Its *neck*—look at its neck! It’s all – other side *to*.”
- . . .
- “Somebody wrung its neck,” said she, in a voice that was slow and deep.
- [This answers the question about why the gun wasn’t used.]



- “There is danger for him who taketh the tiger cub, and danger also for whoso snatches a delusion from a woman.”
- — Arthur Conan Doyle, A Case of Identity

- “She liked the bird,” said Martha Hale, low and slowly. “She was going to bury it in that pretty box.”
- “When I was a girl,” said Mrs. Peters, under her breath, “my kitten—there was a boy took a hatchet and before my eyes—before I could get there—” She covered her face an instant. “If they hadn’t held me back I would have”—she caught herself, looked upstairs where footsteps were heard, and finished weakly—”hurt him.”



- 
- “Evil indeed is the man who has not one woman to mourn him.”
 - — Arthur Conan Doyle, The Hound of the Baskervilles

- For a moment Mrs. Peters did not move. And then she did it. With a rush forward, she threw back the quilt pieces, got the box, tried to put it in her handbag. It was too big. Desperately she opened it, started to take the bird out. But there she broke—she could not touch the bird. She stood there helpless, foolish.
- There was the sound of a knob turning in the inner door. Martha Hale snatched the box from the sheriff's wife, and got it in the pocket of her big coat just as the sheriff and the county attorney came back into the kitchen.



- “Who knows, Watson?
Woman's heart and mind
are insoluble puzzles to
the male.”
- — Arthur Conan Doyle,
The Casebook of Sherlock
Holmes: Volume 1

- My bet is that she is acquitted
because of the jury of her peers

