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A witness who knows nothing of legal technicalities, restrictions, necessities, etc. is on the stand accusing a certain man of having attempted to murder him. The accused has just left the stand after testifying; "I was never in this person's house". Now the witness takes oath and says, "That is the man...", going ahead and describing the opening of the door at night and the sudden appearance of the accused with knife in hand. The witness's lawyer says, "How do you know this is the man". Answer, "I recognize the face".

Conversation in the audience. A says, "If the accused is such a character, dangerous to society, surely the judge will be aroused to cross-question his assertion that he never was in this witness's house, and will be anxious to test that whether or not he is telling the truth." B says, "On the contrary, the Judge likes him and apparently does not consider the accusation serious, since he always passes his testimony without question, but is inclined to attack the veracity of every witness who has appeared here to testify similarly against the accused." A says, "Well then if justice is to triumph here, it is well if this witness can state under oath that this is the same face." B says, "Yes".

Cross-examination.

Q. You know you are lying, you evil witness--respect<sup>able</sup>ly, useful citizen in daily life though you may be, you have the audacity to accuse this nice man, and therefore deserve to be shot on the spot. It's a lie--you can't recognize the face, can you?

A. I do recognize it.

Q. Why, you liar, you can't recognize a single feature of this face--I defy you to pick out one single identifying characteristic. Just tell me now, is it the nose, the mouth? Pick out the features you recognize.

Witness's lawyer. "Go ahead, do your best to substantiate your claim".

A. I recognize several features.

Surprise move by the Judge who vigorously takes dictatorial command of the proceedings, saying to the witness, "Do you mean to say that you can identify the features of the accused? How can you dare? Now, you answer to me directly and you'd better be very careful or I'll through you and your friends out of the room. Now, you take your time and don't make any mistakes, and tell me what features you recognize beyond a question of a doubt."

A. (After slow deliberation) "I recognize the long nose, - the right ear with its long lobe."

Judge says, "Well come on, is that all?" You are positive you can recognize the nose and one ear, but not a single other feature? Take your time, but be aware, you suspicious sounding person".

A. "To the best of my knowledge, I am trying to identify the characteristic features of this face and support my claim that this man came at me on that certain day and tried to murder me. I remember the whole situation perfectly and the features upon which my recollection is especially positive are the nose which stuck out sharply and the right ear which hung down."

Judge. "Why how can you say that you know it was this nose and ear? By actual measurement my nose is longer than the accused's, and why do you identify the right ear and not the left?"

A. The shape and position of the other features make the nose appear long on this face, and I remember that the left ear was partly hidden by a hat and I am being very careful not to positively point out something that I cannot associate definitely.

Judge. "You are a liar and all your friends are liars because if you take this nose off the face and also the right ear, there is no person competent to say that that particular nose is the one seen many years ago--nor the ear. Do you mean to say you have never seen another ear with a long lobe?"

A. I am answering to the best of my recollection--when you put all these features together, the way I saw them on that particular day, I say this is the man.

Judge. "Now be careful, because we know that whenever this clever man tried to murder someone he always wore a mask, so nobody can say they ever saw his features under such circumstances. And now to continue, you see here, don't you, that the left ear is the same as the right. Do you want to say that you never saw that left ear before?"

A. Now that you point out all this to me perhaps I might have glimpsed the left ear also--I don't wish to swear that I did not see it. I was trying to be careful not to include too many features--I did not realize there was a danger in mentioning too few."

Both Cross-examining lawyer and Judge in chorus, "So now you are changing your testimony eh! "

Judge. "We are wasting time on this liar. I am enraged! For two cents I'd throw you all out, except my friend the accused. Now, witness, I wish to inform you that no person living could truthfully identify a single detached nose--there are so many noses you know. Understand? All right

now, you begin all over again and identify the features you recognize. No explanations now--is it the ear--which one, nose--~~oh~~, the chin now, eh? You didn't mention that before."

A. As I said before, I recognize the face. If you put the nose in place above the short chin--it sticks out. True, I mentioned the nose as more recognizable than the chin...

Judge. "Exactly! And now you are changing your crooked story. Why did you say under oath that you recognized the nose? If you wish to retract now and make it the chin say so. But don't think you can fool me. I say, that if you pick out any single feature as independently recognizable, you are lying. But I order you now to choose between chin, nose and ears, and tell me which one is independently recognizable, and remember you are speaking to the one who is to be your Judge here and decide your case, so choose with care."

A. Well, Your Honor, after hearing all this, I really don't know~~know~~ that I care to designate any particular one of the features.

Judge. "Oh, so we have got you at least eh--you admit it is all a lie. You had better be glad there is no jury here; they would kill you immediately in cold blood. I am only torturing you."

A. Can I ~~may~~<sup>l</sup> have a recess, or just die or something?

Judge. "No, there is your lawyer, sitting over there paralyzed. He is the only one who can say anything except yes or no, and you see that he is in utter despair because nobody can object around here while I am talking--I am the Judge. Well, enough of this--Get out, you and your pack of leading American citizens. And, by the way, I don't mean to imply that I doubt anybody's veracity or that I am judging the case ahead of time. I am really sorry it all happened. I'd like to see your side win too. The only trouble with you is that you are foolish enough to try to claim that it is possible that something good, constructive and noble exists, whereas we know that the world is divided into people stupid enough to be hoodwinked and people clever enough to do it. Well, good-bye."