

C O N V I C T I O N

by

Chris Kekaniokalani Bright

Based on the book

*"A DEATH IN THE ISLANDS:
The Unwritten Law
and the Last Trial of Clarence Darrow"*

By Mike Farris

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BLACK

The strumming of an ukulele brings in the melody of "Hawaii Calls", distant as a faded memory on an old phonograph...

TITLE UP: ***What follows is true...***

FADE IN ON:

THE HONOLULU SKYLINE

Shimmering like a beacon amid the dark Pacific Ocean. Faint hum of 1930's nightlife. Of paradise awaiting.

A POSTCARD MOON

Hangs large and yellow, silhouetting the fronds of swaying PALM TREES as we descend into --

EXT. A LONE DIRT ROAD - NIGHT

Snaking through forest: an endless tunnel of trees and shadows. Still beautiful, but a darker side of paradise.

Suddenly LIGHT begins to illuminate the path, coming from behind... getting brighter... brighter... until --

A 1931 CHRYSLER-70 *GROWLS* past --

HEADLIGHTS eating the dark. PLUME of DUST kicked up behind --

INT. CAR - NIGHT

FOUR LOCALS loudly sing along to the Hawaiian music blasting from their radio. All rip-roaring drunk. As suddenly --

The DRIVER *SLAMS ON THE BRAKE!* Everyone *COLLAPSING* forward --

A WOMAN

Stands in the middle of the road. Back to us. Pearl white skin, blonde hair in a flapper bob, stunning emerald gown.

DRIVER
(honking)
Hey lady, you wanna get outta the...

His words die in his throat as she slowly turns, as in a daze

THALIA MASSIE (21)

Squints into the headlights that illuminate her delicate pretty face... though it's hard to tell right now because of the BLOOD dripping from her mouth. The bruises on her cheeks. Glazed eyes suddenly going steely as she steps forward to ask

THALIA
Are you white folk?

And off that charged question, we CUT TO --

INT. COURTROOM - HONOLULU - DAY

We'll be moving through these scenes quickly now --

It's a few months later. An anxious courtroom RISES to their feet as a WHITE JUDGE enters and takes a seat. He looks at...

THALIA MASSIE. Standing in the front row. Bruises somewhat healed, but emotional wounds still on full display.

To her right is a pair we'll come to know well...

L.T. TOMMIE MASSIE (25). Thalia's husband. A Navy lieutenant whose perpetual cast of obliviousness suggests he may have never actually fought a day in his life.

And **GRACE FORTESCUE (60s)**. Thalia's mother. A Southern Belle whose feigned elegance masks a general abhorrence for all human life below her, which in her eyes, is everyone.

On the opposite side of them, at the DEFENSE TABLE are...

FIVE HAWAIIAN BOYS in handcuffs. All around the age of 18-23. We'll come to know them too, but for now, one stands out...

JOSEPH KAHAHAWAI (23). Tall. Dark. Angular features. An unflinching air of toughness. But more notably, of outrage.

JUDGE

Mr. Foreman, have you come to a decision as to the guilt of these five defendants charged with assaulting and raping Mrs. Thalia Massie?

FOREMAN

I'm afraid not, Your Honor.

The whole room GASPS -- jaws dropping --

JUDGE

I'm sorry?

FOREMAN

We aren't getting anywhere in there.

The Massies and the Five Boys stand there in complete shock --

JUDGE

Then I must advise you to return until you are able to come to a decision.

FOREMAN

Four days we've deliberated, Your Honor.
 Vote is still 6-6... I'm sorry, but
 we're deadlocked.

And as the RUMBLE of rage and confusion begins to resound in the hall, the Judge looking around in disgust, we CUT TO --

EXT. COURTHOUSE - DAY

SHOUTING. MAYHEM. The Massies filing out of the courthouse besieged by LOCAL REPORTERS. Thalia hangs on the arm of Tommie, weeping. Grace follows closely behind, *incensed*...

We stay with Grace as she stops, something catching her eye...

ON THE SIDEWALK: A MAN walks away through the crowd with his parents, the defendant from earlier... Joseph Kahahawai.

Grace considers him, eyes narrowing with an idea, and CUT TO --

EXT. CHINATOWN STREET - MORNING - FEW DAYS LATER

A small, grimy shop. Corner of a Chinatown street. A bell RINGS as someone exits through the glass door --

KAHAHAWAI. Bag of groceries in hand. Turning the corner, walking toward a FRIEND waiting further down the way, when --

A CAR pulls up near him.

WOMAN'S VOICE (O.S.)
 Joseph Kahahawai?

Kahahawai turns to face a HAND HOLDING A PISTOL.

WOMAN'S VOICE (O.S.)
 May we have a moment?

EXT. KOKO HEAD CLIFF - MIDDAY

An OCEAN ROAD winding along VOLCANIC CLIFFS, waves spraying against us as we look over the side, to infinite blue...

OPERATOR (V.O.)
Honolulu City Police?

MACHADO (V.O.)
It's Officer Machado, Kahala patrol.

OPERATOR (V.O.)
What's the problem?

MACHADO (V.O.)
We made an apprehension. Koko Head.

FLASH! -- A PHOTOGRAPHER pops snap-shots of --

A BUSTLING CRIME SCENE -- what was the lookout site, now a forensic fiasco, POLICE CARS, OFFICERS, frantic REPORTERS --

MACHADO (V.O.)
Black buick. One male taken into custody. One female.

We see TOMMIE MASSIE being escorted into a POLICE CAR, ashen. Then GRACE FORTESCUE, seemingly unfazed.

MACHADO (V.O.)
There's a body in the trunk.

A BLACK BUICK parked on the side of the road, trunk open. OFFICER MACHADO (40s, Hawaiian) rounds the car.

OPERATOR (V.O.)
What kind of body?

Machado nearly recoils at the sight.

In the trunk, a BODY covered by a WHITE SHEET SOAKED IN BLOOD.

MACHADO (V.O.)
Young male... Hawaiian...

OPERATOR (V.O.)
Could you identify him?

Machado pulls the sheet up to reveal: KAHAHAWAI. Pale. Dead.

MACHADO (V.O.)
It's Joseph Kahahawai.

And off that -- *FLASH!*

A PICTURE OF THE CRIME SCENE

On the front page of the HONOLULU ADVERTISER, JANUARY 9, 1932:

THE MASSIES TAKE REVENGE!

FADE TO:

EXT. MANOA NEIGHBORHOOD - DAY

...that same NEWSPAPER in the hands of a PAPERBOY on a BIKE. He tosses it onto the porch of a SHABBY HOME nestled in the lush green of MANOA VALLEY.

And we STAY on the porch, looking through the half-hinged screen door, catching a conversation INSIDE --

KELLEY (V.O.)

Rejected. Denied. "Wonderful credentials, but we're going to have to decline." Oh, here's a good one: "We felt uncomfortable giving a man of his upbringing a permanent role in our establishment."

INT. KELLEY HOUSE - CONTINUOUS

Two suited men sitting in this cramped living room: **FREEDMAN (50's)**, holding a glass of scotch, and...

JOHN C. KELLEY (38)

Kelley is a smart, honest man. But honesty doesn't pay the bills. He wears a crummy white suit two sizes too big and sips from a glass of milk.

We hear COOKING in the kitchen. TWO YOUNG GIRLS playing down the hall...

FREEDMAN

Alright, what's your point, John?

KELLEY

My point, Mr. Freedman, is my client graduated summa cum laude from Harvard Med, has saved 127 clients over the last 16 months, and has been systematically denied a position from every major private clinic in the territory.

FREEDMAN

Private being the pivotal word there.

A PLAYFUL SCREAM from the girls' bedroom interrupts them --

KELLEY

Girls?! Girls, what did I say?!

Margaret! Mary!

(to Freedman)

One second.

(to the girls)

Girls, you hear me?!! Margaret!

FREEDMAN

Should I come back?

KELLEY

No, we're settling this right now.

FREEDMAN

Really? 'Cause honestly I'm not seeing much progress here.

And there it is.

KELLEY

Fine then I'll see you in court.

FREEDMAN

You have no case, Kelley. Your client simply didn't pass his interviews.

KELLEY

My client's name is Doctor Frank Iona and you're right, he didn't have a chance to pass. He was judged and rejected before he even walked in. It's prejudice and your offer proves it.

FREEDMAN

A privately owned institution may refuse to employ anyone they wish. For any reason. No law that says otherwise.

KELLEY

But a publicly owned hospital, like the one you represent, may not.

He lifts a REJECTION LETTER from a stack of similar letters. Slides it to Freedman. A chess master moving to check-mate.

Freedman can't help but smile. Almost admiringly.

FREEDMAN

Why don't I give you a coupla days to think it over? You can consult with your client. Come to the right decision.

KELLEY

The right decision.

FREEDMAN

Yes, John, the right one. Your man wants to serve the community, nobody has a problem with that, just let him treat his own kind. Why does he want to work where he's not wanted? Plenty of patients over on Molokai who could use the help. \$500 is a heap of money here. You have your family to think of.

KELLEY

We're getting along just fine.

FREEDMAN

That's why you're taking meetings in your living room?

Kelley silent. Stung. Freedman gathers his things.

FREEDMAN

Thanks for the drink. You can call our office once you've decided to settle.

And Freedman leaves. Kelley looks down at the scatter of documents and legal pads in the room. *His office.*

INT. KITCHEN - KELLEY HOUSE - DAY

Kelley enters to see **FRANK IONA (30s)** and **MRS. IONA (30)** sitting at the table with another proud Hawaiian woman...

This is **NAN (35)**. Kelley's wife. Ambitious, fearless, tenacious. A relentless focus in those eyes. A fierce virtue that we will come to realize is unparalleled.

Kelley observes all their expressions. They've already heard.

KELLEY

Don't worry, Frank. I'm gonna talk to a guy, a physician downtown...

FRANK IONA

What are our chances? In court, what are our honest chances?

Kelley's silence answers for him. Nan shaking her head --

NAN

Can you believe this? A Hawaiian doctor in Hawaii...

KELLEY

There are other options, we can--

FRANK IONA

Talk to a guy, yes. Another guy, another prospect, another rejection.

MRS. IONA

Honey...

Mrs. Iona puts a hand on his arm. Frank stops. Gathering himself. He stands...

FRANK IONA

Thank you for the meal, Mrs. Kelley.

KELLEY

Frank, I think you need to continue this fight. You owe yourself that much.

But Frank hasn't the spirit to respond. He braves a shrug.

FRANK IONA

I appreciate your help, John. Always.

And after a handshake, Frank goes. Mrs. Iona following.

Nan and Kelley linger in the silence. Another defeat.

A PLAYFUL SCREAM comes from the hallway, Nan groaning --

KELLEY
I'll handle it.

Deflated, Kelley goes. Nan still standing there. Fuming.

EXT. KELLEY HOUSE - LATER

Kelley gets into his small, scuffed-up FORD in the driveway. Turns the car on: nothing. *Oh c'mon, not again.*

He tries again: nothing. He keeps trying. And trying.

VOICE (O.S.)
Having trouble there?

Kelley nearly JUMPS --

The Territorial Governor of Hawaii, **LAWRENCE JUDD (45)**, is standing right there. By his window. Tall. Slick. Refined. Everything you'd expect of a successful politician.

KELLEY
Governor Judd?

GOVERNOR JUDD
Y'know, I had an old Ford like this.
Died on me several years back. You
should go with the Austin Seven.
British. Lasts a lot longer, go figure.

Kelley looks around. *What in the...*

KELLEY
I'm uh, not really up to speed on
cars... Or politics...for that matter.

GOVERNOR JUDD
And from the looks of it, you're going
nowhere fast. But I'm here to hopefully
change that, Mr. Kelley. I'd like to
speak with you. About an opportunity.
One I think you'd quite enjoy.
(beat)
Oh, don't worry. I'll drive.

EXT. IOLANI PALACE - DAY

The hallmark of Hawaiian renaissance architecture. Former home of the Hawaiian monarchy. Now, headquarters of the U.S. Territory of Hawaii. NATIONAL GUARD patrolling the grounds.

AT THE GATES: Hawaiian PROTESTERS, chanting, signs, "WE WANT JUSTICE!" "MURDERERS!" "YOU TAKE OUR LAND, NOW OUR SONS!"

GOVERNOR JUDD'S CAR rolling up to the entrance, Kelley in the backseat, eyes fixed on the growing protest and we CUT TO --

INT. GOVERNOR JUDD'S OFFICE - IOLANI PALACE - DAY

A huge, grandiose office. Big windows. Stately furnishings.

GOVERNOR JUDD
Can I get you anything to drink, John?
Gin? Scotch?

KELLEY
You have any milk?

GOVERNOR JUDD
You know, I'm not sure.

A SECRETARY closes the door.

GOVERNOR JUDD
Well, I know this is probably all a bit much, so why don't we cut right--

KELLEY
The Massie affair.

The Governor turns. Surprised.

KELLEY
It's why you've brought me here. The protesters, national news stories... I imagine you're up to your ears. It's--

GOVERNOR JUDD
It's certainly something *new* for the territory.

KELLEY
Something dangerous.

GOVERNOR JUDD
Five Hawaiian boys raping the white wife of a Navy Lieutenant?

KELLEY
Allegedly.

GOVERNOR JUDD
Her family retaliating with a kidnapping?

KELLEY
And murder.

GOVERNOR JUDD
Allegedly.

KELLEY
The territory will be outraged if they
are acquitted.

GOVERNOR JUDD
And the whole country will be up in
arms if they're found guilty.
(beat)
Do me a favor, would you? Take a look
at that pile over there and tell me
what you see.

The Governor points to a pile of HUNDREDS OF ENVELOPES nearby.

KELLEY
Letters?

GOVERNOR JUDD
Letters from every state and every major
politician in the country asking me to
do everything from imprisoning each of
these five boys to exiling every single
Hawaiian from the territory.

(lets that land)
Now usually they pay us no mind out
here, John. But *this...this* is a powder
keg. Spotlight is fully on us now.

A beat. Kelley looking away. Considering.

KELLEY
I suppose I could reach out to some
people. See if they'd take the stand.
(waiting)
That's what you need, isn't it? Someone
to talk to the community?

GOVERNOR JUDD
John, we need a new City Prosecutor.

Kelley stares. *Wait, what?*

GOVERNOR JUDD
We want someone fresh. Hard-working.
Someone educated in the states, but
with an established rapport here. It'd
be a tough job. You'd have to be thick-
skinned. But you'd be doing Hawaii a
great service.

KELLEY
Sir...I usually handle smaller cases.

GOVERNOR JUDD
Says here you've done some criminal
work in the past.

KELLEY
Yes, but...that was years ago.

GOVERNOR JUDD
Once learned, never forgotten, right?

KELLEY
Sir, I lost. Every case.

GOVERNOR JUDD
Someone needs to prosecute the Massies.
And it can't be me. The territory won't
be able to afford assistant counsel on
this, so we need someone good. By-the-
book. Someone the community trusts.

KELLEY
(realizing)
They turned it down.

GOVERNOR JUDD
What?

KELLEY
Everyone else turned the job down.

GOVERNOR JUDD
As I said, it's a tough position. The
evidence certainly seems to point to the
defendants, but, as you know, these
kinds of cases are always a challenge.

KELLEY
Of course. Prejudice.

GOVERNOR JUDD
Worse: *money*. Let's just say the Massies
have some very powerful friends. And they
may have contacted a... certain lawyer.

KELLEY
Who?

GOVERNOR JUDD
Well, he hasn't confirmed yet.

KELLEY
Who'd they hire to defend them?
(off his look)
Oh c'mon, sir, it can't be that bad.

A BANNER: "AMERICA'S GREATEST LAWYER"

We BOOM DOWN to see that we're in --

INT. CHICAGO PUBLIC LIBRARY - DAY

A sizable hall. A hum of impatient conversation coming from a COUPLE HUNDRED PEOPLE -- fans, reporters, law students -- cramped into lines of seats, standing in the aisles. In front of them is an EMPTY STAGE. A lone PODIUM.

CAPTION: Chicago, Illinois.

The LIBRARIAN turns to a CLERK, both in a worried panic. The Librarian checks his watch.

LIBRARIAN

That's it. We've waited long enough.

The Librarian walks onto the stage. Pats the MIC.

LIBRARIAN

Good afternoon everyone. We're, uh,
really quite thankful that you all--

RANDOM SPECTATOR (O.S.)

Where's Darrow?!

Some agreeing SHOUTS and NODS.

LIBRARIAN

Well, uh, see, for whatever reason, Mr.
Darrow was unable to join us...

(disapproving BOOS)

However, we know that some of you have
traveled very far for this, so, uh, my
idea is that I will read through
chapter one and maybe--

More BOOS. People starting to head out.

LIBRARIAN

Y'see, I've read the whole thing
myself. It's really quite fascinating.
The title, as you know, is--

DARROW (O.S.)

The Story of My Life!

And everyone turns to the back of the room, where --

CLARENCE DARROW (65)

Has just come in. The most famous lawyer in America. Or was.
He's 10 years, 20 pounds, and 1,000 grey hairs past his
"Leopold and Loeb" and "Scopes Monkey Trial" prime.

Still there's an undeniable assurance in his strut. A magnetic confidence.

DARROW

I believe it's the Story of My Life,
Charlie. I'd hate for people to get the
wrong idea.

LAUGHS and surprised APPLAUSE from the whole crowd. Darrow makes his way through the audience, shaking hands, like Jesus walking through Jerusalem.

LIBRARIAN

A grand entrance as always, Mr. Darrow.

Darrow hops on stage, greets the Librarian.

LIBRARIAN

You're an hour-and-a-half late.

DARROW

I'll take it from here, Charlie.

LIBRARIAN

(realizing)

... Are you drunk?

But Darrow is already walking to the podium...

DARROW

(into mic)

My sincerest of apologies to you all. I wish I had a better excuse but, well, I made the mistake of letting in some Jehovah's Witnesses. They just wouldn't leave.

(the crowd laughs)

Probably still there. You'd think they'd catch the hint after seeing me, y'know, publicly debate them.

(more laughter)

I suppose you all came for this book I wrote?

(applause)

Though judging from the sales, I may be the only one who's read it. Y'know, someday I hope to write a book where the royalties will pay for the copies I give away.

(laughter)

I'm told I'm late, so whatty a say we go ahead and get started?

(applause)

Ladies and gentlemen, "The Story of My Life."

INT. LOBBY - CHICAGO PUBLIC LIBRARY - LATER

A LINE OF PEOPLE stretching out the door, leading to a table where Darrow sits signing copies of his book. Until --

SLAP! A CASE FILE FOLDER is dropped onto the table.

Darrow looks up to see: **GEORGE LEISURE**. Late 20's. Bookish. Currently very nervous. If there was a way to measure Clarence Darrow fandom, this kid would be at the top.

DARROW

Excuse me--

LEISURE

Mr. Darrow, I, uh, wow, it's such a pleasure to meet you, sir. I'm George Leisure. If you don't mind my saying this, I, uh, you were the reason I went to law school.

DARROW

(dismissive)

Wonderful, kid. Who do I make it out to?

LEISURE

Oh no, I um...I've written you several letters. Offers actually. I'm the uh, newly appointed lawyer for the Fortescue estate, that's Mrs. Grace Fortescue in Hawaii, mother of the rape victim Thalia Massie.

(rambling now)

This case, sir, could be a tremendous opportunity, lots of press coverage, and y'know, I think with the right--

DARROW

Should I be writing all of this down? Or is just "best of luck" alright?

LEISURE

... Um, what I'm trying to say, sir, is we need an answer as soon as possible.

(then)

Mrs. Fortescue is willing to offer you \$40,000.

And Darrow suddenly perks up.

INT. GOLD STAR CLUB - DAY

Contrary to it's name, this place is a seedy, decaying dive of a bar. Corner of the city. A drinking man's establishment.

Darrow sits across Leisure. Mid-conversation.

DARROW

Accidentally shot him?

LEISURE

Yes.

DARROW

As in...it was an accident.

LEISURE

That's their claim, yes.

DARROW

Did they accidentally kidnap him too?

LEISURE

Sir, if I may, I...I think it may be best to see this from the family's perspective. If you were in the Massies' shoes, how would--

DARROW

If I were in their shoes, I'd hire a lawyer like me.

Darrow with that cheeky smile. Waving down the WAITER.

DARROW

Hi, yes, one more please.

(to Leisure)

Alright. Look, Fred. May I? Fred?

LEISURE

George.

DARROW

George. It seems you're quite familiar with my career so I'm sure you're aware that the papers have come up with a new name for me.

LEISURE

"The Attorney for the Damned."

DARROW

Yes. Now I'm sure you're also aware that one of the reasons I've been given this name is because I've actively represented, before the Supreme Court, nearly every under-represented, under-privileged group you can imagine: the poor, the downtrodden, the disabled, the disenfranchised. This is the reputation I've built for myself, and I'm quite proud of it.

LEISURE
As you should be.

DARROW
Right. Now you seem like a decently smart fellow, but have you ever heard the saying, "takes many good decisions to build a reputation, but only one bad one to lose it?"

(off his confusion)
You're telling me this is a rich white woman and her white son-in-law who shot a dark-skinned Hawaiian point blank and you're asking me to defend their right to pull the trigger?

Leisure studying Darrow. He needs to try a different approach.

LEISURE
"Human beings are not merely black-and-white, and neither is any case."
(holding on Darrow)
Those are *your* words, sir. Your lecture on capital punishment back in '25.

DARROW
And I'm sure I meant it at the time.

LEISURE
Mr. Darrow, you know better than anyone that this isn't just a question of race. It's a question of motives. A husband attempting to avenge the rape of his wife. A mother bringing justice for her own daughter.

DARROW
(understanding)
An honor killing.

LEISURE
Exactly. The unwritten law.

DARROW
Yes, and there's a reason why it's called the unwritten law, son. *It doesn't exist.* No lawyer has ever successfully defended it.

LEISURE
No lawyer until you, sir.

Darrow stops. Considers. *Well that does sound rather nice.*

LEISURE

I know what the papers are calling you. I also know that they're saying your best days are behind you, that you don't have what it takes anymore. Book readings? Public religious debates? All due respect, sir, but you deserve more than this. You should be back in that courtroom where you belong. Back on top with your name in the headlines and a veritable fortune in your pocket.

Darrow just sitting there. Taken aback by this kid.

DARROW

When would it start?

LEISURE

Two weeks.

(off Darrow's scoff)

The Massies want the best, sir. They want you. And in return, they're offering you a chance to win your career back.

Darrow sits back. Exhaling. Draining the rest of his drink. Weighing the options. Until finally --

DARROW

Y'know, I've never been to Hawaii.

EXT. KALIHI NEIGHBORHOOD - MORNING

THE GHETTO OF HONOLULU. The complete opposite of the postcard Hawaii we're used to. A maze of squalid shacks. DENSE CROWDS of Hawaiians, Chinese, Filipinos. Kids running. Dirt flying...

The slum of paradise. And driving right through all this is --

INT. KELLEY'S CAR (MOVING) - MORNING

THE KELLEY FAMILY. Nan behind the wheel, Kelley in the passenger seat, their two hapa daughters (*half-Hawaiian*) in the back: **MARGARET (10)** and **MARY (6)**.

KELLEY

No. Absolutely not.

NAN

John--

KELLEY

I'm nowhere *near* qualified for the job.

NAN

So it's fear then? Doubt?

KELLEY

This isn't just Darrow I'd be up
against, Nan. It's an *establishment*.

NAN

Yes, a racist establishment--

KELLEY

Nan--

NAN

--that calls your own wife and
daughters savages.

KELLEY

Which is why I'd never be able to live
with myself if we lost!

NAN

Then win.

Kelley stares. She's totally serious. No backing down.

NAN

We have a chance, John. A chance to be a
voice where others have been muzzled.
You're going to give that up because
you're scared of losing?

Kelley with no real response to that. Because she's right.
The car takes a left, toward a small CEMETERY. Nan parking.
Kelley looking around. Confused.

KELLEY

I thought... aren't we heading home?

NAN

Out of the car, girls, c'mon.

They do as told. No questions. Nan turning to her husband --

NAN

Put your jacket on. And your tie.
We're paying our respects.

EXT. PUEA CEMETERY - LATER

JOE KAHAHAWAI'S FUNERAL. A small cemetery. HUNDREDS of
mourners surrounding the tombstone.

At the front is **ESTHER KAHAHAWAI (50)**. Mother of Joseph
Kahahawai. The weight of the recent event taking its' toll.

Behind her is **JOE SR (55)**. Father of Joseph. A workingman.
Tired, wounded eyes. And by him is the FOUR remaining accused
HAWAIIAN BOYS.

The Kelley family stands among the gathering. Somber. Respectful. Kelley noticing something nearby --

A YOUNG HAWAIIAN WOMAN. Wailing. Tears of anger. Hate.

YOUNG HAWAIIAN WOMAN
*Hilahila 'ole keia po'e haole! Hilahila
 'ole keia po'e haole!!*

MARY
 (quietly)
 Mommy, what is she saying?

NAN
 Shameless. The foreigners are shameless.

Nan shares a pointed look with Kelley as --

A number of WOMEN in the crowd begin to SING, an acapella version of "Aloha 'Oe" by Queen Liliuokalani ...

CROWD
*HA'AHEO E KA UA I NA PALI / KE NIHI
 A'ELA I KA NAHELE...*

A light DRIZZLE falling over the CROWD as people begin grabbing hands with each other. Stranger with stranger. Young with old. A community joined together in tragedy.

And Kelley is looking behind him now, curious as he hears the VOICES swelling, growing, getting louder, stronger. He peers above the crowd, the CAMERA SLOWLY RISING to see --

It's not merely hundreds that have gathered, IT'S THOUSANDS. A procession of people lined down the sidewalk for miles. Locals. Hawaiians. Immigrants of dozens of different ethnicities. Voices ECHOING through the city as --

KELLEY stands there floored. Profoundly moved.

He wordlessly takes his daughter's hand. Then his wife's. She looks to him, and he nods. Nothing more needs to be said.

It's clear he's decided.

And as we look out over the CROWD, song finishing, we CUT TO --

EXT. HONOLULU HARBOR - DAY

A much different crowd: A SEA OF WHITE FACES. Reporters. Gawkers. Tourists. Voyeurs. Scattered across the whole harbor. A cascade of voices and energy awaiting as --

A CRUISE LINER docks. The "MALOLO". Gangplank lowering and --

CLARENCE DARROW is the first off. Instantly INUNDATED.

DARROW

Christ... Clark Gable doesn't get a crowd like this.

But that smirk says he's loving it.

RUBY DARROW (60) follows him out. Darrow's wife. Cigarette in one hand, heavy luggage in the other. A tired but hard-nosed woman. She may have loved this kind of attention before, but like her respect for her husband, it's waned over the years.

RUBY

Clark Gable get those too?

She's looking at -- PROTESTERS across the street -- waving signs: "*ATTORNEY FOR THE PRIVILEGED!*"; "*DEFENDER OF MURDERERS!*"

And now **GEORGE LEISURE** is coming out, joining Darrow and Ruby as they look out over the commotion...

LEISURE

You know it's not as bad as I expected.

SPLAT! -- an EGG HITS the rail -- thrown by a PROTESTER on the deck -- immediately being escorted away by POLICE as --

DARROW

Oh, yes. Quite the warm welcome, George.

Darrow shakes it off. Puts on the camera smile. He leads them down the plank, stopped by TWO WHITE HULA GIRLS holding LEIS.

HULA GIRL

Aloha, Mr. Darrow. Welcome to Hawaii.

They "lei" him. Darrow smiling, turning aside to the CROWD --

DARROW

Usually I'm offered a noose when I come to town! This is much sweeter!

BOISTEROUS LAUGHTER. Darrow reveling in it as he forges fearlessly into the SHOUTING crowd, fending off reporters --

DARROW

Yes, I'll answer all your questions in due time, fellas, but right now, I have my clients to see.

And Darrow PULLS AWAY. Waving as he goes. Finally out of the mob. Looking down to the LEI around his neck --

DARROW

For Godsake, get these jingle bells off of me. I look like a decorated hat rack.

EXT. PEARL HARBOR DOCK - DAY

The iconic Pearl Harbor. Pre-WWII. Rows of U.S. Navy Cruisers. Out of the bustle of sailors comes a NAVAL OFFICER leading DARROW and LEISURE to the biggest ship: the USS ALTON.

NAVAL OFFICER

They were moved here from their jail cell a few weeks back. Orders of the admiral. S'pose when you're royalty, you oughtta be treated as such. Y'know, me and Tommie, we did basics together back at the academy. Gotta say, sir, this here is a real good man.

INT. USS ALTON DECK - MOMENTS LATER

They trudge their way up a winding flight of stairs.

NAVAL OFFICER

You'd be glad to know we're taking real good care of them. Got our best cooks working 'round the clock. Corporal stationed at their door.

DARROW

What did you mean when you called them royalty?

NAVAL OFFICER

Oh, I'm just referring to their lineage, sir.

DARROW

Which is?

NAVAL OFFICER

Mrs. Fortescue's uncle, sir. Alexander Graham Bell. And Mrs. Massie's stepfather. Robert B. Roosevelt. Uncle of President Roosevelt.

DARROW

You're kidding.

NAVAL OFFICER

No sir. As I said these are good folks.

EXT. USS ALTON DECK - MOMENTS LATER

They make their way across the deck, CHALK-FULL of FLOWERS --

NAVAL OFFICER

Hell of a thing, ain't it? We're gettin' truckloads of them every day, comin' from all over the country.

The officer leans in, a conspiratorial whisper to Darrow.

NAVAL OFFICER
Y'know, if you ask me, it's a
despicable thing these boys did. I say
we oughtta string 'em up by the balls.

DARROW
Oh, good. You write that down, George?

INT. COMMANDER'S QUARTERS - CONTINUOUS

A chic, impeccably-furnished room. Basically a hotel suite. Darrow rounding the corner to see for the first time --

THALIA, TOMMIE, AND GRACE. Just standing there. Blankly staring at us like an eerie 19th-century family photo.

DARROW
(making his rounds)
Good afternoon. Good afternoon. It's a pleasure to meet you all.
(stops at)
And you must be Thalia?

THALIA
Yes, sir.

Her voice is soft. Poised.

DARROW
May I just express how very, very sorry I am for your situation. What you have endured is simply--well--it's indescribable.

THALIA
You're too kind, Mr. Darrow.

DARROW
Please, shall we take a seat?

As they sit, Darrow steals a once-over of the space: A FEAST for kings on the nearby table, GUARDS stationed at each door.

DARROW
Well, there's much to talk about and very little time. So I'd like to begin on the morning of the abduction, right when Mr. Kaha--

GRACE
No.

DARROW
...I beg your pardon?

GRACE

No. We'll start earlier. The night my daughter was assaulted, that's where this all began. And let's not call it an abduction. We brought the criminal in to have a discussion. He may have died in our hands, but we did what was necessary to get him to speak, I believe we were more than justified.

Silence. Darrow at a complete loss.

DARROW

I'm sorry...are you...you're not saying you deliberately killed Mr. Kahahawai?

GRACE

No.

DARROW

But you just said you were justified. Mrs. Fortescue... if you feel there is anything that you need to tell me... anything at all, please do so.

Grace just staring at him. This lawyer whom she is paying for who just gave her permission to say something.

GRACE

Mr. Darrow, let us get something out of the way. I know you're from Chicago, but I'm originally from the South. Where we come from, we have our own way of dealing with niggers, that's what this is all about. Now, as our lawyer, and as someone getting paid spectacularly well, I expect you to be understanding of our situation. More importantly, I expect you to do anything and everything necessary to get us acquitted. Or should we begin to reassess your exceedingly generous fee?

Darrow silent. Looking to Leisure. *Jesus, who is this woman?*

DARROW

Right. Well. Since we are "getting things out of the way"... If we want to win, and believe me, I have every intention of doing so, we're going to need to work together. Trust. Co-operation. You hired me because I'm the best, because I win the unwinnable cases. But I can't do my job if I'm being threatened. I need you to help me assemble a case. Your case.

GRACE

Then no place to start like the beginning, wouldn't you agree?

Something sinister in that frozen grin. Her unflinching eyes.

GRACE

Thalia, why don't you take these gentlemen back to that horrid night. Back to where it all started...

And as Thalia slowly stirs, gathering herself...

OFFICER WATSON (V.O.)

Tell you what, you don't wanna talk?

INT. INTERROGATION ROOM - HONOLULU POLICE STATION - DAY

Dark. Stripped down. Bare cement walls. **OFFICER WATSON (30s)** grilling **HORACE IDA**. We recognize Horace as one of the remaining FOUR alleged assailants...

He's 18. Japanese. All-in-all a seemingly harmless appearance if it weren't for his slumped shoulders and crossed arms sending an "F-you" to all in the room.

OFFICER WATSON

Make it easy for you, Horace: you tell us the truth, the honest truth, we get you off clean. A fresh start. Now c'mon, son. Work with me here. One of you is gonna break at some point.

HORACE IDA

We didn't do it.

Officer Watson just giving a dead stare as --

CORPORAL

(poking his head in)

Dave, you got a guy out here wants to speak with you.

OFFICER WATSON

Yeah, gimme a minute.

CORPORAL

He's saying it's illegal to be interrogating without authorization.

OFFICER WATSON

What?

CORPORAL

He's saying if we don't stop, he'll personally report all of us.

OFFICER WATSON
Who'd you say this was?

CORPORAL
I dunno. Some lawyer.

Watson looks out to see KELLEY AND NAN in the squad room, smiling and waving. And we begin to hear --

THALIA (V.O.)
*It was a Saturday night... We were at
the Ala Moana Inn...*

INT. ALA MOANA INN - NIGHT - 1931 - FLASHBACK

ONE YEAR AGO -- Right in the swirling heart of 1930's Honolulu nightlife. Dancing. Drinking. Women. A pumping big band laying down another Duke Ellington tune as --

THALIA (V.O.)
*We met up with some of Tommie's Navy
friends there. Had a few drinks.*

We make our way to a corner BOOTH where --

TOMMIE MASSIE sits among a group of SAILORS and their young dates. He laughs when he's supposed to. Drinks when they do. But next to him is an EMPTY SEAT, a seat that belonged to --

THALIA. Standing in the opposite corner. Watching her husband with a cutting stare. She dons an elegant green dress. Fourth drink in hand. And it's clear: she's not having any of this.

THALIA (V.O.)
*After a while, I started to get tired.
My husband seemed to be having a nice
time so I told him I was gonna walk home.*

She gets up, heated words with her husband we can't hear. At the bar, a white NAVAL OFFICER tracks her, piercing gaze as--

Thalia tosses her drink on Tommie, storms out, past the Officer. Who follows her out: first with his eyes, then feet.

DARROW (V.O.)
Wait, hold on--

INT. CAPTAIN'S QUARTERS - USS ALTON - DAY

Darrow and the Massies in the same place we left them.

DARROW
Your statement said he didn't know you left. From the trial. You said your husband called home searching for you, that he didn't know where you went.

THALIA

Oh. Right, well--

TOMMIE

Actually we got into an argument first.

Thalia shooting him a look, Tommie quickly correcting --

TOMMIE

I mean I assumed she left, but I didn't--

GRACE

Tommie, I think Thalia can answer for herself, thank you.

A weird tension in the air. Darrow detecting it. Thalia trying to smile it off...

THALIA

My apologies, Mr. Darrow. Maybe I didn't tell my husband where I went. But the important thing is I did leave the club.

EXT. ALA MOANA INN - NIGHT - 1931 - FLASHBACK

Thalia leaving in an angry strut --

THALIA (V.O.)

...It was right around midnight then.

Thalia turning down the sidewalk as --

HORACE IDA (V.O.)

We left the dance around midnight...

EXT. WAIKIKI PARK PAVILION - NIGHT - 1931 - FLASHBACK

A different place. A different event. The local neighborhood dance. No tuxes here. Just modest slacks. Collared shirts. A three-piece band under a canvas tent.

(This sequence will be cutting back and forth between the two point-of-views, calling into question the truth of both...)

Among the group leaving is THE FIVE HAWAIIAN BOYS. Laughing. Hanging on each other. All very drunk.

HORACE IDA (V.O.)

All five of us were there. Joe too.

INT. VISITING ROOM - HONOLULU POLICE STATION - DAY

An impromptu deposition with Kelley, Nan, and Horace. A GUARD monitoring from a safe distance as --

HORACE IDA

I drove us to the park, but I was pretty drunk, so I asked Joe if he could take us back...

INT. HORACE'S CAR (MOVING) - NIGHT - 1931 - FLASHBACK

JOE KAHAHAWAI behind the wheel. All FOUR OTHER BOYS cramped in the remaining seats, in a drunken riot, and --

Kahahawai sits up, something catching his eye further down...

A WOMAN on the sidewalk. Slender and pretty. Walking alone. In a green dress. Head down. And --

CUT BACK TO:

THALIA

Continuing along. Too riled up to notice anything around her.

THALIA (V.O.)

*I was walking by myself for a while.
Probably around 15-20 minutes. But near
the end of the road...*

THALIA (V.O.)

That's when it happened.

HORACE IDA (V.O.)

That's when it happened.

A DARK CAR slowly approaching from behind her. Slowing down.

Thalia looks over her shoulder. Suspicious. She begins to pick up the pace. Getting faster. Faster. But...

The car CONTINUES ON. Passing her by. A sigh of relief. Thalia slowing her pace again as --

INT. HORACE'S CAR (MOVING) - NIGHT - 1931 - FLASHBACK

KAHAHAWAI drives on, rubbernecking, watching this girl in green, HORACE looking out to see what he's staring at as --

SCREECH! -- The CAR SWERVES to an ABRUPT HALT -- the boys nearly FALLING out of their seats --

HORACE IDA

Jesus, Joe, what the --

INT. CAPTAIN'S QUARTERS - USS ALTON - DAY

THALIA

A car of men pulled up.

INT. VISITING ROOM - HONOLULU POLICE STATION - DAY

HORACE IDA

We almost hit another car.

EXT. ROAD - NIGHT - 1931 - FLASHBACK

THALIA stopping dead in her tracks as -- The PASSING CAR SWERVES last second -- pulling up right in front of her and --

INT. HORACE'S CAR - NIGHT - 1931 - FLASHBACK

The BOYS sit up in the back to see -- Their CAR has stopped mere INCHES from ANOTHER CAR -- a near HEAD-ON COLLISION and --

KELLEY (V.O.)
Wait, hold on --

INT. VISITING ROOM - HONOLULU POLICE STATION - DAY

KELLEY
Another car?

HORACE IDA
Yeah. Heading our way.

KELLEY
There were no reports of other cars near Thalia Massie that night.

HORACE IDA
... What's Thalia Massie got to do with this?

KELLEY
I thought you said--

HORACE IDA
We weren't anywhere near her... We were on the other side of town.

EXT. LILIHA STREET INTERSECTION - NIGHT - 1931 - DAY

We WIDEN TO REVEAL that --

The BOYS' CAR is at an intersection right in the MIDDLE OF TOWN. All nearby PEDESTRIANS completely still, staring at this near-accident. And standing among them is --

THE GIRL IN GREEN

The one Kahahawai was looking at. But it isn't Thalia Massie--
This is simply another Caucasian woman in a green dress. And--

INT. CAPTAIN'S QUARTERS - USS ALTON - DAY

DARROW
So you *saw* who was in this car?

THALIA
Of course I did.

DARROW
And it was...

THALIA
The five Hawaiian boys.

Darrow picking up a PHOTO of the MUG SHOTS of all the boys.

DARROW
These five boys right here?

THALIA
Yes. They got out of the car. Started coming towards me... Oh God, it all happened so quickly...

EXT. NEARBY BUSHES/VEGETATION - NIGHT - FLASHBACK

BAM! -- Thalia hitting the ground HARD -- trying to crawl away through the mud but --

TWO HANDS force down on her -- her body WRIGGLING -- arms SWINGING -- the assailant(s) merely registering as FIGURES right now -- it's too dark, everything happening so fast and --

INT. VISITING ROOM - HONOLULU POLICE STATION - DAY

KELLEY
So there wasn't an assault?

HORACE IDA
... What?

KELLEY
The police reported that you folks were involved in an assault that night.

HORACE IDA
Well sure. But that wasn't Thalia Massie, it was Agnes Peeples.
The woman in the car in front of us.

EXT. LILIHA STREET INTERSECTION - NIGHT - FLASHBACK

AGNES PEEPLES (50s, Hawaiian) comes storming out of the car --

MRS. PEEPLES
Hey! Why don't you boys get your heads out of your asses and look where you're driving!

Kahahawai gets out, just as furious --

KAHAHAWAI

The hell did you say, miss?!

MRS. PEEPLES

Jesus, y'know it's goddamn mokes like
you, give us all a bad name!

INT. VISITING ROOM - HONOLULU POLICE STATION - DAY

HORACE IDA

She started yelling, cursing, saying
all this bullshit. And Joe, he was
still a little drunk, but--you know
Joe, he's--well--he got a temper.

EXT. LILIHA STREET INTERSECTION - NIGHT - 1931 - FLASHBACK

Mrs. Peeples' HUSBAND gets out of the car. White. Older.

KAHAHAWAI

That your husband? A fucking haole?

MRS. PEEPLES

You ignorant son-of-a-bitch!

Kahahawai nudges her to the side. She takes that as a threat

SMACK! -- her PURSE hits him right across the face --
Kahahawai stumbles back -- startled -- and --

BAM! -- he HITS her right in the face!

That's right, in the face -- the BOYS in the car dumbfounded --
Kahahawai instantly regretting it -- but it's too late as --

MRS. PEEPLES turns -- seething now -- and --

INT. VISITING ROOM - HONOLULU POLICE STATION - DAY

KELLEY

Sorry, say that again?

NAN

He *punched* her?

EXT. LILIHA STREET - NIGHT - 1931 - FLASHBACK

Kahahawai backing away -- running -- scrambling to the car --

HORACE IDA (V.O.)

He knew it was wrong.

HORACE IDA

Joe, what in the --

KAHAHAWAI
Get in! Get in the car!

Kahahawai scurrying in -- panicking -- SPEEDING OFF -- MRS. PEEPLES on the ground -- in tears -- her HUSBAND rushing up --

INT. VISITING ROOM - HONOLULU POLICE STATION - DAY

HORACE IDA
And that was it. Joe took us straight home right after. Never talked about it the whole ride back.

KELLEY
... That's it.

HORACE IDA
That's it. Next thing I know, police were at my door arresting me. Thought it was because of Mrs. Peeples, but turns out we was accused of raping a woman we'd never seen in our lives.

INT. CAPTAIN'S QUARTERS - USS ALTON - DAY

DARROW
Y'know, the first police reports said you weren't able to remember how many people assaulted you. Also says you couldn't remember their ethnicity or the type of car they had. Seems you only remembered all that once you got back to the hospital.

GRACE
Mr. Darrow, are you accusing my daughter of lying?

INT. VISITING ROOM - HONOLULU POLICE STATION - DAY

KELLEY
So what you're saying...you're saying this event with Mrs. Peeples, which involves assaulting another woman, happened only minutes after Thalia Massie claims to have been assaulted and raped by five Hawaiian men. In a black 1927 Ford T.

HORACE IDA
Half the cars on the island are black Ford T's.

INT. CAPTAIN'S QUARTERS - USS ALTON - DAY

THALIA

Well, I suppose I was in shock at first. Then when I got to the hospital is when I must've come out of it. That sort of thing happens, doesn't it?

INT. VISITING ROOM - HONOLULU POLICE STATION - DAY

HORACE IDA

Shit, I dunno. Maybe the police gave her our information. Maybe she saw us getting booked, I have no idea.

INT. CAPTAIN'S QUARTERS - USS ALTON - DAY

DARROW

Yes, but you do see how... *convenient* that all seems for you, Mrs. Massie?

INT. VISITING ROOM - HONOLULU POLICE STATION - DAY

KELLEY

But you must see how... *unfortunate* the timing looks for all of you?

Horace staring. Rage growing. Until finally --

HORACE IDA

Twenty minutes. From Liliha to John Ena road, it takes twenty minutes, no traffic. Tell me, how can we be with Thalia Massie and then Agnes Peeples in ten? Jesus, these people...what they call us... Barbarians. Savages. They get away with everything, anything they want. They take our land, our dignity... And now our friend, our best friend is in the ground and there's not a goddamn thing we can do about it.

A tense silence.

KELLEY

I'm very sorry...

HORACE IDA

You're sorry... You're sorry... Christ, what gives you the right to take a case like this, huh? Why should a *haole* be helping us? All you people... all the same. How do we know you're not gonna screw us like the rest of 'em--

NAN
Now wait a minute--

HORACE IDA
WE DIDN'T DO IT! WE NEVER TOUCHED THAT WOMAN IN OUR LIVES!

JAIL GUARD
-- Alright, that's enough --

HORACE IDA
You wanna call us guilty?! Look what they did! Look how they treated Joe!

JAIL GUARD
-- Get up, son, c'mon --

HORACE IDA
Who do they think they are, huh?! What gives them the right?! WHAT GIVES THEM THE GODDAMN RIGHT?!

And Horace is dragged off by the Guard -- KICKING, SCREAMING, FIGHTING with all the dignity he has left -- until --

BAM! -- The door is *SLAMMED* closed.

Kelley and Nan lingering in this awful silence.

INT. CAPTAIN'S QUARTERS - USS ALTON - DAY

Darrow and the Massies in a similar silence. Darrow trying to find the words to say, but --

DARROW
Sorry, would you give us a moment?

He stands, motioning for Leisure to follow him. The Massies watch curiously as Darrow and Leisure leave into --

INT. HALLWAY - USS ALTON - CONTINUOUS

-- the door closes behind them.

LEISURE
Something wrong, sir?

DARROW
Is this some kind of joke?

LEISURE
What?

DARROW
An erratic victim, a mute, and a witch?

LEISURE

I don't think I'm following.

DARROW

Our clients, George. The world's oddest family we were just talking to in there.

LEISURE

Well they may not be the most pleasant of people, but--

DARROW

How am I supposed to sell a "loving family" with *that*?

LEISURE

They'd need some work.

DARROW

They'd need a goddamn miracle!

LEISURE

Are you saying you're quitting?

DARROW

I'm saying I honestly think I had better chances with two murderers on death row.

EXT. HONOLULU POLICE STATION - DAY

Kelley and Nan leaving the station, walking to the car --

NAN

So? Do you believe him?

KELLEY

I believe those boys aren't perfect. I believe their story doesn't look good for them.

NAN

But do you believe *him*?

Kelley stops. Thinking.

KELLEY

The defense is going to try to use the unwritten law. They'll claim this is an honor killing, try to use emotions to justify the murder. We'll need to beat them with facts, things that are undeniable. We'll need witnesses and plenty of them.

Not exactly the answer she was looking for. He keeps walking. But she doesn't move. Staying until he finally looks back...

KELLEY

Of course I believe them, Nan. Those boys have been innocent from day one.

And that's all she needed. Nodding, satisfied. They both get in the car, heading off, and we CUT TO --

EXT. ALI'IOLANI HALE COURTHOUSE - NEXT DAY

A striking courthouse building. What could be a royal palace. Stately. Grand. Concrete columns lining cut-stone walls.

A GOLDEN STATUE perched on the front lawn. Majestic. Bold. King Kamehameha I, standing tall. Spear in one hand, welcoming gesture of Aloha in the other. *The Hawaiian symbol of Justice.*

INT. JUDGE DAVIS' CHAMBERS - DAY

JUDGE "SKINNER" DAVIS (52), a clean-cut white man with social grace nearly as Ivy-League as his moustache. He sips bourbon across from Kelley. Both sitting in awkward silence until --

JUDGE DAVIS

You sure I can't get you anything to drink? Scotch? Whiskey?

KELLEY

... You have any milk?

JUDGE DAVIS

Ah! A White-Russian kind of man!

KELLEY

Uh, no sir. Sober. Two years.

Judge Davis just taking that in with confusion as --

The door OPENS. And it's CLARENCE DARROW.

DARROW

Gentlemen! My sincere apologies! If I had a good excuse I'd use it, but frankly I have to say that I was simply arrested by the magnificent beauty of this island. How you get any work done is beyond me.

(to Judge Davis)

Your Honor, it's a pleasure.

JUDGE DAVIS

(in obvious admiration)

Likewise, Mr. Darrow.

DARROW

And Mr. John Carlton Kelley!

Congratulations on the new position.

KELLEY

... Thanks.

They shake hands. Our two opponents. Sizing each other up. Darrow smiling warmly. Kelley utterly focused.

And the chess match begins.

JUDGE DAVIS

Let's get to business, shall we? This is an incredibly difficult case. And I feel it incumbent upon myself to tell you that regardless of what the press says, I'd like to keep this civilized.

DARROW

I wholeheartedly agree, Your Honor. The defense will remain truthful and fair.

JUDGE DAVIS

... Mr. Kelley?

Kelley is caught studying Darrow.

KELLEY

Uh, yes. Yes, I agree.

JUDGE DAVIS

Wonderful. One other major point of contention: let's talk about the first trial...

KELLEY

Actually, Your Honor, let's not.

Judge Davis and Darrow shooting a surprised look to Kelley.

KELLEY

This trial is solely concerning the killing of Joseph Kahahawai.

JUDGE DAVIS

Yes, I was just getting--

KELLEY

By law we're not allowed to discuss any evidence from the first case or bring up any witnesses to testify about it.

JUDGE DAVIS

Yes, thank you, Mr--

KELLEY

No matter what the defense chooses to base their case off of, we will not retry the Ala Moana case.

DARROW

Getting a little ahead of ourselves, are we, John?

A tense silence. Kelley clearly insulted.

JUDGE DAVIS

As I was saying, the first trial shall live as its own entity. Unless proven to have relevance to this investigation we will not look into it.

KELLEY

And what about the possibility of an insanity defense?

JUDGE DAVIS

Oh, good Lord.

DARROW

No, it's alright. What about it?

KELLEY

The defense can claim a form of insanity. It would relieve your clients of any criminal responsibility.

DARROW

I suppose it might.

KELLEY

Are you going to use it?

DARROW

Exound on what you mean by "use."

KELLEY

I mean use.

DARROW

Well, I can't be sure.

KELLEY

Mr. Darrow, as a fairly close student of psychology, you must know that there is no tried and true way of determining who is sane or who is insane.

DARROW

Who said I studied psychology?

KELLEY

Your autobiography.

DARROW

So you read it.

KELLEY

Of course I did.

DARROW

Pity I hoped they'd be sold out by now.

JUDGE DAVIS

Gentlemen. Whatever strategies you both decide on is between the two of you.

A steely silence. Darrow and Kelley locked in a stare-off.

DARROW

The defense has no plans to plead insanity.

Kelley considers Darrow. His composure. That smug smile.

KELLEY

Thank you.

JUDGE DAVIS

Good. Now on to more tedious things...

EXT. COURTHOUSE CORRIDOR - HOUR LATER

FLASH! -- Kelley, Darrow, and Judge Davis standing near the courtroom doors, several PHOTOGRAPHERS right in front of them, Kelley by far the most uncomfortable.

DARROW

Doesn't hurt to smile, y'know.

Kelley trying a smile. *It hurts.* The photo session ends. Darrow and Kelley gathering their things...

DARROW

Well, I'd say may the best man win, but I hear it's unlucky to wish fortune onto oneself.

Crickets. Kelley just staring.

DARROW

Oh c'mon, son. I'm only kidding. I have the utmost respect for my opponents. Especially the rookies. In fact, if I may give you some advice. Just some friendly counsel from one veteran attorney to a...young and unproven one.

KELLEY

Think I'm fine without it, thanks.

DARROW

The best thing to do is embrace the fear. Let it drive you, keep you focused. It can be so easy to get lost in all this... *drama*. Just focus on making it out with your integrity. Lord knows, that's all you can hope for in a case like this.

And with a tip of the imaginary hat, Darrow begins to leave.

KELLEY

And what about your integrity, sir?

Darrow stops. Turns. Intrigued.

DARROW

I beg your pardon?

KELLEY

You're taking a case that goes against everything you ever stood for. You think you'll still make it out with yours?

Darrow just staring. *This kid*.

KELLEY

I've followed your work, Mr. Darrow. Studied it thoroughly.
(looks to Leisure)
Seems every lawyer in the country has. This case isn't going to save your reputation. It'll ruin it.

These two men staring each other down. Like two gunslingers.

DARROW

Son, if I thought my reputation needed saving I wouldn't have taken a case where my clients were found with the body of the victim in their trunk, murder weapons on them, blood literally on their hands.

Kelley a little shocked that Darrow just admitted that.

DARROW

You think I don't know what I'm getting into? That's the fun of this, John! The beauty of due process: you tell your story, I tell mine. Jury picks the truth.

KELLEY

Spoken like a true lawyer.

DARROW

Yes, something you may become in due time. Which reminds me. I did some "thorough studying" of my own.

(Leisure hands him a file)

John Carlton Kelley. Born in 1885. Butte, Montana. Son of a copper miner. Real son of a bitch too, kicked you out of the house at seventeen 'cause you wouldn't take up the family business.

KELLEY

How did--

DARROW

You fought your way through law school. University of Michigan. Hit the bottle pretty hard. Packed your bags, traveled the world, looking for a place to take you in, finally landing here. You may be a little wet behind the ears, but you're making do. Working hard as always. And that's admirable, John, believe me, I was just like you once. Look, all I'm saying, just be careful. I know you got the heart, kid, but this--

(taps his head)

--this takes experience.

And Darrow turns and goes, calling over his shoulder --

DARROW

There's a saying, you know: In England, a trial starts once the jury is selected. But in America, the trial ends when the jury is selected.

And he's gone. Kelley left there. Trying to make sense of all that as we--

CUT TO:

INT. THE COURTROOM - DAY

A JURY BOX full of PROSPECTIVE JURORS. Looking right at us.

Kelley walks into the frame, eyes down on a LIST in hand. Sweat running down his cheek. Visibly nervous.

He stops before a CAUCASIAN MAN, mid-50's. Checks his list to the NAMETAG the MAN is wearing.

KELLEY

Mr. Seward, thank you for coming today.

SEWARD
I had a choice?

The prospective jurors LAUGH.

KELLEY
Mr. Seward, do you think you can give due weight to circumstantial evidence in arriving at your conclusion for this case?
(off Seward's confusion)
What I mean is, will you base your opinion only on the evidence?

MOMENTS LATER

EDDIE KALEIWAHAE
I guess so.

A YOUNG HAWAIIAN being questioned by Darrow.

DARROW
And do you have an opinion as to the guilt or innocence of the defendants?

EDDIE KALEIWAHAE
I think the Massies should rot in hell.

DARROW
... So shall we say undecided?

Darrow CROSSES Kaleiwahae's name off his list --

JOHNNY NOBLE (35) BEING QUESTIONED

KELLEY
Is your hearing bad, Mr. Noble?

JOHNNY NOBLE
(playing dumb)
Sorry, I can't hear you.

KELLEY
It says here you're an orchestra leader.

JOHNNY NOBLE
Yeah, still can't hear a single word.

MR. MIOI (70) BEING QUESTIONED

MR. MIOI
Look, I'm a fisherman. I have bigger fish to fry.

ANOTHER JUROR

MR. SORENSEN
My wife has a job, you see. I need to take care of the kids.

ANOTHER JUROR

MR. BEYER
The boy deserved to be shot.

Kelley STRIKES Beyer's name off the list --

ANOTHER JUROR

MR. FUKUDA
The Massies should be executed.

Darrow STRIKES Fukuda's name off the list --

ANOTHER JUROR

MR. AKEA
Everyone's guilty. Society is to blame.

Kelley and Darrow share a look. Both STRIKE Akea's name --

ANOTHER JUROR

KELLEY
And you wouldn't let any outside influence sway your position?

EDWARD GOEAS
No, I don't think so.

KELLEY
Thank you.

Kelley CIRCLES a NAME. Finally. Darrow looking up from his own LIST, at a line of 60 MORE JURORS. *Oh, Jesus.*

JUDGE DAVIS
Next juror, please.

INT. CORRIDOR - THE COURTROOM - TWO HOURS LATER

The doors FLY OPEN and Darrow and Leisure are the first out, waving off reporters, SHOUTING over the crowd --

DARROW
Jesus! Have you ever seen people so scared of being chosen for a jury?!

LEISURE
Scared?! Why d'you say that, sir?!

A REPORTER

*Mr. Darrow have you heard of the threats
on the remaining Hawaiian boys' lives?!*

Darrow shoots Leisure a look. *That's why.*

BEHIND THEM

Kelley coming out, heading into the lobby as --

JOE SR. (O.S.)
Kelley? John Kelley?

JOE SR. and ESTHER KAHAHAWAI waiting by the entrance. Joe Sr. immediately accosting him --

KELLEY
Mr. Kahahawai--

JOE SR.
They said they'd find a new prosecutor.
Told us they'd get someone to defend our
son. They never mentioned he was a *haole*.

Kelley struggling to find the words...

ESTHER
Joe--

JOE SR.
Who are you to take a case like this?
They killed my son. They murdered an
innocent boy. How are we supposed to
trust someone like you?

KELLEY
Sir, I took this case precisely because
I *wasn't* okay with it. I'm going to do
whatever I can to bring justice for
Joe. Everything in my power.

JOE SR.
Justice? What justice? He's dead! He's
gone forever! Where's justice in that?!

NAN (O.S.)
There is none.

And all eyes are on Nan now. Approaching behind them.

NAN
Which is why we need to win. To prove
to the community and the country that
they can't get away it.

JOE SR.
... Who is this?

KELLEY
This is my wife.

NAN
I'm Mr. Kelley's assistant counsel.

JOE SR.
You're his wife?

NAN
And assistant counsel.

JOE SR.
You married a--

NAN
A good man. Just like your son.

Joe Sr. staring. Nan staring right back.

NAN
I can't imagine how hard this must be.
We have two children of our own and the
thought of losing them... it's...

ESTHER
Unbearable.

Esther couldn't help but say it. The wound still tender.

NAN
You need to believe in my husband. You
need to trust that he can bring justice
for your son.

JOE SR.
I trust that he will lose.

And all eyes shift back to Joe Sr.

JOE SR.
Y'know, I looked you up, Mr. Kelley...
Seems losing is what you do best.

And off Kelley's speechless face, we move back to --

DARROW

Witnessing all this from the corner. Watching as Joe Sr.
storms out, camera bulbs *FLASHING* on a startled Kelley as --

EXT. WAIKIKI BEACH LUAU - NIGHT

A PHOTOGRAPHER SNAPS a photo of a WHITE FAMILY in front of --

A small stage. Hula Dancers. Slack-key guitar music. Plastic leis. Hundreds of VACATIONERS at their tables. The ultimate touristy attraction. And among all this is --

Darrow sitting with Ruby and Leisure in the back. Ruby on her third cigarette. Darrow on his third drink.

DARROW

The thing is that the jury always wants to follow their heart. They want to be led by their emotions. It's human. Natural. It's what I based the entirety of Leopold and Loeb on.

LEISURE

My favorite case, sir.

DARROW

Listen, George: there is no conscious choice between right and wrong. We think we have that choice. But we're wrong. It's the psychological, the physical, the environmental influences, that's what control human behavior. It's beyond us, son, you see what I'm saying? We just don't know it.

LEISURE

And how would you prove that?

Darrow takes a sip of his drink. Calm. And just like that --

WHACK! -- Darrow SLAPS Leisure's hand on the table.

LEISURE

Owww!!!

RUBY

(rolling her eyes)
For heaven's sake...

DARROW

Oh, I'm sorry, George, did that hurt?

LEISURE

I-- Yes!

DARROW

Are you angry?

LEISURE

Yes!

DARROW

Why?

LEISURE

You just... You hit my--

DARROW

I hit your hand.

LEISURE

Yes!

DARROW

I did it. An external force. That's what caused the pain which produced the emotion of anger. You didn't just produce that anger on your own, did you?

LEISURE

Well I'm not...

DARROW

You see what I'm saying, George?

LEISURE

No, I really don't.

RUBY

Leave the poor boy alone.

DARROW

The Massies killed Joseph Kahahawai. They did. And everyone in that courtroom is going to know that. But they were smacked on the hand. Hard. And that's what caused their anger, that's what caused their distorted judgment, and that's what led them to kidnap this boy. It doesn't matter what anyone else *thinks* or *believes*, our clients included, it's how they feel, that's what we're going to need to win this case. It's a game of narratives, George. Who can tell the better story.

LEISURE

And what's our story?

Off Darrow's sly smile, we CUT TO --

INT. LIVING ROOM - KELLEY HOUSE - NIGHT

CLOSE ON KELLEY'S FACE.

KELLEY

We don't have one.

WIDER TO REVEAL -- We're with Kelley and Nan in their living room, which is now full from wall-to-wall in files and boxes. Nan is sitting on the couch. Kelley pacing.

NAN

John--

KELLEY

We don't have a story. We don't even have a case. We're walking in there tomorrow with nothing but evidence and secondhand testimony. It's not a case, Nan, it's a damn police report.

NAN

We have facts. Indisputable facts.

KELLEY

And you think that will be enough?

NAN

It should be.

KELLEY

Well it's not! We have to convince an Ivy-league judge, a majority white male jury, and above all the court of public opinion... most of whom are sending sympathy flowers to the Massies. And death threats to us!

Kelley gestures to a growing HEAP OF LETTERS near the door.

NAN

You're worried, I understand that. And it's good you're doubting our case. But you have to trust that the evidence is enough to win. The truth will be enough.

Kelley contemplates that. Unsure. Fire of his doubt gaining fuel as he lifts the NEWSPAPER, reads the HEADLINE:

"HAWAII NATIVES CANNOT BE TRUSTED!"

And as we PUSH IN on the paper, taking that in, we CUT TO --

ANOTHER HEADLINE:

"HALF-CASTES LIE IN WAIT TO RAVAGE AMERICANS!"

Being read by a CROWD of Hawaiians, all crammed in a small KALIHI food shop, outraged by the portrayal. And CUT TO --

EXT. WAIKIKI BEACH - DAY

A few WAIKIKI BEACH BOYS reading a different headline:

"HONOR KILLING THREATENS RACE WAR!"

They clock the suspicious looks of haole tourists as CUT TO --

TITLE: U.S. 14TH NAVAL DISTRICT - SAN DIEGO, CA

A group of NAVY MEN in a mess hall, LAUGHING as they look at a HAND-DRAWN CARTOON in the papers (actual drawing):

A HAWAIIAN resembling a beast, white WOMAN in one hand, club in the other, HEADLINE:

"HAWAII'S HIDEOUS TREATMENT OF AMERICAN WOMEN!"

TITLE: NAACP HEADQUARTERS - BALTIMORE, MD

A crowd of accomplished AFRICAN-AMERICANS, shaking their heads as they read another HEADLINE:

"ASSAULT IN ISLANDS INESCAPABLE!"

TITLE: SANTA FE, NEW MEXICO

A NAVAJO crowd reading another HEADLINE in disgust:

"THE TRIAL OF THE CENTURY!"

TITLE: NEW YORK, NEW YORK

Several SUITED WHITE MEN getting their shoes shined, hold up another HEADLINE with pride:

"THE MASSIES: AMERICAN HEROES!"

Below them, THREE BLACK SHOESHINES spit their opinions onto the fine leather of these men's boots.

EXT. ALI'IOLANI HALE COURTHOUSE - DAY

The courthouse. The big day. A GROWING PROTEST on one side of the sidewalk. Hawaiians. Locals. Impassioned. Outraged.

And ANOTHER GROWING PROTEST on the other side. Whites. Sailors. Also impassioned. Also outraged. Right down the middle of these two OPPOSING GROUPS is --

A NEVER-ENDING LINE OF PEOPLE. Extending all the way down the street. Suits. Dresses. All waiting. Hoping to witness first hand the trial of the century. The biggest case Hawaii has ever seen. And passing by them to the doors is --

KELLEY AND NAN. Arm in arm. Walking confidently. Proudly.

We're into ONE CONTINUOUS SHOT now...

They stride to the doors, the GUARDSMAN stepping in front --

WHITE GUARDSMAN

Uh sir, you'll notice the line of people behind you.

KELLEY

I'm John Kelley. City Prosecutor.
(he still doesn't get it)
The lawyer for this case.

The Guardsman furrows his brow. Looks at a NEWSPAPER in hand: A PICTURE of Kelley and Darrow: "DAVID VS. GOLIATH!"

A look of disgust coming over his face. Kelley not waiting --

KELLEY

Thank you.

And they continue on, entering into --

INT. COURTHOUSE CORRIDOR - CONTINUOUS

-- where they're immediately in another BUSTLE OF NOISE. Crowds of REPORTERS. Hoards of LAWYERS. Several recognizing Kelley, but most just looking on, never thinking twice --

Kelley and Nan following the line of people through the concourse -- down the hall -- crossing the MARBLE FLOORS -- passing the MURALS of former HAWAIIAN JUDGES, ROYALTY, KINGS -- a history of former greatness looking down upon them --

They arrive at a CLOSED DOOR at the end of the hallway.

NAN

Hold on.

Nan grabs her husband. Fixes his jacket. Brushes him off.

NAN

You're ready.

KELLEY

We're ready.

She nods. He nods. And they head into --

INT. THE COURTROOM - CONTINUOUS

The big room. Teeming with anxiety. Not an inch of standing space. Literally every seat, every wall, full of people.

Kelley and Nan walk down the aisle, continuing to the front. Nan sits in the front row, right behind Kelley. Kelley continues to his table. Glancing over at --

CLARENCE DARROW. Waiting there at the defense table. Slouched deep in his chair. That same casual smile.

DARROW

Afternoon, John. Let's put on a show, shall we?

BAILIFF (O.S.)

All rise.

And the shot finally ends as we CUT TO --

JUDGE DAVIS entering. The entire COURTROOM standing.

The Judge motions for everyone to sit.

JUDGE DAVIS

Calling the case of the Territory of Hawaii versus Grace Fortescue. Is the plaintiff ready?

KELLEY

Yes, Your Honor.

JUDGE DAVIS

Defense?

DARROW

Always.

JUDGE DAVIS

Let's begin.

And Kelley stands. Takes in a measured breath. *This is it.* The silence in the room is palpable.

KELLEY

Gentlemen, on January 8th, 1932, Mrs. Grace Fortescue and Lt. Tommie Massie kidnapped and killed Joseph Kahahawai Jr., put him in their trunk, and drove him to Koko Head cliff with the intent of dumping his body. How do we know this? Because they are facts. Because of the overwhelming and undeniable physical evidence acquired. Now you may begin to say, "Perhaps their actions were justified. Perhaps they had a right to do what they did." And I'm here to remind you today of three very crucial things: One, Joseph Kahahawai Jr. and the other Hawaiian boys accused of raping Mrs. Massie were never found guilty. Two, the boys have never once admitted to ever assaulting Mrs. Massie. In fact, they vehemently deny it. Three, and most importantly, Grace Fortescue and Lt. Massie kidnapped and killed a young Hawaiian boy.

No matter how you *feel* about the crime,
the crime itself is undeniable.
Unlawful. Unholy.

(beat)
Justice should be served, gentlemen.
But it should be served according to
the facts. The law is in your hands.

And Kelley nods to himself. Satisfied. Glances back at Nan,
who gives him a nod of approval. He sits back down.

JUDGE DAVIS
Is the defense prepared to make an
opening statement?

Darrow slowly stands...

DARROW
Your Honor, the defense will wave its
opening statement.

And Darrow sits. A loud RUMBLE in the room.

JUDGE DAVIS
Are you sure, counsel?

DARROW
Quite sure.

Kelley shares a look with Nan, Grace and Thalia sharing the
same look: *What's he doing?*

EDDIE ULI'I (19) ON THE STAND

EDDIE ULI'I
Eddie Uli'i. Friend of Joe Kahahawai. I
saw him getting kidnapped.

KELLEY
And please tell us, Mr. Uli'i, is this
the paper that was used as a fake
"summons" to lure Mr. Kahahawai into
the car of Grace Fortescue?

Kelley hands him the paper. If it weren't real evidence, it
would seem a joke:

A HANDWRITTEN note with a GOLD SEAL STICKER at the top.

EDDIE ULI'I
Yes. That's the one. They were holding
him at gunpoint.

KELLEY
Would you please point out who was in
the car?

EDDIE ULI'I
(pointing)
Both of them.

KELLEY
Let the record show that the witness is pointing to both defendants. Thank you, Mr. Uli'i. No further questions.

Darrow doesn't move.

JUDGE DAVIS
Mr. Darrow? Your cross examination?

DARROW
No thank you. No questions, Your Honor.

More MURMURS among the room. Again? Kelley and Nan exchanging another baffled look. Grace fidgeting, just as confused.

JUDGE DAVIS
Very well. Next witness.

DR. FAUS ON THE STAND

DR. FAUS
Dr. Robert Faus, coroner for the City and County of Honolulu. I performed an autopsy on the body of Mr. Kahahawai.

KELLEY
And what did you find in the body?

Dr. Faus holds up an EXPLODED CARTRIDGE from an ENVELOPE.

DR. FAUS
A lead bullet from a .45 Caliber revolver, lodged in the right side of his chest. Whoever shot him did so from the front, and in close proximity.

CHRIS OMURA ON THE STAND

CHRIS OMURA
Chris Omura, employee at Palolo Auto service. I rented out a black Buick to Lt. Thomas Massie. He was with a woman. I think her name was Fortescue?

TOSHI ADACHI ON THE STAND

TOSHI ADACHI
Toshi Adachi, Mrs. Fortescue's maid. She paid me early, told me not to come in the next day. That was the day of the killing.

OFFICER MACHADO ON THE STAND

The same Officer from the beginning of the film.

OFFICER MACHADO

Officer Luciano Machado, Honolulu Police Department. My partner and I noticed a black Buick driving with the shades down. Seemed suspicious for 10 AM. So we followed them, put our sirens on, ended up chasing them all the way to Koko Head. We finally pulled off to the side and asked all of them to exit their vehicle.

KELLEY

What did you find, Officer?

OFFICER MACHADO

A body. Joseph Kahahawai's body in the trunk. The assailants admitted they were going to dump the body into the ocean. Mrs. Fortescue told us her only regret was not pulling the shades down.

Several in the room REACT with disgust. We begin to hear SOBBING from the back of the room, the crowd turning to see --

ESTHER KAHAHAWAI in complete hysterics. Joe Sr. trying to comfort her. Darrow quickly standing --

DARROW

Please, Your Honor, I ask that the victim's mother be removed from the courtroom. She's a distraction and she's being used as an unfair stratagem to sway the jury.

KELLEY

A what?

JUDGE DAVIS

Mr. Darrow, if the victim's mother would like to be in the courtroom, that is her prerogative. I'll have to deny.

Darrow shrugs. Worth a shot. Sits back down.

KELLEY

Thank you. I have no further questions.

He walks off. Confident. Job well done in his mind. Only to see -- THE JURY slouched. Yawning. Bored to tears.

DARROW

Your Honor, I'd like to suggest that we take a recess and pick this up tomorrow.

JUDGE DAVIS

I think that is wise. Let's adjourn for the day. The territory can call their next witness tomorrow morning.

And off the POUNDING of the gavel --

INT. COURTHOUSE CORRIDOR - MOMENTS LATER

Darrow on his way out, REPORTERS swarming --

REPORTER

Mr. Darrow, why so quiet today?

DARROW

Well, I suppose I was a little tired.

REPORTER

Tired from what?

DARROW

Probably from the monotonous nature of the prosecution's case.

The Reporters all LAUGH.

DARROW

I'm only kidding, boys. This trial won't start for another few days. Until then, let's brave through this presentation of evidence together.

EXT. KELLEY HOUSE - NIGHT

Midnight. A single LIGHT on in the house.

KELLEY (V.O.)

The nerve! The absolute nerve!

INT. BEDROOM - KELLEY HOUSE - NIGHT

Kelley paces. Nan sitting on the bed, scattered in paperwork.

KELLEY

Monotonous? Really? We're offering a good case here, presenting all the evidence, well-organized...

NAN

John...

KELLEY

What?

She gives him a gentle look. *Just calm down.* Kelley sits.

NAN

You wanna know what I think?

KELLEY

Always.

NAN

I think if we want to win, we need to
win the people. I think you could
afford to be a little more... *dramatic.*

INT. THE COURTROOM - DAY

ESTHER KAHAHAWAI on the stand. Head held high. Fighting
through the grief. Bravely reining in the tears.

KELLEY

And did you have any other children
with your first husband?

ESTHER

Yes. We had four children. Two of them
died at an early age. And now with
Joseph passed, I have only one daughter.

Sympathetic GROANS from some in the room.

KELLEY

Mrs. Kahahawai, when was the last time
you saw your son?

ESTHER

That Friday morning. He left home for
his appointment at the courthouse.
A meeting with his probation officer.

KELLEY

Why was he meeting a probation officer?

ESTHER

He had to. After the Ala Moana trial,
Judge Steadman ordered Joe and all the
other boys to report daily.

KELLEY

Sorry, you mean the trial that ended in
a deadlock? They had to serve probation
for a crime they weren't sentenced for?

ESTHER

Yes, sir.

Kelley let's that sit in with the JURY a moment. He looks
behind him to Nan. She nods in encouragement.

He walks to the evidence table. He'll pick up and put down all of the following evidence...

KELLEY

Mrs. Kahahawai, are these the socks that Joe wore on Friday, January 8th?

ESTHER

Yes.

KELLEY

Are these the overalls he wore that day?

ESTHER

Yes.

KELLEY

Are these the shorts he wore that day?

ESTHER

Yes.

KELLEY

And is this the shirt that your son wore that day?

Kelley holds up the stained shirt. It's covered in BLOOD. BULLET HOLE right by the chest. The entire room WHIMPERS.

ESTHER

Yes. That's his shirt. I washed it the night before.

She breaks down. Nan watching the JURY: They're all enthralled. One of them even wiping away a tear.

KELLEY

Thank you, Mrs. Kahahawai. I have no more questions.

And the Judge looks to Darrow for his cross-exam.

DARROW

Your Honor, Mr. Kelley has clearly put the witness through enough emotional distress as it is. I think a cross-examination is unnecessary. Thank you.

Darrow sits. Kelley shooting him a look.

JUDGE DAVIS

Mrs. Kahahawai, you may step down.

EXT. ALI'IOLANI HALE COURTHOUSE - HOUR LATER

The afternoon SUN sears down on a CROWD peeking in on...

KELLEY (V.O.)

Would you state your name and
employment for the record please?

INT. THE COURTROOM - CONTINUOUS

VASCO ROSA on the stand. 40's. Portuguese. A tall, powerful physical presence, but a calm demeanor. Assured and succinct.

ROSA

Vasco Rosa. Employee of the sporting
good department of Diamond-Hall Company.

KELLEY

Mr. Rosa do you have a sales record for
December 16th and 17th for a firearm?

ROSA

I do.

KELLEY

What name is on your record for the
purchase of a gun on that date?

ROSA

Thomas H. Massie. It was one .32
Caliber Colt automatic pistol, for \$25.

KELLEY

Did you also sell a gun on December 15,
on a permit dated December 14?

ROSA

Yes. To Mrs. Grace Fortescue.

An audible GASP from the room. Kelley walks to the evidence table once again and picks up several clips and cartridges.

He places them in a row on the stand, right in front of Rosa.

KELLEY

Mr. Rosa, would you please continue
with the description of the gun
purchased by Mrs. Fortescue?

ROSA

It was a .45 Caliber Iver Johnson
revolver.

KELLEY

Would you please pick up the bullet
that the coroner took out of Joseph
Kahahawai's body?

(Rosa picks it up)

Would you please pick up the bullet from
a clip on the person of Mrs. Grace
Fortescue on the morning of January 8th?

(Rosa picks it up)
Can you state if the bullets you have
in your hand are the same?

ROSA

They are.

KELLEY

Will you please pick up the cartridge
found on Thomas Massie on January 8th?

(Rosa picks it up)
Can you fit the bullet into the casing?

Very carefully, Rosa picks up the CASING, twists the tiny bit
of LEAD into the SHELL, and --

ROSA

No, sir. It doesn't fit.

The entire ROOM whispering, confused, leaning forward now...

KELLEY

Will you please pick up the empty
cartridge found on Grace Fortescue on
January 8th?

(Rosa picks it up)
Can you fit the bullet into *this* casing?

Rosa tries once again, picking up the new CASING, trying to
twist it in, and --

ROSA

Fits perfectly, sir.

GASPS. Grace silently reeling.

KELLEY

Mr. Rosa, in your professional opinion,
could that bullet, found in the body of
Joe Kahahawai, have been fired out of
the casing found on Mrs. Grace
Fortescue on January 8th?

ROSA

Absolutely, sir.

KELLEY

I have no further questions, your Honor.

A BUZZ of conversation. Kelley walking back with a smile.
Darrow sitting there thinking. An idea forming.

JUDGE DAVIS
(looking at his notes)
Mr. Darrow, I'm assuming you wish to
waive your cross-examination?

DARROW
Actually--
(he rises)
Mr. Rosa, you don't mean to say this
bullet was fired from that cartridge?

ROSA
No. Only that it might have been.

DARROW
There's no way you can know for sure,
is there?

KELLEY
Objection!

JUDGE DAVIS
Overruled.

DARROW
Mr. Rosa, about how many pistols did
you sell during December?

ROSA
I'd say about sixty.

DARROW
Was that after the Massie rape?

KELLEY
Objection!

DARROW
I'll rephrase, was it after the *alleged*
Massie rape?

ROSA
Yes, it was.

DARROW
Was it before or after the news of the
recent rape at the Honolulu airport?

ROSA
What rape at the airport?

DARROW
Was it before or after the escape of
Hawaiian prisoner Daniel Lyman?

ROSA

Who is--

DARROW

Was it before or after the brawl between
locals and sailors on Hotel Street?

ROSA

I don't remember.

DARROW

And would you say the people purchasing
these pistols were mostly women?

KELLEY

Objection! The question is irrelevant
and completely suggestive--

DARROW

Would you say the recent assaults on
this island might have caused some of
the women in this territory to become--

KELLEY

Your Honor...

DARROW

--nervous for their own safety?

KELLEY

I must ask that be stricken from the
record!

JUDGE DAVIS

Sustained. Counsel, that's enough.

DARROW

You're right. I withdraw. Witness
dismissed.

And Darrow moves back to his table. The slightest of smirks.
He slumps back in his chair. Returns to DOODLING on his pad.

EXT. ALI'IOLANI HALE COURTHOUSE - LATER

On the front steps. The REPORTERS surrounding Kelley...

REPORTER

A devastating prosecution you presented
today, Mr. Kelley. What was the
difference?

KELLEY

Uh, well... we were focused.

REPORTER #2

And what are your opinions on why Mr. Darrow has remained so quiet thus far?

KELLEY

Whatever Mr. Darrow does is Mr. Darrow's prerogative.

REPORTER #3

Yes, but are you at all worried this is part of Mr. Darrow's master plan?

KELLEY

His *what*?

ON THE SIDEWALK

Nan watches this from a distance. Until she hears --

RUBY (O.S.)

It only gets worse from here, y'know.

Nan turns to see RUBY DARROW. Standing there. Smoking.

RUBY

More and more questions. Harder ones too. More personal. But in time, you'll both learn to turn a deaf ear. Tell you one thing, nothing reporters hate more than the sound of silence.

Nan just gives an incredulous stare. Ruby extends her hand.

RUBY

I'm Ruby, by the way. Or Mrs. Darrow, if you prefer. But I prefer Ruby.

NAN

I know who you are.

Ruby keeps holding out her hand. Waiting. Nan finally shakes.

RUBY

So you're a lawyer too?

NAN

Not officially.

RUBY

But you studied law?

NAN

I've studied injustice.

Ruby pauses, holding a look with Nan. *She likes this woman.*

RUBY

Well you two seem to make a great team.

She nods at Kelley. Nan is startled by that compliment. She merely looks forward. An uncomfortable silence. Until --

NAN

Is that what you do too? Law?

RUBY

Oh, heavens no. I'm a writer. Or I was. A journalist. For the Chicago Defender. First woman they hired... and for a while the only one in the bullpen.

Nan didn't know that. The admiration going both ways now.

NAN

Wow, that must've been...

RUBY

Just as dreadful as it sounds.

(laughs)

Suppose I've always loved studying people: what shapes them, drives them...

She smiles at Darrow. Clocks Nan's reaction to her husband.

RUBY

You're not very fond of my husband?

NAN

Do I have reason to be?

Ruby genuinely considers that. Watching her husband talk to reporters, as if watching a vague memory.

RUBY

Clarence Darrow is one the most compassionate people you could ever meet, Mrs. Kelley. But he's also one of the most ambitious. Live with him long enough and you'll see that those two are always at odds.

And with that, Ruby goes. Nan watching, curiously touched.

BACK ON KELLEY

KELLEY

Look, gentlemen, I can only speak on behalf of the territory, but I can assure you we'll be ready for whatever Mr. Darrow throws at us tomorrow. That'll be all, thank you.

Kelley recedes into the crowd. Joining Nan on the sidewalk.

ON GRACE: observing. She studies Darrow laughing up a storm with the press. Something clearly not sitting well with her.

INT. CAPTAIN'S QUARTERS - USS ALTON - NIGHT

Darrow, Leisure, Tommie, and Thalia all watching a furious Grace pace in front of them...

GRACE

It is humiliating! It is absolutely mortifying!

DARROW

Please, Mrs. Fortescue, why don't we--

GRACE

They are getting away with *murder* in there! Absolute murder! And you know what you're doing about it?! Not a goddamn thing!

DARROW

Getting away with murder. Interesting word choice.

GRACE

I am paying you an *exorbitant* amount of money TO WIN, Clarence, not to sit there and watch us all get slaughtered!

DARROW

Again. Word choice.

GRACE

If you're going to lose us this case, I'd rather you tell me now so I can take this up with the board and have you disbarred!

DARROW

And I presume you have friends in high places who can do that for you.

GRACE

You're goddamn right I do!

LEISURE

Mrs. Fortescue, I think if you'd let him--

GRACE

DID I SAY YOU COULD SPEAK?!

Sudden. Almost animalistic. Leisure just standing there paralyzed. This woman slowly beginning to scare him.

And Darrow stands, finally fed up.

DARROW

Alright listen here. You hired me to set you free, Mrs. Fortescue, not to be your punching bag. You want another lawyer? Fine, I'll happily sail on the next steamer to Chicago, send a postcard to you in solitary confinement. But if you wanna win, then like it or not, you need to let me do my job. I have a plan. And part of my plan is NOT telling you my plan. I know that makes you uncomfortable, not being in control, but frankly, I'm the only thing standing between you and a lifetime behind bars. It's your call.

Grace and Darrow stare at each other. Neither blinking.

DARROW

Wonderful. Lt. Massie, let's start with discussing your side of the story...

CAMERA PUSHES IN on Tommie's glassy-eyed expression, as we --

MATCH CUT TO:

INT. THE COURTROOM - DAY

TOMMIE on the stand. Tense. In crisp Navy whites.

It's the next day. Another full house. Except this time, there are noticeably more WHITE FACES in the audience. Sailors. A few high ranking OFFICERS. All watching as --

DARROW steps up. Head bowed. Complete silence.

JUDGE DAVIS

Mr. Darrow? Would you like to begin?

Darrow holds a finger up: *One moment.* He walks back to his table. Takes a sip of water. Relishing this moment on the grand stage now. Milking everything he can.

He finally approaches Tomie. Looks back to Grace. Gives a little tip of the hat. *And the show begins...*

DARROW

Lieutenant Massie... Thank you for appearing before us today... Lieutenant, would you consider yourself a hero?

TOMMIE

Oh, I uh... No, sir. No more than any other soldier.

DARROW

Of course... I suppose true heroes are
always the humblest.

(paces again)

Do you remember an incident of going to
a dance on September of last year?

TOMMIE

Yes, sir.

DARROW

And where was this party?

TOMMIE

At the Ala Wai Inn.

DARROW

At the Ala Wai Inn. And would you please
explain to us what happened that night?

Kelley is instantly on his feet --

KELLEY

Your Honor, I'd like to remind the
defense that the court has already
decided we will limit testimony to the
killing of Mr. Kahahawai. Nothing more.

DARROW

And I'd like to remind the territory
that this was only true *if* testimony
had no relevance to this investigation.

KELLEY

Which it doesn't.

DARROW

Which we couldn't know because the
witness hasn't started speaking yet.

Some CHUCKLES in the audience.

JUDGE DAVIS

I'll allow the discussion of the first
case so long as it deals with the
effects it had on Lt. Massie. Please
proceed, Mr. Darrow.

DARROW

Apologies for that, Lieutenant. Now,
September 12, 1931. Would you please
explain to us what happened?

Kelley slowly sits. Tommie looks to Grace who gives a icy nod.

TOMMIE

Uh, well, we went to the Ala Wai Inn. There was this dance. My wife left a little early and I met her back at home later that night. When I returned, she came stumblin' to the door...

As Tommie says the next few sentences, we see that Thalia is mouthing the exact words to herself, memorized...

TOMMIE

She was battered, bleedin' from the nose and mouth, lyin' in my arms and sobbin' that she'd been raped over and over. I sat there stunned, and she just, she kept sayin' to me, "I want to die! I hope to die!" Eventually she told me it was five Hawaiian boys who did it. One big boy led the whole thing, he was the ring-leader, y'see.

DARROW

Would you later realize who this was?

TOMMIE

Yes. It was Joseph Kahahawai.

MURMURS. Heads shaking. Joe Sr. and Esther in a silent rage.

TOMMIE

I was helpless. She just stayed there... In my arms... Cryin' and sobbin'. She was weak... Completely broken... It... Oh God, it was...

And Tommie puts his head down in his arms. All part of the act. Darrow signals to Leisure. Leisure pours a cup of water. Walks it to Tommie, who takes a sip, regains himself.

DARROW

Are you able to continue, Lieutenant?

TOMMIE

Sir, if my wife had to endure what she did, I'm sure this is the least I can do.

Sympathetic WHIMPERS across the room. Everyone hung on every word Tommie is saying. Several people dot their eyes.

DARROW

Very well, Lieutenant. We thank you for your bravery. Would you please explain what happened to you after the trial?

TOMMIE

Well, I began to hear rumors.

DARROW

What kind of rumors?

TOMMIE

About my wife. About me. That I didn't believe her. That we were getting a divorce. That my wife wasn't assaulted at all. That she was just some notoriety seeker trying to get in the headlines.

DARROW

And was any of this true?

TOMMIE

No. Absolutely not. But the enlisted men, they shunned me. You gotta understand, sir. Honor... it's all we got in the Navy. For these men to be saying this...

Tommie looks to Thalia, then to the Navymen in the chamber...

TOMMIE

Jesus, it nearly killed me. My honor was taken away. From my wife. From my marriage. And I had to restore it... restore it in any way I could.

DARROW

So what did you decide to do then?

TOMMIE

Well I talked with Mrs. Fortescue about how we might stop the rumors. I heard that Kahahawai was getting ready to crack and I knew we'd need a confession to win the case--

And Kelley's standing once again --

KELLEY

Your Honor, I'd like to know if the defense plans to deem this murder an honor killing.

DARROW

Well counselor, if you'd let me--

KELLEY

Because it seems as though the defense is painting the story of a husband who has killed another man because of what this man may have done to his wife, but under the law--

DARROW

Your Honor, if Mr. Kelley would like to try my case for me--

KELLEY

--under the law of the Territory of Hawaii, no man can kill another unless it's in self defense. More importantly, there is nowhere in any of the statutes that the words "honor killing" can be found. It is an unwritten law. That means it doesn't exist. And as something that doesn't exist, this court cannot allow it as a defense.

Nan nods. *Nice.* Esther and Joe nodding too. Judge Davis just looking at Darrow, waiting for an answer. And for a while, Darrow remains quiet. A hand to his chin. Feigning concern.

DARROW

You know, Mr. Kelley is right. It can't be allowed.

Kelley thrown by that. The whole room thrown.

DARROW

Let me reframe. Lieutenant, you drove to Chinatown and picked Kahahawai up?

TOMMIE

Yes, sir.

DARROW

And what happened then?

TOMMIE

We took him back to Mrs. Fortescue's house. Sat him down to chat like civilized men. But he refused to talk.

DARROW

So what did you do?

TOMMIE

Well I took the gun and confronted him.

DARROW

And did you have any intention of hurting him?

TOMMIE

(indignant)

I am a military man, sir, I know right from wrong. I just wanted him to speak. I told him, "The Lord will judge you, boy. You oughtta talk."

DARROW
But did he talk?

TOMMIE
No, sir. So I said, "You'll never be able to live with the guilt, son. It'll stick with you till the day you die. Tell us you did it."

And Darrow turns to the crowd, as if addressing the world --

DARROW
And Lt. Massie, what did Mr. Kahahawai say to you?

TOMMIE
He said, "Yes. We done it. And I wish we killed the bitch too."

GASPS -- Joe Sr. immediately on his feet -- Kelley too -- Nan's eyes widen, she scribbles a note. Darrow wastes no time--

DARROW
And what happened after he said this?

TOMMIE
Well, that's the thing, sir, I don't know. That's all I remember.

The whole room muttering in confusion. *Wait, what?*

TOMMIE
Next thing I know, police were arresting me an hour later.

And a wave of panic rocks Kelley. The devastating realization slowly taking root. He looks to Nan. She knows it too.

She wild-scribbles, crossing out her first note with another:

"HONOR-KILLING
TEMPORARY INSANITY"

The whole case hinges on this. Nan sliding the note to Kelley.

DARROW
I'm sorry Lieutenant, you mean to say you don't recall a firing of any shots?

TOMMIE
No.

Kelley crumpling the paper and leaping to his feet --

KELLEY
Your Honor!

DARROW
Or traveling in a car to Koko Head?

TOMMIE
No, sir.

KELLEY
YOUR HONOR! The defense swore to us that--

DARROW
(forging ahead)
And do you have any idea, any idea at all, as to what became of you?

TOMMIE
Not one bit.

Darrow turns to the jury, smiling --

DARROW
Then I have no further questions.

And the room RUMBLES -- Joe Sr. and Esther shaking with outrage -- Kelley more furious than anyone --

KELLEY
Your Honor, this is... We were told the defense would NOT use an insanity plea!

He's shouting over the crowd, which erupts in chaos. Grace unable to contain her satisfied smile. Thalia beaming.

KELLEY
Mr. Darrow promised...
(turning on Darrow)
You swores...

And suddenly JOE SR. is standing up from the back SHOUTING --

JOE SR.
Liar! How can you say this?! Who do you--

The Judge POUNDS his gavel -- calling for ORDER -- but more and more people are YELLING over each other now -- POINTING FINGERS -- WAVING FISTS --

Kelley trying to get a word in -- but unable to -- the hostile noise growing LOUDER -- LOUDER -- and we CUT TO --

INT. JUDGE DAVIS' CHAMBERS - LATER

Judge Davis behind his desk. Kelley standing across from him, outraged. Darrow leaning against a shelf, Leisure beside him.

KELLEY
You lied!

DARROW

John--

KELLEY

You lied in a court of justice and you exploited my trust in you--my trust in your integrity as--

DARROW

Would you spare us the integrity speech? Becomes rather tedious after the first... hundred times.

KELLEY

You swore you wouldn't use a temporary insanity defense! You said that right in this very--

DARROW

I said I wouldn't use an *insanity* defense. I never said "temporary."

KELLEY

Is there a difference?!

DARROW

Yes, John. A very crucial difference. See, if I invoked the insanity defense, I'd have a legal obligation to inform you of that. But if I invoke a temporary insanity defense... if I claim that Lt. Massie's sanity was lost only in the hour the gun was shot... well that's entirely different.

And Kelley freezes. Caught.

KELLEY

That's... You're talking semantics!

DARROW

Actually, John, I'm talking the law.

KELLEY

It's a loophole! You can't prove temporary insanity is NOT a form of insanity!

DARROW

I can't, no. Above my pay grade. But I'm betting my expert witness can.

Darrow motions to Leisure. Leisure hands Kelley a file...

LEISURE

Dr. Edward Williams. An alienist from Stanford University. Author of the definitive book on criminal psychology.

KELLEY

(looking it over)

You can't be serious.

DARROW

I think you'll find he's quite serious. And we're very excited to hear his thoughts on the case. Now, Your Honor--

KELLEY

We don't have the money to bring in an expert that can rebut a witness like this, you know that.

DARROW

Maybe. I also know that even if you did, you wouldn't be able to bring him all the way over here in--what is it--

He checks his watch, smug --

DARROW

--eighteen hours? So we can waste time bickering, John, or we can move to the next day. Great attorneys bounce back from their mistakes. No matter how big.

Silence. A brutal tension boiling between Kelley and Darrow.

KELLEY

Your Honor, I'm... Surely you see this is a breach of mandatory disclosure. The prosecution deserves a few days to prepare for this line of defense.

But the Judge just sits there. Thinking. And thinking. Until --

JUDGE DAVIS

I'm afraid I won't allow that.

Kelley reacts: SLAMMING his fists onto the table.

JUDGE DAVIS

Mr. Darrow is right. Temporary insanity is legally different from an insanity defense. Call it semantics or a technicality or...whatever you want, but we can't be expected to confine the jury in their hotel rooms while you catch up on a defense you weren't prepared for.

And that one stings Kelley. Because it's true.

JUDGE DAVIS

We're going back in there tomorrow,
gentlemen. And we are finishing this.
Once and for all. You're dismissed.

And Judge Davis goes. An awkward silence filling the room..

DARROW

Sorry, kid. All's fair in law and war.

And Darrow leaves. Leisure watching Kelley for a moment. Maybe sympathetic. Maybe ashamed. But he turns and goes too. We hold on Kelley standing there, growing rage, as over this --

CONSERVATIVE RADIO HOST (V.O.)

Lt. Massie has proven he's every inch a man! A new American hero! No doubt now! Mrs. Massie was indeed raped! Degenerate natives outta be put in their place!

EXT. HOTEL STREET - DOWNTOWN HONOLULU, HI - NIGHT

A GANG of FIVE HAWAIIANS. Listen in disgust to the radio. Two sitting in the car, three standing smoking outside.

They are parked on the sidewalk of a traffic-jammed HOTEL STREET. In the heart of DOWNTOWN HONOLULU.

We begin to hear LAUGHING. A group of MEN approaching: FIVE DRUNK SAILORS walking toward them, stopping as --

SAILOR

Hold up, hold up, boys, lookit here...

We've never seen either of these two groups, but the contrast is striking. The bright WHITES of the sailors' uniforms, the hand-me-downs of the Hawaiians.

SAILOR

Another gang of brown bastards lurkin'
in the shadows lookin' for some trouble.

The Hawaiians are getting out now, immediately confronting --

HAWAIIAN BOY

Say that again, you fuckin' haole.

SAILOR

Fuckin haole! Wow! This one's got nerve!
(the sailors LAUGH)

Know what I think, boys? I think these here niggers are waitin' for another pretty white woman to take in the forest and *fuck* like a goddamn--

And that's it -- ALL HELL BREAKS LOOSE -- all ten of them -- blows, kicks, nothing held back -- brutal, bloody, PERSONAL --

Even more SAILORS joining now -- more HAWAIIANS -- the entire street turning into a BRAWL -- and as we BOOM UP -- getting higher and higher -- SIRENS in the distance --

EXT. HONOLULU STREET - DUSK

SEVERAL COP CARS speed by, sirens BLARING, tearing to town as--

Another CAR heads in the opposite direction, the familiar small BLACK FORD of --

INT. KELLEY'S CAR (MOVING) - CONTINUOUS

Kelley and Nan. Kelley behind the wheel, racking his brain.

KELLEY

What if we put Grace on the stand?

NAN

John--

KELLEY

Hear me out, they're saying Tommie went insane, right? But someone was there that was *still sane*. Grace was a witness. We can force her to explain--

NAN

"No person can be compelled in any criminal case to be a witness against himself", that's in the fifth amendment. We can't force her to take the stand. There's no legal way.

Kelley reacts. *Shit.*

KELLEY

Then we need to get Tommie to tell the truth.

NAN

John, look, maybe--

KELLEY

They're saying he can't remember anything because he was triggered by Kahahawai's confession, but we know that's a lie. We have to poke holes in that. Get him to slip up in cross-exam.

NAN

Tommie Massie is sitting with Clarence Darrow right now preparing for any and every possible angle we could throw at him. We'll try, and we'll realize that he is too well-coached, and then you'll look like you're trying to smear the reputation of a decorated military lieutenant.

Kelley reacts again. Shit.

KELLEY

Then what is our play here, Nan?

NAN

What we really need to do is prove that Joseph Kahahawai couldn't have admitted to raping Thalia because he never did it. But that would mean going back to the first case, which we not only have no evidence for, it's the one thing we've been fighting never to do!

They both sit in silence. Trying to process all this.

KELLEY

(quiet)

We don't have a way to win this, do we?

But Nan has no answer. Their car turns, pulling up to --

EXT. KELLEY HOUSE - DUSK

They slow into the driveway.

IN THE CAR

Kelley and Nan look out, both going pale as they see --

Several POLICEMEN waiting on the porch. POLICE CARS on the sidewalk. An older Hawaiian woman, NAN'S MOTHER (60), talking with the police, turning to see --

Nan and Kelley quickly getting out of the car --

KELLEY

What's wrong? What happened, are the girls alright?

Nan's Mother approaches, nodding, trying to keep her composure, beginning to explain everything --

But Kelley is taking in the sight on the porch. The police are surrounding something on the steps, a DARK PUDDLE around it, what seems to be BLOOD, it is --

A BLACK DOG. Dead. Head severed. Blood still leaking. A SIGN roped around the dog's neck:

"YOU LIE WITH DOGS, YOU GET UP WITH FLEAS."

Kelley frozen. It's a threat. To him. To his whole family.

OFFICER WATSON (O.S.)
Mr. Kelley? You have a moment?

It's OFFICER WATSON from earlier, the one who interrogated Horace Ida. Kelley sees the GIRLS waiting at the door --

KELLEY
Go inside, girls. C'mon, go inside.

They can't move. Genuine fear in their eyes. Kelley ushers them in, trying to soothe them, comfort them.

But it's not working. They're scared. Petrified. He looks to the Officer, then back to his daughters. He can't leave them.

INT. GIRLS' BEDROOM - KELLEY HOUSE - MOMENTS LATER

Kelley is tucking the girls in. Doing his best to have some sense of composure as POLICE LIGHTS seep through the windows.

MARY
Daddy, who did it?

KELLEY
I don't know, sweetie. But I'll find out. I promise.

MARY
Are we safe?

KELLEY
Of course we're safe. It'll be alright, okay? You trust me?

Mary just looks at him. It's not that she doesn't. It's that the threat has sincerely scared her. Nan comes to the door --

NAN
John, they need you downstairs.

Kelley nods. He gives the girls a goodnight kiss.

KELLEY
I'll be right outside, ok? If you need anything at all, I'll be right there.

MARGARET
Papa?

KELLEY
Yes, sweetie.

MARGARET
Are we nigger-lovers?

A dreadful silence.

NAN
Margaret... Where on earth did--

Kelley holds his hands up. *Hold on.* Eyes still on Margaret.

KELLEY
Who told you that, sweetie?

MARGARET
...at school...Carol she...she said my daddy loves niggers...and that I love niggers...and she said I should just be one...a full one...

That lands like a dagger into Kelley's heart. He shares a look with Nan. Neither quite knowing what to say.

KELLEY
Listen to me, honey. If anyone says anything like that again, you tell your teacher and then tell us, understand?

Margaret just nervously nods. Kelley looks away to the window, fuming. And he gets up, leaving --

NAN
John--

But he's already heading out to --

EXT. PORCH - KELLEY HOUSE - MOMENTS LATER

Officer Watson is writing some notes down until --

KELLEY
Who did this? Who was responsible?

Officer Watson turns to see a seething Kelley.

OFFICER WATSON
(indifferent)
Uh, well, not sure at the moment.
Neighbors said the dog was theirs but--

KELLEY
What are the steps you're taking to find out who it was?

OFFICER WATSON

Well, like I said, we have no way of
being able to track them down right
now, so I think--

KELLEY

We need protection.

OFFICER WATSON

I'm sorry?

KELLEY

I want protection here at all hours.
Someone guarding the house. And street.

OFFICER WATSON

We already station a man here all day.

KELLEY

And night. I've been getting death
threats.

OFFICER WATSON

(chuckles)

Well of course. Does that surprise you?

Silence. Kelley staring. *What did he just say?*

OFFICER WATSON

Look, John...between you and me...I
spent a good deal of time with those
boys. Questioned all of 'em. Now I
ain't a racist, but...you really
believe them?

KELLEY

I beg your pardon?

OFFICER WATSON

I'm just sayin. You know how these
people lie.

KELLEY

These people?

OFFICER WATSON

(realizing)

Oh, c'mon. You know I don't mean your--

KELLEY

(moving inside)

A guard here all day and night, Officer.

OFFICER WATSON

John... Oh, John, c'mon...

But the door SLAMS SHUT. Officer Watson just standing there.

INT. LIVING ROOM - KELLEY HOUSE - LATER

Kelley steps into the living room. Livid. Nan slowly approaches and stands in the doorway...

NAN

What are we going to do?

KELLEY

Who would dare to--

But he stops himself. Fighting to not explode.

KELLEY

We can send them to your mothers. Keep them from school maybe, at least until--

NAN

Not with the girls, with the case. What are we doing tomorrow with the case?

Kelley looks at her. *That's the real question.* He can only shake his head. No answer coming.

NAN

Then maybe it's for the best.

She takes her husband's hand. For the first time real doubt.

NAN

If you don't think we can do it... If you don't think we can win...

KELLEY

Then what... quit?

NAN

I'm saying we have to be careful, John.
(looks to the girls' room)
We have to weigh the cost.

Kelley considers that. Considering her hesitation. His eyes move to the window to see --

OUTSIDE: A CROWD gathered now. Cops, reporters, even some protesters. All on his front lawn. The fight brought to him.

And perhaps it's the bruise to his ego, but Kelley's fear is turning to anger now. Outrage to motivation.

KELLEY

No, Nan... We have to win... There's too much at stake. For you. For our girls.

Nan observes him for a while. Seeing the resolve in his eyes. The case suddenly made more personal for them than ever.

NAN
Okay... Then how?

Kelley takes a moment to think.

KELLEY
We need to catch them off-guard. They've been six moves ahead the entire time, we need to attack from another direction. Something they couldn't possibly expect.

NAN
Like what?

But that's what Kelley doesn't know. He stops and sighs.

KELLEY
I need a drink.

INT. KITCHEN - KELLEY HOUSE - CONTINUOUS

Kelley opens the icebox, reaches in, past a bottle of scotch. Grabs MILK instead. And as he sets it down...

MATCH CUT TO:

INT. MOANA HOTEL DINING ROOM - NIGHT

A BOTTLE OF SCOTCH. Being poured into a glass. Darrow lifts it, raises it in toast to Ruby, who's smoking next to him.

DARROW
Can you believe it? Tommie Massie, goddamn schoolboy of a Lieutenant, can't tie his own two shoes but he can give the testimony of his life, shift the whole momentum of the case.

He downs that drink and begins to pour another.

RUBY
Haven't you had enough of those?

Darrow pretends not to hear, waves down the WAITER --

DARROW
Hi! Yes, one more, please!
(turning back to Ruby)
Y'know, I didn't think we could win.
You go into every trial and hope you will, tell yourself you can, but you're never sure. Especially this one.

These people killed a boy in cold blood! The whole case shoulda been open and shut!

RUBY
Then why are you celebrating?

DARROW
(scoffs)
Because it's over, Ruby! Victory over the Philistines! The Spartans at Thermopylae. These were unwinnable odds.

RUBY
And yet you won...

She looks away. Cold, far-off. Takes the piss out of Darrow.

RUBY
Remember Chicago and North?

Darrow stops. A long pause. He puts his drink down.

DARROW
Let's not dig up old history right--

RUBY
You were making more money as a corporate lawyer for Chicago & North Railway than you ever made from any of your other cases. Combined.

DARROW
Yes, I'm aware of that. And it's because of those initial earnings--

RUBY
You were miserable, Clarence. Hated every second. Remember what you told me?

He tries looking away, but she doesn't let him avoid her eyes.

RUBY
You said you couldn't look at yourself in the mirror any longer. You couldn't bear the idea of working for the wrong side. Your conscience led you to your true life's work: becoming a champion of labor, an advocate for the poor. That's the man I fell in love with. That's a man who had the conviction to do the right thing. That's not the man I see in front of me now.

Darrow sits there. Rocked. Trying to smile it off.

DARROW

Darling, my allegiances are to my clients and my clients only. I am legally obligated to--

RUBY

This has nothing to do with your clients. This has been "Clarence-Darrow-first" from the start, and you know it.

For once, Darrow doesn't know what to say. Ruby takes his hand, tenderly.

RUBY

I should've stopped you long ago. And perhaps that's where I failed. But I'm here, I'm here today because I was hoping--praying--that the man I married is still in there somewhere.

He stares at her for a while. Guard subtly coming down.

DARROW

And what's the verdict?

She looks him right in the eyes. A slight shrug...

RUBY

Jury is still out.

And she gathers her things, and goes.

Darrow taking all that in. He swirls his drink, stares at his reflection in the glass, not sure he likes what he sees there either. He downs the shot as --

INT. MOANA HOTEL BAR - LATER

Thirty minutes later. Darrow sits alone at the beachside bar, a row of empty glasses before him. He asks for yet another as--

LEISURE (O.S.)

Mr. Darrow? Do you have a moment?

Leisure is standing right beside him. Awkwardly waiting.

DARROW

What, you follow me to the bathroom too?

LEISURE

I'm sorry to bother you so late, but uh... I have something you need to see.

DARROW

Now?

Leisure nods. Darrow sighs and reluctantly turns. Leisure handing him an envelope --

LEISURE

It's a letter. From the NAACP. That's the uh, National Association for the Advancement of Colored--

DARROW

I was a founding attorney for the organization, George, I know what it stands for.

(skimming the letter)
They're threatening me?

LEISURE

It's a warning.

DARROW

"We strenuously suggest rethinking your involvement in this case. Our organization's trust in you must be entirely rethought if otherwise."

(looks up)
They're threatening me.

LEISURE

Sir, as your assistant counsel, I have to say--

Darrow puts a hand up. *Stop.* This is everything. His entire reputation on the line.

DARROW

We win. That's how we fix this. We go in there tomorrow and finish this goddamn thing once and for all. Prove I'm on the right side of this.

LEISURE

... I thought there was no right or wrong.

Darrow stops before downing his last drink, turns curiously.

LEISURE

When we were discussing our approach to this case, you said--

DARROW

I know what I said. I'm wondering why I'm getting my own words repeated to me.

LEISURE

If we win, then we're right and the prosecution is wrong. Justice is served.

DARROW

That's typically how the system works.

LEISURE

And you'll be able to sleep perfectly at night knowing the Massies are free and Kahahawai's murder was justified.

And Darrow finally understands what he's getting at now.

DARROW

Look. I'm not sure if you and my wife organized this one-two punch, but let me save you a lot of future hurt and tell you if you still have concerns tomorrow, we can talk about it then. But I'd really hate for you to have to tell me I'm in the wrong when the person who is responsible for me being here... is you.

And Darrow pats his shoulder, and returns to his seat. Until --

LEISURE

You know, I was there at the Sweet Trial... Fifteen years old. Sat in the back row for your entire summation. I saw a man thunder away against prejudice. Saw him address an entire country saying, "I do not believe in the law of hate. I believe in the law of love." I saw courage, sir. The audacity to do what was right. No matter the cost.

DARROW

And I suppose you're going to tell me you don't see that man anymore.

LEISURE

No, sir. Worse... I don't think you can.

And Leisure finally leaves, no looking back this time.

Darrow left alone. Almost calling out for him. Then not. Then contemplative silence. Trying to laugh it off.

But Leisure's words still ring in his ear. Ruby's as well. And as the Bartender plops another bottle of whiskey in front of him, Darrow considering all this, we begin to hear --

BAILIFF (V.O.)

All rise...

INT. THE COURTROOM - NEXT DAY

The room rises. Kelley and Nan standing with intense focus. Darrow standing with a clear hangover.

JUDGE DAVIS

Alright. We'll pick up where we left off yesterday. Lt. Massie, would you please return to the stand?

Tommie rises, making his way up when --

KELLEY

Actually, Your Honor, the territory has no questions for the witness. Thank you.

And Kelley sits. Immediate BUZZ in the room. Darrow and Tommie sharing a baffled look.

JUDGE DAVIS

Mr. Kelley, are you saying you are waving your cross-examination?

KELLEY

Your Honor, the defense is claiming that the witness went insane at the time of the shooting. If that is the plea they'd like to base their entire case on, however improbable, we will attempt to refute it. But we will do so with someone more... *mentally stable*.

A RUMBLE of conversation. Tommie instantly affronted.

DARROW

Objection, Your Honor!

JUDGE DAVIS

Yes, counselor, what do you mean by "more mentally stable?"

KELLEY

Well, if Lt. Massie can conveniently forget the most important hour of this case, who's to say he won't go insane this very moment?

Scattered LAUGHTER in the room. Darrow not having it --

DARROW

Your Honor, it seems Mr. Kelley has taken this opportunity to *antagonize* and *ridicule* my client, a decorated military lieutenant.

KELLEY

I am simply stating--

DARROW

It also seems that Mr. Kelley has a severe misunderstanding of what "temporary insanity" is.

KELLEY

Does anyone have a clear understanding of what temporary insanity is?

More LAUGHTER...

DARROW

As a matter of fact, yes. Experts. The foremost of whom will be here to speak with us very shortly.

KELLEY

Wonderful. We'll wait to hear what this witness has to say. But until then, we have no further questions for Lt. Massie. The witness may be dismissed.

And the MURMURS continue. Tommie just standing there. Looking to Grace. Her eyes burning a hole through Kelley.

Kelley simply sits. Playing this all off as "part of the plan." But look closely enough and you'll see the sweat on his brow, the nervous twitch in his leg.

DARROW

Defense calls Dr. Edward Williams.

EXT. ALI'IOLANI HALE COURTHOUSE - LATER

An hour later. Outside. Both groups of PROTESTERS surrounding TWO RADIOS, one on each side...

DR. WILLIAMS (V.O.)

What happens is what we like to call abnormal functioning of adrenal glands.

INT. THE COURTROOM - CONTINUOUS

DR. WILLIAMS on the stand. Tall. Thin. Grey goatee and moustache. The air of a man who's done this many times.

DR. WILLIAMS

This kind of reaction only arises when a severe stress occurs, in this case, Mr. Kahahawai's admittance to raping Mrs. Massie. An invisible pathology was then created that settled into Lt. Massie.

In simpler terms, a psychological bomb was planted in his mind. And once that bomb exploded, he was liable to do anything yet have no memory of what he has done. Hence... temporary insanity.

DARROW

So what you are saying, doctor, is that from all that Lt. Massie told you, and from the decades of research you've done on this topic, you can conclude that Lt. Massie was indeed not of conscious mind at the time of the shooting?

DR. WILLIAMS

Oh more than that, sir. His passion rendered him, for a brief time, legally and scientifically insane.

Darrow turns. Beaming. The execution was flawless.

DARROW

Thank you, doctor. No further questions.

The Jury leans back. By all accounts, a score for the defense. Kelley quickly scribbling down some notes before --

KELLEY

Dr. Williams, I find it fascinating, this business of glands and insanity. Am I correct in recalling that you recently testified for the defense in the Winnie Judd Trial? Which ended in her conviction?

DR. WILLIAMS

Yes.

KELLEY

Seems you testify on behalf of many famous murder cases.

DARROW

Objection!

KELLEY

What was the condition of Mrs. Judd's--

DARROW

Your Honor, how in the world is any of this relevant?

KELLEY

I withdraw. Dr. Williams, you never treated Lieutenant Massie, did you?

DR. WILLIAMS
I examined him for two hours.

KELLEY
Two hours which you were paid for, is that correct?

DARROW
Objection!

KELLEY
I withdraw again. Doctor, you have testified that Lt. Massie was insane when he fired the shot. I am interested to know how much of your opinion was based on your observation and how much on what he told you.

DR. WILLIAMS
I based my opinion on what Lt. Massie had told me, in addition to evidence that has been brought out in this trial and information from third parties.

KELLEY
Third parties? What third parties?

DR. WILLIAMS
Well--

KELLEY
Doctor, for all we know, I am a third party. I could have given you information. My wife could have. Your wife could have. What third parties?

DR. WILLIAMS
(offended)
How dare you, son... No... No, I don't care to answer the question.

Kelley clocking that. Looking to Nan. *He can get this guy.*

KELLEY
Then let's talk about sanity for a moment. You don't think a sane man's reason can overcome his emotions?

DR. WILLIAMS
It's possible, but in this case highly improbable. I don't believe it.

KELLEY
And how can you assume the condition of his mind?

DR. WILLIAMS

Well it's a common condition. But one that is impossible to fake.

KELLEY

I just find it odd that Lt. Massie happened to say to you the only thing on which you base your opinion.

DR. WILLIAMS

I have other--

KELLEY

Third parties. Yes, we know.

Kelley strides to his desk. Nan hands him a BOOK.

Grace leaning over the bar to Darrow. *Are you going to do something?* But Darrow just holding up a finger. *Hold on.*

KELLEY

Dr. Williams, have you written a book in which you stated insanity defenses are a sham in most cases?

DR. WILLIAMS

What? No. That is absolutely untrue.

KELLEY

I hold here in my hands the book "Crime, Abnormal Minds, and the Law" by Ernest Hoag and Edward Huntington Williams. Are you not the same Edward Huntington Williams who coauthored this book?

DR. WILLIAMS

I am.

KELLEY

Well, reading from page 74, it says, and I quote: "Most pleas of insanity are made by sane people who frequently go free, while most insane criminals make no insanity plea and are duly convicted and sentenced."

Grace is fidgeting in her seat now. Thalia too. Darrow still sitting there, watching with an odd curiosity...

DR. WILLIAMS

That's taken out of context.

KELLEY

What is the context then, Doctor?

The Judge leans forward. This is piquing even his interest.

DR. WILLIAMS

I-- I was just saying people may think they have been insane. Or may abuse the--

KELLEY

(cutting him off)

Doctor, didn't you write in your book on page 103: "According to our present methods, such testimony is largely unscientific and tends to discredit both the medical and legal professions, failing to serve the ends of justice."

DR. WILLIAMS

Well...

KELLEY

"Medical experts are employed by both the prosecution and the defense from the beginning, usually making the whole procedure purely biased rather than objective and scientific."

DR. WILLIAMS

My words were in support of a legislation now put in place. It discouraged attorneys from privately hiring alienists to say whatever they were paid to say. It is not--

KELLEY

And where was this legislation put in place?

DR. WILLIAMS

California.

KELLEY

But not the Territory of Hawaii, is that right, Doctor?

DR. WILLIAMS

Well no, but...

KELLEY

The Territory of Hawaii where an attorney privately hired an alienist... you...as an expert witness in this case.

And Dr. Williams shifts in his seat. Nothing coming. The silence deafening. Kelley nods --

KELLEY

No further questions, Your Honor.

The room BUZZES once again. Momentum quickly shifting. Nan proudly smiling. *They're back in this.*

Darrow receiving an onslaught of furious whispers from Grace, Thalia, but seemingly turning a deaf ear, looking back to --

RUBY. There in the crowd. An instinctual glance to his wife. She clocks that. Seeing something in his eyes. A hesitation.

Darrow looks to Kelley, considering. *Am I going to do this? Is it worth it?* But before he can think about it too long --

DARROW

Dr. Williams. How many cases have you been an expert witness at?

DR. WILLIAMS

(still a bit shook)

Uh, thirty-two. No, thirty-three.

DARROW

Thirty-three. And how many of your thirty three assessments have been in alignment with the jury's verdict?

DR. WILLIAMS

All of them.

DARROW

All of them? Every single one?

DR. WILLIAMS

Yes.

And here is where Darrow's tone changes, turning to Kelley --

DARROW

Mr. Kelley, how many cases have you tried as a prosecutor?

Kelley looks up from his notes, completely caught off-guard --

KELLEY

Excuse me?

DARROW

How many cases have you tried as a prosecutor and how many have you won?

KELLEY

... Your Honor, this--I am not the one on the witness--

DARROW

I'll answer for him. Zero. This is his first case as a city prosecutor and he hasn't won a single criminal case in his career.

JUDGE DAVIS

Mr. Darrow--

DARROW

Whose opinion matters here, gentlemen?
Whose word will you take as truth?

KELLEY

Your Honor!

DARROW

The expert? A man who has dedicated his entire life to assessing the character of men?

JUDGE DAVIS

Mr. Darrow, that is enough.

DARROW

Or a man who's job it is to do everything he can to put my clients in jail?

JUDGE DAVIS

If you continue this, I will have to hold you in contempt--

DARROW

If Dr. Williams sits up here and says he believes that Lt. Massie--

KELLEY

This is wildly inappropriate!

DARROW

--went temporarily insane, then who are we to think otherwise?

JUDGE DAVIS

Consider this your final warning, counselor.

DARROW

Mr. Kelley is asking for objectivity, well perhaps we shall give it to him! Who of these two men shall we believe?!

BAM! -- The Judge *RAPS* his gavel --

JUDGE DAVIS

That's it, I find you in contempt.

GASPS -- all eyes on Darrow now -- waiting with baited breath for his next move -- Darrow surveying the room --

JUDGE DAVIS

Do you have anything to add, Mr. Darrow? Or would you like jail time along with a hefty fine?

A long silence. Darrow deep in contemplation.

DARROW

Your Honor, I... I apologize for my behavior... What I said is... it's unacceptable. I should know better. In all honesty, I don't know what came over me. Seems I am simply... overcome by emotions for this case. For the good of my clients.

Kelley shaking his head. *No... he's trying to spin this?*

DARROW

I presume we are slaves to our emotions in some ways. When we care about something so deeply, so viscerally. Who's to say what we are capable of, no matter how out-of-character it may seem.

KELLEY

You cannot be serious!

DARROW

But I am, Your Honor. Very serious. I apologize to this entire court for my actions. However... uncontrollable.

And Darrow sits down again. Kelley boiling --

KELLEY

Your Honor, I demand--

JUDGE DAVIS

The court will strike this entire re-cross from the record, along with Mr. Darrow's last statement. The jury will give no weight to both in your decision.

KELLEY

Thank you.

And Kelley sits. But one look over the Jury and you can tell they are all strangely moved by Darrow's words. It was another trick up his sleeve. Another point for the defense.

Darrow takes a seat again. A flicker of guilt behind his eyes. He turns to look back at Ruby but --

The back door FLIES OPEN: *She's leaving. No looking back.*

Darrow contemplating that. Smile slowly fading as the Judge reads out instructions for tomorrow. And we CUT TO --

EXT. MOANA HOTEL BAR - WAIKIKI BEACH - NIGHT

The same ocean-side bar from earlier. Hawaiian music playing.

PAN OVER: A small army of shot glasses lined up for battle. Just as Darrow likes it. An UNSTEADY HAND reaches down to lift one. Raising it. Slowly REVEALING that this is --

KELLEY?!

Sitting at the bar. Overcome. Disheveled. *Drunk.*

He's been here for a few hours. The looming dread all-too-obvious. The guilt washing over. He calls for the BARTENDER.

KELLEY
Another, please.

BARTENDER
Sorry, we're closing, I can't.

Kelley checks his watch. Looks around. Fumbles for his money.

KELLEY
Give me the bottle then.

BARTENDER
Sir--

KELLEY
It's alright, just give me the bottle.

DARROW (O.S.)
No need.

And Kelley freezes. He could recognize that voice anywhere.

It's CLARENCE DARROW. Right behind him. Pulling something from his overcoat and SLAMMING it down in front of Kelley:

A BOTTLE OF MILK.

EXT. WAIKIKI BEACH - LATER

Darrow and Kelley sit side-by-side in the sand. Gazing at the reflection of the midnight moon on the sea. Neither speaking.

DARROW
Nice to know we have similar taste.
(off Kelley's confusion)

Not the milk. This bar. Been frequenting it almost every night.

KELLEY
I know. I read in the papers. Ever the showman, Darrow.

Darrow nods. An instinct confirmed. He had a feeling Kelley wasn't just here for the drinks.

DARROW
So you came here to confront me then?

Maybe. But right now, Kelley doesn't muster a response.

DARROW
Look, I get you may feel some hostility. Don't take it personally.

KELLEY
I don't. I take it professionally.

DARROW
Good. Then let's have a discussion between gentlemen. A truce if you will.

KELLEY
A truce?

DARROW
Yes. For starters I think there's several things you could've done better in this case.

KELLEY
Oh, Jesus.

DARROW
First--

KELLEY
You know it's possible not to condescend people, right? It is perfectly within the realms of possibility.

DARROW
Don't doubt yourself. That was going to be my first point. Doubt everything else, the facts, the truth... but never yourself. I underestimated you, John. You're the most dangerous kind of lawyer. Know why? Because you're *fair*. But if you don't believe you can win, how do you think the jury will?

KELLEY

You stood up there and told the world
that Kahahawai admitted to raping her.

DARROW

To win the jury over, yes, because--

KELLEY

You fabricated a narrative to play on
the emotions of--

DARROW

Don't be naive. You think those twelve
men care about your client or mine? You
think they care who's right or wrong?
They don't. Not until you make them.
And that brings me to my main point...

KELLEY

(rises, fed up)

You actually believe your own bullshit
don't you, Darrow? I don't know why I
even bothered. I'm sick of your goddamn--

DARROW

Conviction.

Kelley stops.

DARROW

What it all comes down to. Conviction.
And I'm not talking about the sentence
the jury gives out. I'm talking about
what you believe. What you know is
true, is just... in your heart.

Kelley staring. *Where is this going?*

DARROW

You have to hold onto that... hold onto
your conviction like your life depends
on it. Because it does.

Hard silence. Kelley analyzing every detail of Darrow's face.

DARROW

Maybe I've lost sight of that... but
that doesn't mean you should.

KELLEY

Look if this is another one of your
tricks--

DARROW

Tommie Massie didn't kill Kahahawai.
Grace did.

And Kelley stops. Frozen.

DARROW

She shot him in the chest, threw him in her trunk, and drove to dump his body off Koko Head cliff.

KELLEY

...I'm... she told you that?

DARROW

You were right. All your facts were correct. But that's my final point, the facts don't matter.

KELLEY

Why are you telling me this?

DARROW

Because you've been asking the wrong question all along. Everyone has.

He gazes into his glass of whiskey. Slowly pushes it away.

DARROW

Figure out the right one, you may just have a shot.

And with that, Darrow leaves. Kelley standing there for a while. Rocked. Mind racing. A thousand questions overflowing.

EXT. KELLEY HOUSE - MIDNIGHT

NAN sits waiting on the porch. She's been here for hours. She worriedly looks to her watch as --

Kelley swerves up in the Ford Nan already standing as the highbeams hit her, storming straight to him...

NAN

John, where on earth have you--

She stops upon seeing Kelley stumbling out of the car.

NAN

Oh God, have... Have you been drinking?

KELLEY

I can explain...

No need, she's already storming back toward the house.

KELLEY

Honey listen, let me apologize--

NAN
No, you listen.

She whips around, gloves off.

NAN
It's okay if we lose. We'll find a way to recover, we always do... But this... you go back on the bottle... you'll lose a lot more than this case.

Kelley takes her hand.

KELLEY
You're right. You're absolutely right, and I'm sorry. I've let you down, the girls, everyone. But Nan...

She pulls away, been here with him before.

NAN
It's not us I'm afraid you'll let down, John. It's yourself.

She leaves him lost in the wash of the headlights.

INT. GIRLS' BEDROOM - KELLEY HOUSE - MOMENTS LATER

Kelley enters his daughters' room. Kneels at their bedside. Watches the rise and fall of their breath. It overwhelms him.

Tears in his eyes, he lowers his head, clasps his hands. A silent prayer.

MARY
Daddy?

It's MARY. Kelley's youngest daughter. Innocence of the world still not lost from her six-year-old eyes.

KELLEY
Shh baby, it's okay. Go back to sleep.

MARY
Are you praying?

KELLEY
Yes. I suppose I am.

MARY
For what?

KELLEY
Well... For the case... For Kahahawai... For the strength and wisdom to know the right thing to do...

MARY

Can we pray for that woman too?

Kelley stops, confused.

MARY

Can we pray for Mrs. Massie?

And that hits Kelley. An immediate flood of emotion. The wisdom of this tiny girl, his own daughter, deeply moves him.

KELLEY

Yes, I think that's a wonderful idea.

She nods, and sits up, closes her eyes. Silently praying. And we MOVE IN on Kelley. Watching Mary. An epiphany.

INT. LIVING ROOM - KELLEY HOUSE - MOMENTS LATER

Nan sits on the couch. Startled as Kelley rushes in, flurry of energy. A new sense of purpose for him, clarity...

KELLEY

I've been looking at this all wrong!

NAN

Yes. If we need to get you help, we will.

KELLEY

No, I mean Thalia Massie, the whole case. I've been looking at it through the wrong lens. Seeing it through my own prejudices. Everyone is. But that's how we turn this around, Nan! That's how we *win*. Darrow was right...

NAN

You were drinking with Darrow?!

But Kelley isn't paying attention, something catching his eye.

A PHOTO on the table. Kahahawai lying dead in the trunk of the Massies car. Kelley picks it up, turning to Nan.

KELLEY

I'm going to need your help.

CUT TO:

EXT. ALI'IOLANI HALE COURTHOUSE - MORNING

As usual, a LONG LINE extends from the doors to the street.

INT. THE COURTROOM - MORNING

And as usual, the room is jam-packed. Everyone is silent. Only the BUZZING of recording instruments can be heard over --

The Judge taking his seat. Darrow sitting at the defense chair alone. Kelley sitting across from him, also alone.

JUDGE DAVIS

Mr. Kelley, would you like us to wait for your co-counsel?

The room looks around. *Where is she?*

KELLEY

No. We can begin.

Darrow and Kelley connect for a moment. Studying each other.

JUDGE DAVIS

The defense may call their next witness.

Darrow watches Kelley a moment more. Then turns to the front.

DARROW

Call Mrs. Massie.

THALIA MASSIE

At the back of the court, coming down the aisle. As she passes through, hushed whispers: "Oh my God, she's doing it." "That poor child." "Look how young she looks."

She crosses in front of Darrow and takes the stand. Never looking up. The Bailiff administers the oath as we watch the JURORS regarding Thalia, observing the woman who this all centers around, where it all started.

She sits. Darrow approaching, hunched over.

DARROW

Mrs. Massie...

THALIA

Yes...

Her voice is faint. Fragile.

DARROW

On the night of September 12th, you left the inn in the middle of the night, is that correct?

THALIA

Yes.

DARROW

And when did you next see your husband?

THALIA

Well... it was when I went home... I opened the door and... and...

Just like that, she starts CRYING. Real tears.

THALIA

He just took me... I fell into his arms.

Kelley rolls his eyes. *Here we go again.*

Grace hands Darrow a handkerchief. Darrow takes it to Thalia.

DARROW

You went home to your husband and what did you tell him?

THALIA

(dabbing her eyes)

I told him everything that happened. How I was grabbed by a car full of Hawaiian boys. How they got out, grabbed me, punched me. Especially Kahahawai. He was the leader. They drove me to a spot in the trees, I couldn't see where. I struggled to get free, but, but they held my hands down in the dirt. Pulled my dress up and... ravished me. Repeatedly.

Reactions in the crowd. Repulsed.

THALIA

I told my husband of the pain, the abuse. It was humiliating. All I could think of was my Tommie. The whole time. I just wanted to be back with him again.

DARROW

And in the aftermath of all this, what began to happen, Mrs. Massie?

THALIA

Rumors. Horrible rumors began to spread. I tried to rise above it all. My mother always told me, "Turn the other cheek." But I could tell that it was taking a toll on my Tommie. He was losing weight. He would walk up and down at night and go into the living room, just pacing and smoking.

DARROW

And how did the hung jury affect him?

THALIA

Well, he kept telling me he wished there was a way they could pry some kind of confession out of one of the men. He was trying to protect me, y'see. But he became obsessed. I've never seen my husband like that before. He only wanted justice to be done.

Thalia dabs her eyes again. Half the courtroom now in tears.

And the DOOR OPENS, Kelley looking back --

But it's RUBY who has entered. Darrow sees her. Both of them share a moment. Still tension between them. She takes a seat.

Kelley turning back to the jury, anxious.

Darrow turning back to Thalia, a thinking beat.

DARROW

Did your husband tell you of his plans with your mother to question Kahahawai?

THALIA

No. I had no idea.

DARROW

Then how did you find out he was killed?

THALIA

The police came to my house and told me.

DARROW

Were you surprised?

THALIA

I was. But I can't lie, Mr. Darrow. I was relieved.

DARROW

Relieved? Really? How so?

Thalia looks to Grace. Grace gives her a stern nod. *Do it.*

THALIA

I'm sorry this fella had to die. I truly am. But I felt safer knowing there was one less felon on the streets. These people, Mr. Darrow... they simply can't be trusted, we need to know that. We can't sit by and watch our good citizens suffer for the sins of these natives.

Half the room nods in agreement. The other half is ENRAGED. Thalia breaks down again, her sobs inciting sympathy.

JUDGE DAVIS
Mrs. Massie, do you need a recess?

THALIA
No, no. These wonderful people have put up with this trial for so long now. I can't stand the thought of them waiting another minute for me. Please. I'd like to continue.

And they can't believe it. The strength. The modesty of this scarred woman. Grace looks to the jury, all of them moved...

GRACE
(whispering)
...it's over...

JUDGE DAVIS
Well we appreciate your courage, ma'am.

DARROW
Thank you, Your Honor. No further questions.

And Darrow sits. The whole room quiet.

Kelley slowly stands. Lingering in the silence for a moment. He will speak calmly and sincerely...

KELLEY
Mrs. Massie, I too want to thank you for the courage to come forward. And I want to tell you I believe you. I believe you suffered a monstrous, unspeakable crime. To be a woman in a man's world, a world that at any moment can steal you into the shadows and take your pride... as the father of two young daughters, I cannot even...

Kelley has to stop for a moment, the emotion welling up.

KELLEY
I cannot even begin to imagine something that horrific happening to them. And what I might do.

Thalia stares at him, wondering where he's going with this. But her guard comes down a bit. She nods a thank you.

KELLEY

Still a man's life has been destroyed.
Your mother, your husband, stand on
trial. And what no one's asked, what I'd
like to know, Mrs. Massie, is what you
stand for?

Thalia reacts, confused.

THALIA

I don't think I understand...

KELLEY

Mr. Darrow's entire defense hangs on a
plea of temporary insanity. But I'd
argue prejudice is a form of mass
insanity... that infects us all. That
spreads like a virus. Clouds our
vision, blinds our better judgement.

He looks to the clock, the door, still no sign of Nan...

KELLEY

Murder is not the real crime on trial
here today. No...

(turning back to Thalia)

You cast a stone, Mrs. Massie... that
lead to a man's stoning. His blood is
on your hands. And if we choose to live
in a world where truth, facts, justice
are dragged into the shadows as well --
then we live in a world without light.
Then his blood is on our hands as well.

Grace hisses at Darrow, who rises, half-heartedly.

DARROW

Objection. We're in cross-examination,
not closing statements.

JUDGE DAVIS

Sustained. Mr. Kelley, I urge you to
come to a question quickly.

But before Kelley responds, the door at the back OPENS --

It's NAN. Finally entering. Not with an 11th hour surprise
witness, nor a smoking gun piece of evidence to turn the
whole case. No, she brings something much simpler and primal.

Kelley relaxes, his play to buy time just paid off.

KELLEY

Very well, I'll ask again, Mrs. Massie.
What do you stand for?

Nan has reached Kelley, hands him a package. In one move, he unwraps it and holds it before Thalia. Who goes pale.

KELLEY
Honor...

We see it now. A BLOWN-UP PHOTO of Kahahawai. Alive. Strong. Proud. Haunted eyes gazing out.

KELLEY
Or your honor killing.

He rotates the canvas now. Another photo on the back:

Kahahawai's body at the crime scene. Bloody. Brutal. Lifeless.

An intense reaction from the crowd, the judge, the entire jury. Thalia's hands to her mouth, first time she's seen it.

DARROW
Objection, this is an egregious example of badgering the witness. Badgering the whole court, I'd argue.

KELLEY
I'm simply giving voice to the one witness who was never allowed an opportunity to speak.

JUDGE DAVIS
Overruled. I'll allow it.

Thalia can't keep her eyes off Kahahawai. No one can. Kelley probing gently now...

KELLEY
I'm not asking you to tell us who did this to you, Mrs. Massie. I'm simply asking you to tell us who *didn't*.

Dead silence. For what seems an eternity.

Thalia motionless in her seat. Looking to Tommie. To Darrow.

Then to her mother. Nothing said, but Grace's hostile stare burning a hole right through Thalia.

KELLEY
One unforgivable crime should not justify another. I'm asking you to have the conviction to tell the truth.

Thalia looks down. Suddenly quiet. Hesitant.

THALIA
Does it matter?

And everyone leans in. *Did they hear that right?*

JUDGE DAVIS
I'm sorry, Mrs. Massie, could you say
that again?

Thalia looks to Grace once more. Something shifting inside
her now. The doubt turning to anger. Hesitation to outrage.

THALIA
Does it matter who did it? You ask me to
stand for my honor... but my honor was
TAKEN from me! My reputation, my life!
SOMEONE has to pay! If not these
savages, then who?!

And the whole crowd draws back, shocked, disturbed.

KELLEY
I'm sorry, Mrs. Massie... are you
saying you don't know who assaulted you?

And her face goes red, unable to hold it back any longer --

THALIA
As far as I'm concerned, it was you!
(singling out non-white men)
And you. And you. And YOU.

Thalia fully crying now -- Grace on her feet, furiously
whispering at Darrow to do something -- but Darrow just keeps
his eyes fixed on Kelley --

THALIA
Who are you to judge me, huh? YOU
PEOPLE DON'T KNOW A GODDAMN THING!

She LURCHES toward Tommie, stumbling -- Tommie catching her --
looking around -- disoriented -- courtroom ERUPTING in chaos --

JUDGE DAVIS
Order! We will bring order!

And Kelley holds a look with Nan. Neither expecting this.

JUDGE DAVIS
Mrs. Massie, please return to the stand
to finish the questioning.

But Kelley keeps watching Thalia. Watching the jury. Seeing
their faces: full of doubt now, disgust even for some.

It's clear: The damage is already done.

KELLEY

It's okay, your Honor, the territory
rests its' case.

Another RUMBLE in the room. Thalia eyeing Kelley. Nothing but absolute hatred. Kelley ignoring, going straight to his seat.

JUDGE DAVIS

Mr. Darrow, your rebuttal?

Darrow stands there. Silent. Smiling. His eyes find Ruby's.

DARROW

No, Your Honor. The defense rests.

Grace, the crowd, everything erupts. But in the chaos we hold on Darrow and Ruby. A smile spreading. Of recognition, relief.

And we hold on Kelley, eyes locked with Nan. Hoping, *praying* that was enough.

INT. THE COURTROOM - LATE AFTERNOON

There's a low murmur in the room. Everyone unconsciously leaning forward. Awaiting the final result.

Judge Davis enters and sits. Everyone taking their seats. The Jurors file in. And the Foreman stands.

JUDGE DAVIS

Gentlemen have you arrived at a verdict?

FOREMAN

We have, Your Honor.

The Foreman holds out a piece of paper. The Clerk hands it to the Judge. Judge Davis looking it over. Instantly pale.

He hands it back to the Clerk.

CLERK

Sir?

JUDGE DAVIS

You read it.

The Clerk takes it. Clearing his throat. Shaking.

CLERK

We, the jury, find the defendant,
Thomas H. Massie... Guilty of murder in
the second degree.

And the entire room ERUPTS -- Thalia unable to control a SHRIEK -- her entire body collapsing to the floor --

CLERK

We, the jury, find the defendant, Mrs. Grace Fortescue, guilty of murder in the second degree.

The room is in full COMMOTION -- cheering, angry shouts -- Grace on her feet -- turning to the JURY -- volcanic rage.

GRACE

How could you?! Do you know what you've done?! Do you know you've ruined us?!

Tommie holds her back -- the Judge CALLING the room to order, but it's past control -- And in the middle of this...

Darrow and Kelley. Both know it's over. Strangely, both smiling. Though one of them has lost, both have won.

EXT. IOLANI PALACE - DAY

Many of the PROTESTERS begin to CELEBRATE, hugs, tears...

INT. HONOLULU JAIL CELL - DAY

...and HORACE IDA celebrates in his cell, pacing in elation.

INT/EXT. VARIOUS LOCATIONS IN KALIHI NEIGHBORHOOD - DAY

...and the Hawaiian community celebrates: the bars, the homes, the shops, the schools, the kids in the street.

INT. GOVERNOR JUDD'S OFFICE - IOLANI PALACE - DAY

...sitting at a desk, US flag above, is Governor Judd. Blank.

INT. COURTHOUSE CORRIDOR - DAY

...and here are the MASSIES coming out, embracing each other as they're escorted in cuffs through the mob of REPORTERS...

REPORTER

Do you have any comments, Mrs. Fortescue?

GRACE

I am in shock. Utter shock. I felt all along that we would be unable to get a fair and just trial in Honolulu. But this... does it mean nothing to be free and white anymore?

AT THE END OF THE CORRIDOR

Kelley and Nan are surrounded in smiles, handshakes, back pats. And out of the crowd comes...

ESTHER KAHAHAWAI. Grabbing Kelley's hands. Looking at him. Eyes full of thanks beyond words. All she can muster up is --

ESTHER
Mahalo.

She embraces Kelley and goes. JOE SR. approaches from behind.

JOE SR.
Thank you, Mr. Kelley... Truly...

Kelley nods. Joe Sr. nods. Nothing further is needed. And they part. Kelley looking around, trying to find --

INT. THE COURTROOM - DAY

DARROW. Still in the courtroom alone as everyone files out. Ruby approaches from behind. Darrow sensing her presence.

DARROW
I know what you want to say. And I'm sure it's all true. But right now--

And he stops. Because her hand is on his shoulder.

And that fully breaks him down. His hand finding hers. Eyes closing. Living in this moment as long as he can.

DARROW
Ruby, I think... I think I'm done.
(looks right up at her)
I think this is my last case. For good.

There is no sadness to that statement. It is simply a fact. An acceptance of his fate. And Ruby is moved.

RUBY
Let's go home.

She offers her arm. Darrow smiles and takes it. And the two of them walk out arm-in-arm.

INT. COURTHOUSE CORRIDOR - MOMENTS LATER

Darrow and Ruby exit the courtroom, instantly BESIEGED by REPORTERS. Darrow glancing over the crowd, trying to find --

KELLEY. At the other end. Also surrounded. They lock eyes.

There's an undeniable admiration for Kelley in Darrow's expression. And in Kelley's, there's respect.

Kelley nods. Darrow nods back. Wanting to approach, but unable to, the wave of people carrying him out. As --

We hear the ringing of a phone... louder... and LOUDER...

INT. GOVERNOR JUDD'S OFFICE - DAY

The Governor is hunched over his desk. A mob angrily chanting outside his window. Phone RINGING over and over. He glances at it, chooses not to answer as--

His SECRETARY rushes in, face white, urgent --

SECRETARY

Governor? The President is on the phone!

RING... RING... RING! On Judd, flop sweat. And then, like a man to the gallows, he answers...

CUT TO BLACK.

EXT. IOLANI PALACE - DAWN

It's the next morning. Outside the palace. A BLACK CAR has pulled up to the steps, escorted by TWO MILITARY VEHICLES.

One by one, three people exit the black car: GRACE, THALIA, and TOMMIE. All looking around, as if under surveillance.

INT. LIVING ROOM - KELLEY HOUSE - LATER

Kelley stands by the window. He hasn't gotten much sleep.

OUTSIDE ON THE STREET: The rioters are gone. Reporters gone.

He smiles a bit, heading back inside when he hears --

A KNOCK at the door. He turns, curious.

EXT. PORCH - KELLEY HOUSE - CONTINUOUS

The door opens: It's OFFICER MACHADO (the Hawaiian policeman from the beginning of the film and the witness for Kelley).

KELLEY

Officer Machado... Can I help you?

And off Machado's concerned look --

EXT. IOLANI PALACE - LATER

Kelley's car SCREECHES up to the entrance -- Kelley already out -- bounding up the stairs --

INT. GOVERNOR JUDD'S OFFICE - IOLANI PALACE - DAY

Kelley BARGES in -- immediately interrupting Governor Judd and the Massies --

KELLEY

The hell is going on here? Governor?

The Governor freezes. Caught in the act.

KELLEY

The sentence meeting isn't supposed to be for another two days.

GOVERNOR JUDD

Mr. Kelley, why don't we have a word in private.

Kelley observes this "meeting": the Massies and the Governor are all having tea. That's right, tea. And breakfast.

KELLEY

I don't understand, what's going on?

GOVERNOR JUDD

(ushering him away)

Come. Just come with me.

INT. HALLWAY - IOLANI PALACE - MOMENTS LATER

Governor Judd and Kelley in the hallway. Kelley incensed...

GOVERNOR JUDD

I'm sorry, John. It's already in writing. They shortened the sentence.

KELLEY

Shortened it to what?

GOVERNOR JUDD

It's gonna be an hour. Here.

KELLEY

... Wait, you can't -- Ten years hard labor reduced to an hour, one hour, in your office?

GOVERNOR JUDD

There's nothing I can do.

KELLEY

What do you mean there's nothing you can do?! You're the Governor, for Chrissake!

GOVERNOR JUDD

Listen, John, you think I want this? You don't think I know the backlash this will stir? But I have orders from the White House. The President is threatening martial law. The whole Territory run by the U.S. military. You tell me, what's the smart thing to do?

Kelley looks away, trying to think of something. Anything.

KELLEY

What about a retrial... of the first case... I'll subpoena everyone, take it back to court--

GOVERNOR JUDD

At ten-o'clock today the Massies are getting on a boat to California and never coming back. And once they're there, they will not be able to retry this case because--

KELLEY

(realizing)

You can't be tried for a crime committed in another territory.

GOVERNOR JUDD

Exactly. Now look, there are just some things we have to accept. You live this long, you get to a position like mine, you start to understand things. Sometimes it's best to just look the other way. Trust me. It's in everyone's best interest.

And only now does something dawn on Kelley. A beat.

KELLEY

Why me?

GOVERNOR JUDD

What's that?

KELLEY

You said all the other candidates turned the job down.

GOVERNOR JUDD

... Well sure. They did.

KELLEY

And you thought you could what? Use me? A working-class white man. Barely making ends meet. Plays by the book. Seems like the ideal pawn.

GOVERNOR JUDD

Oh c'mon, John, it wasn't like that.

Only it was. This is a moment of tragic clarity for Kelley...

KELLEY

You thought I would lose... You were
hoping for it...

Governor Judd can't summon a response. And he doesn't need to.
The silence is enough. Kelley already turning --

GOVERNOR JUDD

John! John, you misunderstand, I'm trying
to help you! I'm trying to help everyone!

But Kelley is hurrying out, down the hall, into --

INT. GOVERNOR JUDD'S OFFICE - IOLANI PALACE - DAY

-- where he's passing the Massies. About to leave. But he
stops. Turns. Looks each of them in the eye...

KELLEY

You may get off free, but you will
never be able to run from it... the
weight of your own guilt. It will crush
you, slowly, I promise...

GRACE

He promises us? This boy promises us?
Well I'll be damned! I wasn't aware we
had God himself in this very room.

KELLEY

God won't be so merciful.

He leaves them. In heavy silence. A long, long beat.

Then Grace shrugs it off. Deep breath. Forced smile.

GRACE

More tea anyone?

And as she pours...

We hear the distant HORN of a SHIP, carrying us to...

EXT. HONOLULU HARBOR - HOURS LATER

The USS MALOLO, same steamer Darrow arrived on, setting sail.

A CROWD has gathered on the dock. Reporters. Sailors. Riot-lines of MILITARY POLICE holding off PROTESTERS.

**CARD #1: The Massies successfully sailed for California where
they were received as national heroes.**

INT. CABIN - USS MALOLO - DAY

DARROW stands looking out a window, arm-in-arm with RUBY...

CARD #2: The Massie Affair was the last case Clarence Darrow ever took. To this day he is considered one of the greatest lawyers in American history.

EXT. HONOLULU HARBOR - DAY

KELLEY pushes his way through a bustling crowd, making his way to the front...

CARD #3: John Kelley served as Honolulu Prosecutor for 5 more years. He refused to prosecute the Ala Moana boys.

NAN comes to join him from behind, both of them looking out to see the ship slowly retreating away.

EXT. DECK - USS MALOLO - DAY

THALIA joins TOMMIE at the bow of the ship, grabbing his arm and looking over the water... But Tommie pulls away.

CARD #4: Two years after the trial, Tommie and Thalia filed for divorce. Tommie left the Navy and became an alcoholic. Thalia was admitted to a mental hospital and later committed suicide.

Tommie turns and goes. Leaving Thalia alone, lost in thought.

CARD #5: John Kelley later hired the top detective agency in the country to determine whether the five Hawaiian boys truly raped Thalia Massie...

She looks out to the horizon...

CARD #6: After an exhaustive investigation they concluded: "The kidnapping and assault could not have been caused by those accused."

EXT. DECK STERN - USS MALOLO - DAY

GRACE scans the receding harbor. The chaos left in her wake.

CARD #7: Grace Fortescue lived the rest of her life in luxury. She took up waterskiing, went to Acapulco, and lived in apparent contentment until age 95.

A slow smile spreads across her face.

INT. PUEA CEMETERY - KALIHI, HI - PRESENT DAY

The present day TOMBSTONE of Joseph Kahahawai. Cracked at the edges. Eroded by rain and time. But still standing.

And END CREDITS begin OVER IMAGE.

THE END