

OSWALD'S 6TH

Written by

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Based on the Work of Mark Lane

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OVER BLACK:

*"In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense."*

--The 6th Amendment to the United States Constitution

FADE IN:

INT. LEXINGTON AVENUE SUBWAY -- NEW YORK -- MORNING

MARK LANE (30s) holds onto a safety strap, dark suit and tie, glasses, dark features.

As the car jiggles and shakes, Mark tries to read a *New York Times* for Friday, November 22, 1963.

ON SCREEN -- NEWSPAPER DATE

A jostle next to him releases a drop of his NEIGHBOR's coffee onto Mark's paper, the left side of it indicated by the drop.

ON SCREEN -- KENNEDY ARTICLE

On the left column of the paper, Mark follows the coffee drop, shakes off the offense of the oblivious neighbor, reads article heading:

"Kennedy Pledges Space Advances: Opens Texas Tour"

Before Mark loses himself in thought, the train reaches the Criminal Court Building/China Town stop.

Mark folds the paper into his briefcase, eyes the coffee dropper briefly while exiting, who ignorantly smiles.

Mark smiles back, ironically, then steps off the train.

EXT. CRIMINAL COURT BUILDING -- FOGGY MORNING

Mark fumbles with some papers past the *New York Times* to get a last look at his schedule, catching the room number of his first motion.

FLASHBACK -- KENNEDY CAMPAIGN -- 1960

INT. HALLWAY -- PARK AVENUE APARTMENT BUILDING -- NIGHT

Mark enters a less than luxurious suite filled with several Kennedy campaign SUPPORTERS.

SUPERIMPOSE:

"Kennedy Campaign -- New York, 1960"

The door closes behind him, and he finds a seat.

INT. ROOM

BOBBY KENNEDY (30s) addresses the group of eager Democrat reformers.

REFORMER 1

(to Bobby)

What approach would your brother take toward all the Democrat infighting in New York, if elected president?

BOBBY

(pushing up sleeves, New England accent)

I just want my brother to be elected president. I want you all here in New York to help. Once he's elected we don't give a damn if blood runs in the streets of New York.

The group gasps in unison.

But Mark eyes the future Attorney General with half a smirk of understanding.

The meeting adjourns on this note, Bobby rising.

BACK TO:

INT. NEW YORK COURTHOUSE -- NOVEMBER 22, 1963 -- MORNING

Mark enters a courtroom, shakes hands with a fellow ATTORNEY, waves at another.

ATTORNEY 1  
(whispering)  
Mr. Lane. You do your homework?

MARK  
(whispering back, Brooklyn  
accent)  
The fog ate it.

Mark smiles, takes a seat among other lawyers on the defense side of the room.

ATTORNEY 2  
(to all, whispering)  
Honorable Tardy at it again.

They all look at their watches and giggle quietly, waiting for the judge to enter.

Mark unzips his briefcase, checks that all is in order, looks around the room, settles into his chair to think.

FLASHBACK #2 -- STATE ASSEMBLY ELECTIONS -- 1960

INT. MAKESHIFT CAMPAIGN OFFICE -- HARLEM -- DAY

With "Lane for State Legislature" signs spattered around, Mark answers a ringing phone.

SUPERIMPOSE:

"State Assembly Race -- Harlem, 1960"

MARK  
(into phone)  
Oh, hello Mr. Kennedy. Yes we're set for the rally.  
(beat)  
By the way, the picture with your brother didn't come out.  
(beat)  
The Tammanies said something about a "technical glitch."

BOBBY KENNEDY (O.S.)  
(yelling through phone)  
Those bastards! That's our campaign they're screwing up. John wants you to be elected.  
(beat)  
(MORE)

BOBBY KENNEDY (O.S.) (CONT'D)  
Hey, Mark do you have plans for  
Thursday evening?

MARK  
(into phone)  
Thursday evening?

EXT./INT. PARK AVENUE SUITE -- THURSDAY NIGHT

Mark rings doorbell to suite, and a BUTLER-type opens, a  
SECURITY-type with a list and pen behind him.

MARK  
Mark Lane at the request of Mr.  
Kennedy?

The security guard checks the list. Nods.

The Butler opens all the way with a smile, points toward the  
bar, food, Senator JOHN F. KENNEDY (40s) beaming center stage  
between the bar and hors d'oeuvres.

He smiles and waves at Mark, the scene amongst 100 close  
FRIENDS and ASSOCIATES of the senator.

Mark waves back with a humble smile, but before he could  
feign satisfaction with the welcome, John waves Mark over  
with a smile.

MARK (CONT'D)  
Senator Kennedy, thank you for  
having me.

JOHN  
(that accent)  
A pleasure, Mark. A pleasure.

John steps with Mark away from a small crowd to talk briefly.

JOHN (CONT'D)  
(slightly under the  
breath)  
Bobby tells me there was trouble  
with the photos.

Mark smiles lightly, shakes his head.

JOHN (CONT'D)  
Those guys won't give up will they?

MARK  
Probably not.

JOHN  
You brought a photographer tonight?

MARK  
He's supposed to come.

JOHN  
Never mind that.  
(to passing JOURNALIST)  
Ron!! Where's Eddie?

John starts a process of getting "Eddie," a photographer, over to take a picture of Mark and himself.

JOHN (CONT'D)  
Let the Tammanies fiddle with *this*.  
That's my own guy, Eddie.

Mark shakes hands with Eddie, then dutifully backs up to pose for a couple shots with the future president.

JOHN (CONT'D)  
Thanks, Ed!

Eddie gives a thumbs-up sign, as he moves on to allow Mark and John a last moment of privacy.

JOHN (CONT'D)  
That picture will be developed tonight and dropped by your office first thing tomorrow.

A look of touched gratitude comes over Mark's face.

MARK  
Thank you, sir.

JOHN  
Don't mention it, Mark--now, we need you to win that seat.

MARK  
We need *you* to win *your* seat.

JOHN  
And that's how it works, Mark.  
You're our guy here. Bobby and I can't do it without ya'.

MARK  
(shaking hands)  
Thank you, sir.

JOHN  
Now get an hors d'oeuvre and relax!

MARK  
Yes, sir.

JOHN  
(poking)  
I said relax, Mark!!

Mark laughs a bit as they break company, Mr. Kennedy swarmed by a bundle of friends and contacts. More pictures. Food. Drink.

BACK TO:

NEW YORK COURTROOM -- NOVEMBER 22, 1963 -- LATE MORNING

Mark with other attorneys.

He steps forward on hearing his case called.

JUDGE  
How does your client plead, Mr. Lane?

LANE  
(casual, confident)  
Not guilty of all charges, your honor.

JUDGE  
Roberta, find a date.

ROBERTA, the clerk, scurries to check a calendar.

Audio fades on routine morning of events at court.

Mark sits back down, after a date appears to be set for trial.

Others around him are smoking, about half of them.

Mark himself, pulls out a pipe, lights it, calms and reflects some more.

FLASHBACK #3 -- KENNEDY/LANE WIN -- NOVEMBER 1960

SOUNDS of celebration, kazoos, shouting.

INT. NEW YORK CAMPAIGN OFFICE

The TV is on, centerpiece of a thirty-PERSON mixed-race, mixed gender gathering.

All wear old fashioned straw hats, or fake Styrofoam ones, campaign buttons, blow on kazoos, throw streamers.

Signs for Kennedy, Lane and other Democratic candidates for seats in 1960 are strewn about the room.

Mark is among the revelers, quiets them when it's time for the new President, John F. Kennedy, to speak.

ON SCREEN -- TV

KENNEDY

May I say... in addition to all citizens in this country... Democrats, Independents, Republicans, regardless of how they may have voted, that it is a satisfying moment to me. And I want to express my appreciation to all of them, and to Mr. Nixon personally. I particularly want to thank all those who worked so long and hard on this campaign, on our behalf...

CHEERS fill the room.

Some come up to shake hands with Mark.

CAMPAIGNER 1

Congratulations, Mr. Lane.

Mark thanks them, then gets back to focusing on Kennedy.

KENNEDY

To all Americans, I say that the next four years are going to be difficult and challenging years for us all. The election may have been a close one, but I think that there is general agreement by all of our citizens, that a supreme national effort will be needed in the years ahead to move this country safely through the 1960's.

(MORE)



KENNEDY (CONT'D)

I ask your help in this effort, and I can assure you that every degree of mind and spirit that I possess will be devoted to the long-range interest of the United States, and to the cause of freedom around the world. So now my wife and I prepare for a new administration... and for a new baby.

All clap and cheer. Mark looks proud, smokes his pipe, and accepts some congratulations for his own victory.

CAMPAIGNER 2

Congratulations, Mark! You and Kennedy both on the same night!

MARK

Thanks, Connie. I'll take the seat for as long as it takes for the right *minority* representative to fill it. Harlem's got Mark Lane for now, but needs to put one of its own in my place.

Connie nods understanding.

Mark looks on proudly, puffs at his pipe in celebration for the victories, as all continue to watch the handsome young JFK and his beautiful wife pose for pictures with their family, including Bobby and Ted Kennedy.

CLOSE ON -- TV

John Kennedy and Jacqueline pose and smile for the cameras and crowd. The coverage ends with John waving to a crowd before getting into a limousine along a Hyannis Port, Massachusetts street.

Happy and hopeful, just like the campaign crowd watching from this New York office.

A DRUM like a gunshot, and

BACK TO:

INT. NEW YORK CRIMINAL COURTHOUSE -- DAY

Mark is at a near-run down a hallway, rushes into a proceeding already in session.

JUDGE  
Mr. Lane?

MARK  
Yes, your honor.

JUDGE  
Just in time. The prosecution is ready, and it is my judgment that we proceed to trial this afternoon. Any objections?

MARK  
(settling into defense area)  
None, your honor.

Mark nods to his CLIENT that he is ready.

INT. CRIMINAL COURTROOM -- LATER

The clock reads one o'clock, as a defense WITNESS is finishing her testimony on the stand.

The room is falling asleep, tired and hungry.

JUDGE  
That's enough for the morning.  
Lunch recess. Back in one hour.  
That's two o'clock, counselors.

All nod with the gavel's drop and knock.

Mark confers with his CLIENT and the WITNESS a short moment, then packs up to head for lunch.

EXT. CHINATOWN -- AFTERNOON

Mark sits outside a restaurant, sipping chrysanthemum tea and eating dim sum plates.

When finished, he begins to walk back toward the courthouse, but soon notices PEOPLE gathering around radios.

Mark approaches one of the gatherings.

MARK  
What happened?

A young Asian MAN with a tear in his eye turns around sharply.

MAN

The president's been shot.

Mark goes white. Starts running for the courthouse.

EXT./INT. COURTHOUSE -- AFTERNOON

Mark runs inside, past some startled ATTORNEYS.

EXT./INT. PRESS ROOM -- CONTINUOUS

Mark rushes in, out of breath, finds a large group of legal PROFESSIONALS huddled around the press room TV.

TV VOICE

It is thought that a Negro was involved in the assassination attempt.

A black courtroom ATTENDANT shifts from one foot to the other as he tries to look innocent.

Others try not to look at him.

JACK ROTH (40), the *New York Times* criminal court reporter, and an acquaintance of Mark, gets up with sudden impatience.

He walks briskly past Mark.

JACK ROTH

Mark, I'll find out what the heck's going on.

Mark eyes the TV and listens for clues.

In the background, Jack Roth emerges from a phone booth, tears in his eyes as he walks back to Mark.

JACK

(softly)

He's dead.

Mark almost falls into emotion, but looks at his watch, and the time. 2:00pm and late for court!

He rushes out of the press room.

INT. COURTROOM

Mark rushes in, 2:05 on the clock above the judge.

The judge looks at his watch, then at Mark.

MARK

Sorry I'm late, Your Honor. The president has been shot, and he has died.

Ready to let out emotion, awaiting what he thinks might be court emotion and an end of trial for the day.

JUDGE

(unmoved)

The case will go forward. Let's move along with this trial.

Mark hesitates.

JUDGE (CONT'D)

Call your next witness, Mr. Lane. We have work to do.

Audio mutes, as Mark tries to get a grip and call his client to the witness box.

EXT. COURTHOUSE -- EVENING

Mark rushes down the steps to the courthouse, anxious for news, briefcase in one hand--topcoat in the other.

He steps around an elderly MAN (70s) walking slowly in the same direction.

The man suddenly turns to Mark.

MAN

Well, Lane, do you think he did it alone?

Mark recognizes the old man as a tough but respectable old judge acquaintance.

MARK

(embarrassed a bit)

Who, sir? Did what?

JUDGE

Do you think this Oswald killed the president?

MARK  
(apologetic)  
I had to try a case all afternoon,  
sir, and I have heard nothing about  
the details of the assassination.

The judge waves off Mark's comment as irrelevant, stops walking, looks directly at Mark.

JUDGE  
He couldn't very well shoot him  
from the back and cause an entrance  
wound in his throat, could he?

A pause to think.

JUDGE (CONT'D)  
The doctors said the throat wound  
was an entrance wound. It'll be an  
interesting trial. I want to see  
how they answer that question.

Enough said from the old man, as he walks off slowly past, waving good bye to the young bespectacled Mr. Lane.

Mark ponders a split second before returning to his hurried step for more information and a taxicab home.

INT. MARK'S OFFICE -- EVENING

Mark eagerly watches the news on TV, sitting at his desk, phone at the ready.

TV VOICE  
Three shots rang out into the  
Dallas, Texas sky, leaving Governor  
Connolly seriously wounded, and  
John F. Kennedy, the nation's young  
35th president, dead at the age of  
forty-six.

MARK  
(to himself)  
*Three shots.* Specific stat. What's  
their source?

INT. MARK'S APARTMENT -- NEXT MORNING

Apartment TV on while Mark has coffee and a bit of breakfast.

TV ANNOUNCER  
Lee Harvey Oswald was guilty,  
according to lawmen of the stature  
of J. Edgar Hoover.

MARK  
(to himself)  
What?

TV ANNOUNCER  
Sources close to the FBI chief  
disclose Mr. Hoover in accordance  
with Dallas authorities, who at  
this time assert that Lee Harvey  
Oswald acted alone in killing the  
president.

Mark cannot eat anymore, disgusted with the news.

INT. MARK'S APARTMENT -- NEXT DAY

It is Sunday at lunchtime, and Mark is still glued to the TV,  
reports of the JFK assassination still buzzing.

It is 12:20pm, and Oswald is being transferred from the city  
to county jail.

Mark watches in horror as Oswald is *suddenly shot* among  
cowboy hat-wearing Dallas Police Department BIGWIGS.

MARK  
God help us.

The phone RINGS.

MARK (CONT'D)  
(into phone)  
Hello?  
(beat)  
Yes, I'm watching. No trial now.  
(beat)  
We'll see. I'm taking notes  
already. Did you know that Hoover  
declared this guy guilty as the  
lone killer minutes after he was  
arrested? Yeah. And all the  
networks. Three shots. Three  
shots. Three shots. Like they  
were reading the same script.  
(beat)  
No, we don't know the source.  
Well, I'm sure someone will do some  
honest work down there.

INT. MARK'S APARTMENT -- AFTERNOON

Soon after Oswald pronounced dead, Dallas District Attorney HENRY WADE (50) calls a press conference.

Mark watches and listens intently, a notepad at the ready.

REPORTER (O.S.)  
Oswald was definitely the killer?

ON SCREEN -- TV

WADE  
(Texas drawl)  
I would say that without any doubt,  
he is the killer. The law says  
"beyond a reasonable doubt and to a  
moral certainty," which I--there is  
no question that he was the killer.

REPORTER (O.S.)  
That case is closed, then.

WADE  
On Oswald, yes.

Mark's shock increases to an offended level.

MARK  
(to himself)  
This is wrong.

EXT. NEW YORK NEWSSTAND -- ONE DAY LATER -- AFTERNOON

Mark grabs a *New York Times* for Tuesday, November 26, 1963.

He starts reading it even before getting change for his bill.

EXT. WALKING HOME

Still sneaking reads.

INT. SUBWAY

Sneaking reads with interest.

INT. MARK'S APARTMENT -- NIGHT

Mark has the *New York Times* article splayed out on the kitchen table, a notebook beside it, himself checking the article against his notes, adding to them when appropriate.

Legible is a title to the key article in question:

"Henry Wade of Dallas Nails Oswald -- Here's the Proof"

The date of November 26, 1963 is visible, as well.

Mark begins to write some main points.

ON SCREEN -- MARK'S NOTEBOOK

Mark writes the words:

"It is the sacred right of every citizen accused of committing a crime to the presumption of innocence."

INT. SECRETARY'S OFFICE -- LATER

A female TYPIST (30s) puts Mark's written brief into typed form.

We see major points of his 10,000 word brief in visual word montage.

OSWALD DEFENSE BRIEF MONTAGE:

Words by the Typist jump off the page into the audience:

"defense is obligatory"

"due process of law"

"the right to counsel of one's choice"

"adversary system"

"no palm prints were found on the rifle"

"reasonable doubt"

"the murder weapon was a German Mauser"

"no legal basis for Marina Oswald's incarceration"

"Oswald tried and condemned through the media"



"Lee Oswald had been lynched"

"Oswald lacked motive, respected Kennedy"

"false and unfair conclusion"

"hysteria and intolerance"

"For 48 hours, Oswald was denied the elementary right to counsel of his choice."

"Despite physical abuse and absolute isolation, Oswald continued to state that he was innocent."

"Innocent"

"Oswald was an intellectual"

"character testimony for Lee Oswald would be compelling"

"How could the president have been shot in the front from the back?"

"Lee Harvey Oswald is demonstrably not guilty."

"Our national conscience must reject the national media conviction of Oswald"

"Presumed to be innocent"

"examine and analyze the evidence"

"an old American tradition--the presumption of innocence"

"the assassin of President Kennedy remains at large."

INT. MARK'S APARTMENT -- DAYS LATER

Mark skims the typed-up Oswald defense brief at his desk, a couple copies of it on the floor.

He picks up the phone, dials with confidence.

VOICE (O.S.)

*The Nation.*

MARK

(into phone)

Editor's desk, please.

(beat)

Carey? Mark Lane, here.

(beat)

(MORE)

MARK (CONT'D)  
 Fine, I've got something I think  
 you might like.

INT. *THE NATION* MAGAZINE NEW YORK OFFICE -- DAY

CAREY McWILLIAMS (50s), editor of the magazine, sits in happy anticipation of something good from a trusted friend.

CAREY  
 What'cha got there, Mark?  
 (loaded beat)  
*Oswald?*

Carey's countenance completely changes to fear and dread.

CARY  
 We cannot take it. We don't want  
 it. I am sorry but we have decided  
 not to touch that subject.  
 (beat)  
 No. Don't send it. We won't print  
 it. We have already discussed the  
 subject and decided not to touch  
 it.  
 (beat)  
 No, please don't send it.

INT. MARK'S APARTMENT -- CONTINUOUS

Mark is frozen with disbelief.

He hangs up the phone and thinks.

Gets on the phone again, starts firing pitches.

"NO" MONTAGE:

(each editor saying "no" could have magazine/publication logo  
 somewhere behind them)

No. *THE REPORTER* EDITOR

No. *LIFE* EDITOR

No. *LOOK* EDITOR

No. *SATURDAY EVENING POST*

FACT EDITOR  
No. Too controversial.

MARK  
(into phone)  
But *Fact* is the magazine of  
controversy.

CLICK. Dial tone.

INT. COURTROOM -- DAY

Mark steals a look at his "no" list, including the above publications.

*The New Republic* and the liberal New York *Post* are also on the list, lines drawn through them.

JUDGE  
Mr. Lane?

MARK  
Ready, your honor.

Mark quickly stuffs the list in his briefcase.

INT. MARK'S BEDROOM -- NIGHT

Mark takes another look at the long list of "no's," tosses it despondently on his nightstand, is about to click off a reading light when the phone rings.

MARK  
(into phone)  
Yes?  
(beat)  
This is he.  
(beat)  
I know your magazine, yes sir.  
(long beat)  
Thank you, but I *had* wanted a  
*broader* publisher.

The MAN on the phone gets loud and adamant.

MARK (CONT'D)  
I hear you, sir.

Mark picks up a copy of his defense brief, looks at it.

MARK (CONT'D)  
 (into phone)  
 It *does* beat the file drawer.  
 (beat)  
 I'll accept. Thank you, sir.  
 (beat)  
 Yes, sir. Tomorrow. Good bye.

Mark promptly looks at his "no" list, scratches *The Progressive* off the list, seemingly until then an option still.

Then he writes with small satisfaction:

"*National Guardian.*"

A ho-hum, "better-than-nothing" smile comes over Mark, as he finally turns off his lamp to rest.

INT. MARK'S BEDROOM -- MORNING

Mark sleeps in on a Saturday, a clock on the nightstand reading nine o'clock.

SUPERIMPOSE:

"One Week Later"

As light peeps through a window, the phone rings.

Mark hits the clock to stop.

To no avail.

MARK  
 (to himself)  
 Oh.

Goes to the phone, answers.

MARK (CONT'D)  
 Yes?  
 (beat)  
 Yes, I know who you are, and I am sorry for your loss.  
 (beat)  
 Yes, I have heard about the Warren Commission.  
 (beat)  
 Well, it concerns me. An ex-CIA director, *fired by Kennedy*, is serving on a body to *investigate* and *report on Kennedy*.

INT. HOME OF MARGUERITE OSWALD -- FORT WORTH, TEXAS

Bespectacled MARGUERITE OSWALD (50s), dressed in black, mourns the loss of her son, Lee--his pictures behind her as she speaks on the phone with Mark Lane.

SUPERIMPOSE:

"Home of Marguerite Oswald -- Ft. Worth, Texas"

MARGUERITE

(into phone, Louisiana  
drawl)

Well, Mr. Lane, I read your article and wanted to know if you still stood by it. This Warren Commission wants to talk to me, and you are the only lawyer in the whole country who said that my son should not be condemned as a murderer without the evidence at least being looked at. They are going to try him after his death, when he can't answer. I knew Lee; he was my son. I know he was innocent. I'd like you to represent my son's interests at the Warren Commission. You can find witnesses for Lee. You can cross-examine their witnesses against him.

INT. MARK'S APARTMENT

Mark listens to Mrs. Oswald, looks at a letter from his biggest corporate client.

ON SCREEN -- LETTER

Typed on nice corporate letterhead:

*"Mr. Lane, our company was greatly embarrassed by your brief in defense of Lee Harvey Oswald. Any further public dealings in this matter will result in a severance of our business."*

MARK

(into phone)

I understand, Mrs. Oswald. There are financial considerations I must review, before...

INT. MARGUERITE'S HOME

Marguerite pulls down a picture of her son.

Her other hand holds Mark's *National Guardian*-published defense brief.

MARGUERITE

(into phone)

You wrote that both Lee Harvey  
Oswald and the country are entitled  
to receive a fair and critical  
evaluation of all the evidence.

(pulling phone close)

He's being tried by the Warren  
Commission. He has no lawyer. Will  
you represent his interests, or  
didn't you mean what you wrote?

INT. MARK'S APARTMENT

Mark pauses to re-read the corporate threat.

He looks to heaven a brief second, looks at a nearby  
trashcan, the phone, the letter.

Crumples up the letter, throws it in the trash.

MARK

(into phone)

Okay, Mrs. Oswald, I will conduct  
an investigation.

(beat)

I will represent your son. But  
independent of yourself, and your  
appearance in front of the Warren  
Commission.

(beat)

One more thing: my investigation  
will follow facts, and if the facts  
lead me to conclude that your son  
did this crime, I will be free to  
say so publicly. That is a  
stipulation I want in writing,  
ma'am.

INT. MARGUERITE'S HOME

She seems pleased, and optimistic.

MARGUERITE

That is fine, Mr. Lane, And thank you! I am not worried about your investigation and Lee's innocence. I am certain your facts will bear the truth that Lee was a patriot and did not do this horrible thing.

INT. WARREN COMMISSION CHAMBERS -- WASHINGTON -- AFTERNOON

SUPERIMPOSE:

"March 4th, 1964 -- Washington D.C."

"Warren Commission Hearings"

Mark takes the witness stand before a large rectangular table. On the other side of him, centered, is commission chairman, Chief Justice EARL WARREN (70s).

Flanking Warren are Senator JOHN COOPER (60s) and Representative GERALD FORD (50s).

Also present are J. LEE RANKIN (50s), general counsel; NORMAN REDLICH (30s), assistant counsel, and a couple other assistant COUNSELORS (30s).

WARREN

The Commission will be in order. The Commission has been informed that Mr. Lane has collected numerous materials relevant to the Commission's work. The Commission proposes to question Mr. Lane on all matters of which he has knowledge concerning the assassination of President Kennedy and the subsequent killing of Lee Harvey Oswald, and to request of Mr. Lane that he make available to the Commission any documentary material in his possession which can assist the Commission in its work. In accordance with the rules of this Commission, Mr. Lane has been furnished with a copy of this statement. Mr. Lane, would you please rise and be sworn? Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MARK  
(standing, raising right  
hand)  
I do.

WARREN  
Thank, you. You may be seated.

MARK  
(sitting)  
At the outset, I would like to request that this portion of the hearing, in any event, be opened to the public. I think that there are matters here of grave concern to all the people of our country, and that it would, therefore, be fruitful and constructive for the sessions to be conducted in a public fashion, open to the public and to the press. Accordingly, I request that this session at least involving my testimony be so opened to the public.

WARREN  
You would have a right, as any witness would have, to request that, Mr. Lane. We will conduct this in an open hearing. We will adjourn at this time to the auditorium downstairs, and we will conduct the hearing there. It will be open to the public. I saw a good many members of the press around, so it will really be a public affair.

INT. DOWNSTAIRS AUDITORIUM -- PUBLIC HEARING AREA -- LATER

Fifteen minutes later, the session reconvenes in a room open to the PRESS and public.

The same party exists, plus ten or fifteen MEMBERS of the press, and ten or so other ONLOOKERS.

RANKIN  
Mr. Lane, will you proceed to tell the Commission whatever you have that would bear upon this investigation? Start item by item, and give us whatever you have in support.



MARK

At the outset, I would like to call to the Commission's attention a matter which is somewhat peripheral, perhaps, and should the Commission determine it does not wish to hear my testimony in that regard, I will understand that. But I would like to call it to your attention, because although it is peripheral I think it is related to both the assassination and the investigation into the assassination of the President. That is in relationship to a picture which has been widely publicized, probably in every single community of our country, allegedly showing Lee Harvey Oswald holding in his hand a rifle which has been described in at least one publication, *Life* magazine, as the weapon with which he assassinated President Kennedy. I would like to indicate to the Commission at this time that the pictures which have been distributed throughout the country included *doctored* and *forged* photographs. I would like to present evidence to the Commission at this time in that regard. I ask the Commission if it does conclude that the photographs have been doctored, whether it will consider determining whether or not a crime has been committed, or an effort has been made to submit evidence to the Commission members, though not directly through the press, from magazines, which evidence--

WARREN

I didn't get that last sentence-- something about the Commission?

MARK

I am asking the Commission if it does conclude that the pictures have been doctored, to consider investigating the method by which the doctoring took place, who was responsible, and whether or not an effort has been made to influence the members of the Commission, while not directly, through the publication of this picture, which certainly has been circulated very widely throughout our country.

WARREN

You may be sure, Mr. Lane, that anything you present in that regard will be thoroughly considered by the Commission.

MARK

Thank you, sir.

Mark hands the commission, through an ASSISTANT, a folder labeled clearly: "Forged Oswald Photos."

MARK (CONT'D)

These are some eight by ten glossies of the now-famous and widely press-distributed photographs alleging to be of the deceased suspect, Lee Harvey Oswald holding the alleged murder weapons. Some of the photos have telescopic attachments to the rifle, some do not. Some of the photos have one background, others have another. In some of the photos, the rifle is bent in a conventional way. In others, there is no bend to the rifle. It is unrealistically straight.

RANKIN

So your conclusion about these photographs--

MARK

My conclusion about these photographs is that there has been an obvious *forgery*. The photos are doctored, and have been given to all the major press outlets, purporting to be genuine.

(MORE)

MARK (CONT'D)

I believe the Commission should look into this matter. In fact, we may do this now.

RANKIN

May do what, Mr., Lane?

MARK

Compare the alleged murder weapon with the rifle depicted in these doctored photographs. I wonder if I might ask the Commission if it might *produce the rifle now*, so that we might compare the actual rifle with the pictures.

WARREN

We will do that in due course. But we don't have the rifle here now, Mr. Lane. We will make the proper comparisons, you may be sure, with experts.

MARK

So the alleged murder weapon, the rifle alleged to have killed the president, is not on hand at this Commission today?

WARREN

Today? No. But we will make it available to you, though, at the very first opportunity, Mr. Lane.

MARK

Fine. Then I will reserve my comment in reference to the rifle for that occasion.

WARREN

You may.

MARK

Thank you. I would like to, on behalf of Lee Harvey Oswald, make this information available to the Commission. First, respecting the gunshot wound to the president's throat--an *entrance* wound according to every doctor present at Parkland Memorial, the first doctors to treat Mr. Kennedy on November twenty-second, 1963.

INT. COMMISSION PUBLIC CHAMBERS -- LATER

Mark is still rolling.

MARK

Next, I have sworn testimony of several witnesses from the Dealey Plaza on the day of the assassination who swear to gunshots and/or plumes of smoke coming from the grassy knoll area in front and to the right of the president's motorcade that day.

LATER

MARK

Since it is the Dallas authorities' position from day one that Oswald was on the sixth floor of the Texas Book Depository building, the lone shooter from behind the motorcade as it passed: *How could Oswald have created a throat entrance wound from behind?* And the Commission must answer to the voluminous testimony from witnesses that heard shots and saw smoke in *front* of the motorcade, from the *grassy knoll* area near the railroad yards and triple underpass.

LATER

MARK

*Life* magazine published photos from Abraham Zapruder's 8mm film of the assassination. The conclusion is that the murder happened in a six-second period based upon that photographic evidence. And still the Dallas authorities cling to the theory that Oswald acted alone from a sixth story window above and behind the president's car. With a weapon *NOT AT FIRST FOUND ON THE SCENE*.

(MORE)

MARK (CONT'D)

In his sworn affidavit, Dallas Police Officer *Weitzman* indicates that he discovered the rifle on the sixth floor of the Book Depository Building at, I believe, 1:22 p.m., on November 22, 1963.

(beat)

Now, in this affidavit, Officer *Weitzman* swore that the murder weapon--that the weapon which he found on the sixth floor was a 7.65 *Mauser*, which he then went on to describe in some detail, with reference to the color of the strap, et cetera.

(beat)

Now, the prosecuting attorney, of course, took exactly the same position, and for hours insisted that the rifle discovered on the sixth floor was a German *Mauser*, adding the nationality. The following day, on the 23rd, when it was announced by the FBI, that *Oswald* had purchased an *Italian* carbine, 6.5 millimeters, under the assumed name, *A. Hidell*, then for the *first time* the District Attorney of Dallas indicated that the rifle in his possession, the alleged murder weapon, *HAD CHANGED BOTH NATIONALITY AND SIZE, AND HAD BECOME FROM A GERMAN 7.65 MAUSER, AN ITALIAN 6.5 CARBINE.*

(beat)

There seems, gentleman, to be a concerted effort to indict my client no matter where the facts lead. And While I am on this question, I wonder if I might ask the Commission to give consideration to--although I don't believe that it is present in any of the six panels which have been established by the Commission--but to give consideration nevertheless to the forty-eight hours in which *Oswald* was in custody, in reference to *what happened to his rights as an American citizen, charged with a crime in this country.*

(beat)

(MORE)

MARK (CONT'D)

The statement by the National Board of the ACLU, that had Oswald lived he could not have secured a fair trial anywhere in this country.

WARREN

(aloof)

Yes, Mr. Lane. We will certainly take this request into account.

MARK

And now, I would like to go over testimony and facts that discredit the Dallas District Attorney case against my client for the murder of Dallas police officer Tippit...

Some signs of impatience by Commission members, looking at watches, sighing.

INT. WARREN COMMISSION PUBLIC CHAMBERS -- LATER

MARK

Next, regarding Oswald's ability with a rifle: *The Times* reported on November 23, "As Marines go, Lee Harvey Oswald was not highly regarded as a rifleman." And you have in your files, of course, the scorecard indicating Oswald's marksmanship or *lack of marksmanship* while in the Marine Corps.

Mark looks at the Commission members, checking for a pulse.

MARK (CONT'D)

And regarding gun residue tests: a report of a *paraffin test taken of Oswald*, of both his hands and his face... The test in reference to the face proved *negative*, indicating that *Oswald had not fired a rifle* on November 22, 1963.

Mark pauses to let this fact sink into the room.

MARK (CONT'D)

I would just like to conclude on this note:

(beat)

(MORE)

MARK (CONT'D)

I hope the Commission will give consideration to my written request, which the Commission has answered, but which again I would like at this time to renew. That is, that I be permitted, at the request of Mrs. Oswald, the mother of the accused defendant, before this Commission's hearing, to *represent his interests* here, to have access to the material which you have access to, and the *right to present witnesses*.

(beat)

It is not usual for an attorney representing a party to be given an opportunity to *testify*, which is quite unusual--but rather to be given the opportunity to *present witnesses and to cross-examine them*. It has generally been my role in criminal cases. Never before have I testified in behalf of a client.

(beat)

If it is the Commission's position that this is not a trial in any respect, and therefore *Oswald is not entitled to counsel*, that is the position with which I would like to respectfully offer a *dissent*.

(beat)

*The fact that Oswald is not going to have a real trial flows only from his death, and he is not responsible with that having taken place. Every right belonging to an American citizen charged with a crime was taken from him up to and including his life.*

(beat)

I think now that that episode is completed, hopefully never to reappear ever again in our history, or anything close to it--I think it would be proper to permit him to have counsel before the Commission, counsel who can function on his behalf in terms of *cross-examining evidence and presenting witnesses*.

(MORE)

MARK (CONT'D)

If it is the Commission's position now that he is entitled to counsel, and the Commission will appoint counsel, then I ask the Commission to consider that the Constitutional right to counsel involves the right to counsel of one's choice, or in the event of the death of a party, *to counsel of the choice of the surviving members of the family.*

(beat)

If Marina Oswald, the widow, sought to have counsel represent her husband I would think--here I would think that would cause a conflict and a problem, if the widow and also the mother made the same request. But as I understand it *no request has been made by the widow*, who has indicated to the press that she believes her husband is guilty, and through her former business agent, Mr. Martin, who I am told *was secured for her by the Secret Service* as a business agent, she indicated that even a trial which *might prove he was innocent*, she *would still be sure he was guilty*, and has indicated since that time no desire to my knowledge to secure counsel for her husband, her late husband, before the Commission.

(beat)

I think, then, the mother would, in almost any jurisdiction, be the next person to make a decision in this area, and the mother has made a decision, as you know. She has retained me to represent the rights and interests of her son.

(beat)

*I think under those circumstances it would be proper for the Commission to permit me to participate.*

(beat)

This, of course, is not a jury trial.

(MORE)



MARK (CONT'D)

With all due respect to the integrity and background of each of the members of the Commission, I suggest that it is not the function of the trying body to appoint counsel, or the jury to appoint counsel, but in our society it is just the reverse; *it is the function of defense counsel to participate in determining who the jury should be.*

(beat)

Many criminal lawyers, very noted counsel, would probably seek to excuse certain--and again no disrespect at all is meant to the background of members of this Commission--but defense counsel generally seeks to *excuse as jurors those who are in any way associated with the Government in a criminal case.* And here we have the *Government appointing the jury, and then the jury picking counsel, who also is Government-connected at this time.* I in no way wish to raise the question of the integrity of any of the members of the Commission or counsel or anyone else, or their ability. But that truism about equality has some meaning in terms of impartiality--everyone is impartial to some people, and more impartial to other people. And counsel, in order to function, I believe, must be *totally independent and totally committed to the responsibility of representing his client.*

(beat)

*But above all he must be secured by someone who has the ability to speak for the deceased, in this case his mother and his wife. And under those circumstances, I renew my request that I be permitted to, at the request of Lee Oswald's mother, who survives him--to function before this Commission as counsel on his behalf.*

WARREN

Mr. Lane, I must advise you that the Commission, as you already know, has considered your request and has *denied* it. *It does not consider you as the attorney for Lee Oswald.* Now, this is not for any discussion. We are not going to argue it. You have had your say, and I will just answer.

(beat)

Lee Oswald left a widow. She is his legal representative. She is represented by counsel. This Commission is cooperating with her in any way she may request. If anyone else wants to present any evidence to this Commission, they may do so. But it is the view and the wish--the will of the Commission--that no one else shall be entitled to participate in the work and the deliberations of the Commission.

(beat)

We asked you to come here today because we understood that you did have evidence. We are happy to receive it. We want every bit of evidence that you have. You may present anything that you wish to us. But you are not to be a participant in the work of the Commission.

Mark looks at Warren and his Commission with suspicion.

WARREN (CONT'D)

(to Mr. Rankin)

I assume you have some questions you would like to ask Mr. Lane, Mr. Rankin?

Rankin pipes up against Mark's suspicious stare.

RANKIN

You had said a meeting took place, according to your source, between an anti-Kennedy publisher, a Mr. Weissman, Officer Tippit--the murdered Dallas Police Officer, and a third party.

MARK

Yes. I will wait until we move back to closed hearing to reveal that name.

WARREN

We will appreciate it if you would. Thank you for your attendance. We will adjourn at this time.

INT. MARK'S OFFICE -- EVENING

Mark speaks with Marguerite Oswald on the phone, wrapping up the events of the day.

MARK

(into phone)

It's a stubborn panel, Mrs. Oswald, and they still will not let me formally represent your son. But I did put as much of a defense as I could on record, as a "witness."

(beat)

Yes, in closed session, I shared that *Jack Ruby* was the third member of that group who met before the assassination. Do not repeat that information to the press or anyone else, as Ruby is to undergo trial. Just because they have tried *your son in the press*, does not mean we wish that treatment on Mr. Ruby or any other American.

EXT. MARK'S APARTMENT -- SIDEWALK -- MORNING

A light rain speeds his movements, Mark dressed only in a suit as he reaches the sidewalk in front of his home.

Two MEN in overcoats approach Mark, then surround him--as much as two can surround one.

One of the men stands directly in front of Mark, impeding his forward progress.

MAN 1

I have been informed that you have in your possession certain files which you illegally removed from the offices of the FBI.

MARK

Who are you?

The man flashes what looks like a green card, encased within a dark simulated leather card-case, then pockets it quickly.

MARK (CONT'D)

I am unable to read that quickly,  
and I don't intend to hold a  
conversation with someone who does  
not properly identified himself.

The man retrieves the case from his pocket again, so that Mark can not only read the identification, but note the name and ID number in his own notebook:

"William E. Folkner, Special Agent of the Federal Bureau of Investigation, serial number 5954."

MARK (CONT'D)

(to second man)

And you?

The ritual repeats, down to the ID number in Mark's book:

"John P. Di Marchi, Special Agent of the Federal Bureau of Investigation, serial number 4256."

FOLKNER

We have confidential information  
that you have illegally obtained  
FBI reports.

MARK

(ironic)

Oh, are you missing some files?

FOLKNER

This is no time for levity.

MARK

I'm inclined to agree, since the  
rain is becoming heavier, and I am  
dressed in a suit with no umbrella.

The FBI men smirk in their comfy trench coats.

MARK (CONT'D)

I have made all information I  
possess available to the Warren  
Commission.

FOLKNER

We have nothing to do with the  
Warren Commission.

The agents close in on Mark a little more.

FOLKNER (CONT'D)

We intend to secure those documents  
from you, directly.

(almost to a whisper)

From your answers, you admit that  
you *do* have documents illegally  
obtained from the files of the FBI  
in your possession.

If the agents could move any closer, they do.

FOLKNER (CONT'D)

(raised voice)

*I now demand that you give me all  
of the documents in your possession  
which you have illegally obtained  
from the files of the FBI!*

Di Marchi heads for Mark's attache case; Mark tightens his  
grip.

MARK

I don't like being accosted in  
front of my house, particularly  
when it is raining. You might  
inform Mr. Hoover, or whoever it is  
you are on speaking terms with in  
the Bureau, that if he wishes to  
secure any information from me  
directly it would be wise to *send a  
letter.*

(beat)

May I please be excused?

The agents do not move.

Using just enough body contact necessary to push one of them  
aside, Mark exits from the impromptu conclave and hails a  
taxi.

INT. LONDON HOTEL ROOM -- MORNING

Mark takes in some newspaper coverage, sips coffee, his  
ubiquitous pipe smoking.

SUPERIMPOSE:

"June, 1964 -- London"

He is reading a copy of the *Rome Daily American*, specifically an article that is visible, the title reading:

"Lane Condemns Press Silence in Oswald Case."

A KNOCK at his door prompts an end to peace, Mark putting the paper down in preparation for a visitor.

Mark opens the door to a BELLMAN (20s).

BELLMAN  
Urgent post, Mr. Lane.

With that the bellman hands Mark a standard size letter.

ON SCREEN: LETTER

Visible is the letterhead of Lee Rankin, attorney for the Warren Commission.

Mark thanks the bellman with a British coin, withdraws to open the letter with alacrity.

Enough is visible as Mark reads to see that he has been asked back to the Warren Commission to testify a second time.

The letter is dated June 19, 1964.

INT. JFK AIRPORT CUSTOMS CHECK -- DAY

Mark hands his passport to a customs AGENT (30s), just as others are doing around him.

The agent reads Mark's name and checks it routinely against his "lookout book."

The agent stops, then checks the list again.

Mark is able to see his own name in the book.

ON SCREEN -- "LOOKOUT BOOK"

Visible is "Lane, Mark G-15."

AGENT  
I will return shortly.

The agent takes the passport and heads for a nearby office.

Returns shortly.

AGENT (CONT'D)  
(returning Mark's  
passport)  
You may enter.

MARK  
Might I inquire why my name was  
listed?

AGENT  
You've been to Cuba, haven't you?

MARK  
I have never been to Cuba.

AGENT  
Well, then I can't tell you why  
your name is there.

MARK  
Could I see a supervisor?

INT. CUSTOMS SUPERVISOR OFFICE -- CONTINUOUS

Mark stands before a U.S. Customs SUPERVISOR (50s), sitting  
at his desk.

SUPERVISOR  
Care for a drink?

MARK  
No. I just want to know why my name  
is on your list.

SUPERVISOR  
Would you like a cigarette?

MARK  
No. I am interested in knowing why  
my name is in your book.

The supervisor settles back in his chair, throws one leg over  
his desk, and stares at Mark a moment.

SUPERVISOR  
So, you think your name is in our  
book, do you?

MARK  
(wry)  
I do.  
(MORE)

MARK (CONT'D)  
Would you care to know on what  
basis I have reached that  
conclusion?

SUPERVISOR  
(playful)  
Yes, tell me, why do you think it's  
there?

MARK  
I think it is there because I *saw*  
*it* there just a few minutes ago.

SUPERVISOR  
I assure you, Mr. Lane, your name  
is not there.

MARK  
I assure you, it is.

SUPERVISOR  
Mr. Lane, I can--

MARK  
Sir, our dilemma is not without a  
solution.  
(beat)  
I suggest we examine one of the  
"lookout books" and see if I am  
listed alphabetically.

SUPERVISOR  
No can do. That's secret. You can't  
look there.

MARK  
I just looked there a few minutes  
ago.

SUPERVISOR  
Well, you can't look again.

INT. WARREN COMMISSION CHAMBERS -- AFTERNOON

SUPERIMPOSE:

"Warren Commission Hearings -- July 1964"

"Round Two"

Chief Justice Earl Warren centered again, Representative  
Gerald Ford next to him.



To the side and ready to roam are Lee Rankin and Norman Redlich, his assistant.

Mark Lane is seated before them.

WARREN

The Commission will be in order. Mr. Lane, you were responding to Mr. Rankin's request for more information on your interview with the Officer Tippit witness, Helen Markham.

MARK

When I was retained by Marguerite Oswald to represent the interests of her son before this Commission, and the Commission declined to permit me to represent Lee Oswald, it made it impossible for me to conduct the kind of cross-examination before this Commission of witnesses that I would have normally conducted.

RANKIN

Will you describe to the Commission the attorney and client relationship that you claim to exist?

MARK

I did not bring with me the letter that I wrote to Mrs. Oswald explaining that I could not function before the Commission as counsel because the Commission would not permit me to function as counsel.

FORD

Mr. Rankin, may I raise a question about the language which Mr. Lane uses to the effect that the Commission declined to permit Mr. Lane to represent Mrs. Oswald? I think the record before the Commission on this matter will speak for itself. I think to have the record clear, we ought to have that part of the Commission proceedings inserted in the record at this point.

MARK

I would like to correct a mistake that you made, Congressman. I did not say that I was not permitted to serve as counsel for *Mrs. Oswald* before the Commission. I said, I thought quite precisely, that I had not been permitted by the Commission to serve as counsel to represent the interests of *Lee Harvey Oswald* at the request of his mother, *Marguerite Oswald*.

Ford is shut down.

MARK (CONT'D)

Well, then I ask also, Mr. Chief Justice, at this point about the exchange of letters between Mr. Rankin and myself, where I made the request to appear as counsel for the interests of *Lee Harvey Oswald*, and where counsel for this Commission said *that Oswald was not entitled to counsel--*

WARREN

(frazzled)

Um, let the record speak for itself in that respect, too.

RANKIN

Now, Mr. Lane, regarding this tape recording of our witness to the Officer Tippit slaying, *Helen Markham*, and your interview with her, will you tell the Commission when you made this?

MARK

I just answered that question, Mr. Rankin.

RANKIN

And do you refuse to tell, then, anything about that interview with *Helen Markham*, how you recorded it?

LANE

I beg your pardon?

RANKIN

And how you recorded it?

MARK

I should think that since this Commission has been appointed by the President of the United States to secure all of the information regarding the assassination of President Kennedy and other matters peripheral to that, the questions asked of me should be related to information which can be of assistance to the Commission, and should not be the kind of questions, Mr. Rankin, that you have put to me. I am happy to tell you every bit of information that I have been able to secure as a private citizen in trying to discover what took place on November 22 and the days that followed November 22, but I think that the very questions that you are putting to me indicates that you are not interested solely in securing that information, but in placing me, Mr. Rankin, in a position that is not a good one. And I see this quite frankly as part of many things that have happened to me since I expressed some interest in this case.

RANKIN

Was it recorded by someone else?

MARK

I decline to answer any questions, because the questions you are asking are not for the purpose for which this Commission has been established. And I tell you that I am amazed, quite frankly, Mr. Rankin, that the kind of harassment to which I have been subjected since I became involved in this case continues here in this room--I am amazed by that. As you know, I told you that I had been *accosted by two agents of the FBI* in front of my own house, and ordered to give them, by them--their names being William E. Folkner, his serial number being 5954, and John P.

(MORE)

MARK (CONT'D)

Di Marchi, his serial number being 4256--and ordered to give to those gentlemen documents in my possession, relating to my testimony before this Commission.

RANKIN

Did you do that?

MARK

I did not give them those documents; no.

RANKIN

Why not?

MARK

Does your tone and question indicate you think I should have given those documents to agents of the FBI?

RANKIN

I would like to have you answer the question, if you would.

MARK

You decline to answer *my* question?

RANKIN

Yes: I am examining you.

MARK

I did not give them any documents in my possession. When I deal with any agencies of the government, I expect that they will write to me, and if they wish to secure information from me they will do that in a dignified manner. I am an attorney with an office in New York. I don't expect to be accosted in front of my house by agents of the police, Federal, State, or local authorities. Those are actions not of a democratic society, but of a *police state*, and I decline to believe for one moment that we live in a society where that behavior is going to be countenanced by any members of this Commission or by counsel to this Commission.

FORD

Did you know about the tape recording of Ms. Markham being made?

MARK

I decline to answer that question. Am I a defendant before this Commission, or is the Commission trying to find out who assassinated the President?

FORD

We are trying to find out information about a witness before this Commission--

MARK

Well, then, call the witness before the Commission and ask the witness questions. And if the witness has testified contrary to that I say the witness has said, then I would suggest you do what I invited the Commission to do when this matter arose. Submit my testimony and Mrs. Markham's testimony to the U.S. Attorney's office, and bring an action against both of us for perjury. And then at trial I will present documents in my possession, and we will see who is convicted.

FORD

Do you believe Mrs. Markham is an important witness in this overall matter?

MARK

I would think so.

FORD

I am sure you know what she has told you.

MARK

I am sure what she has told me, that is correct.

FORD

If there is any difference between what she told you and told this Commission, is that important?

MARK

Of course, it is important. And if there was someone representing the interests of Oswald before this Commission, *there could be cross-examination*, you sitting as judges could then base your decision upon cross-examination. But you have decided instead to sit as *judges and jurors and defense attorneys and prosecuting attorneys*, and you are faced with a dilemma. I cannot solve that dilemma for you. Only you can.

(beat)

In addition to that, I am deeply concerned about the fact that since I testified before this Commission, the U.S. Department of Immigration has placed my name in their immigration book, on the proscribed list, and that when I returned to this country from Europe, in response to your invitation to come here and testify before this Commission, *I was halted by the immigration authorities because my name appeared in that proscribed list.*

Shuffling of paper and pause.

WARREN

Were you getting evidence over in Europe?

MARK

I was discussing this case, because of the suppression in this country of the facts. I felt it important that *somehow the American people be informed about what is taking place*, and I found that practically the *only way to inform the American people is to speak in Europe.*

RANKIN

Mr. Lane, you expressed a desire in your telegram to examine *the rifle*. We have that here for you to see.

(MORE)

RANKIN (CONT'D)

Let the record show that at this time the Commission is giving Mr. Lane an opportunity to examine the rifle known as Commission Exhibit No. 139.

Rankin hands Mark an Italian-made rifle.

MARK

Thank you. May I comment on the examination?

WARREN

Yes, you may. If you see anything of any significance there, you may state it.

MARK

Yes. I would like to call the attention of the Commission the affidavit signed by police officer, Seymour Weitzman, dated the 23rd day of November, 1963. In that document Officer Weitzman states he found, along with another person--a deputy sheriff--*the alleged murder weapon, on the 22nd day of November 1963, on the sixth floor of the Book Depository Building.*

(beat)

And in that affidavit Officer Weitzman *swears that the murder weapon which he found, or the weapon which he found on that floor, was a Mauser 7.65 millimeters.* A Mauser, of course, is a German weapon. *The rifle which is before the Commission, and which is, I assume, allegedly now the murder weapon, is, of course, not a German Mauser 7.65 Millimeters, but is an Italian carbine, 6.5 millimeters.*

(beat)

Although I am personally not a rifle expert, I was able to determine that it was an Italian carbine *because printed indelibly upon it are the words "Made Italy" and "caliber 6.5."*

(beat)

(MORE)

MARK (CONT'D)

I suggest it is very difficult for a police officer to pick up a weapon which has printed upon it clearly in English "Made Italy, Cal 6.5," And then the next day draft an affidavit stating that that was *in fact a German Mauser, 7.65 Millimeters.*

The Commission members fidget, look guilty.

FADE TO BLACK:

[COULD BREAK FOR OLD-SCHOOL INTERMISSION BETWEEN "ACTS"]

FADE IN:

INT. OFFICE OF WILLIS CARTO/LIBERTY LOBBY -- WASHINGTON D.C.

Small, sparse office, WILLIS CARTO (50s) behind a shabby desk, dressed modestly in a rack suit.

Total wall decorations: a framed print of George Washington, and a clock.

SUPERIMPOSE:

"Twenty Years Later -- Washington D.C."

"Spring 1984"

An older Mark Lane appears, more wrinkles, grey to white hair, even a short beard of those colors.

He sits opposite Mr. Carto, "Liberty Lobby" lettered on the door to the office.

CARTO

Well, Mr. Lane.

MARK

Well, Mr. Carto.

CARTO

You know something about the case?

MARK

(eyeing suspiciously)

A little. I see that E.

(MORE)



MARK (CONT'D)

Howard Hunt of Watergate infamy  
sued your paper for an article  
written by ex-CIA agent, Victor  
Marchetti.

(hesitating)

I...

CARTO

You are concerned about me,  
politically.

MARK

I'm trying not to be.

CARTO

Let's just stay on this case.

MARK

Fair enough. What can you tell me I  
haven't read?

CARTO

Well, I'm no conspiracy buff. In  
fact, I had never devoted any time  
to the events surrounding the  
assassination of President Kennedy  
until Victor Marchetti approached  
me in the Summer of 1978 with a  
proposed article. We had never  
written a word about the Warren  
Report. But then Victor came in  
with this piece.

MARK

You knew Marchetti?

CARTO

Oh, yes. I knew he was an expert on  
intelligence due to his work with  
the CIA. So when he called and told  
me he had written an interesting  
article about the assassination  
based upon information he had dug  
up as the Congressional Committee  
was getting underway, I told him to  
bring it in.

MARK

The House Committee on  
Assassinations.

CARTO

(nodding)

I had become particularly interested in Marchetti when his book was published.

MARK

*The CIA and the Cult of Intelligence.*

CARTO

(again nodding)

I was appalled by the censorship of the book, and intrigued as well. When they suppressed portions of Victor's book, it was clear that the CIA was vouching for its accuracy.

(beat to Mark's nod)

At any rate, Marchetti struck me as a man with a quick mind, an excellent memory, and a gift for analysis. Because of that, and that CIA was so worried about his book, I concluded that Victor was a reliable source for the article.

(beat to Mark's nod)

I met with our editor and Marchetti himself, reviewed the article, and when I was convinced it was good, I agreed to publish the work.

MARK

E. Howard Hunt sues you for libel, *wins* a big settlement. What was the amount?

CARTO

(with pain)

\$650,000. Plus interest and costs, now closer to three quarters of a million. Enough to bust us.

Mark takes in the gravity of the loss.

MARK

Now the case is being appealed, and should the appeal be granted, you would like *me* to represent you and Liberty Lobby, round two?

CARTO

(cheered)

Precisely, Mr. Lane.

Mark thinks a very quick moment.

MARK

I will agree to read Marchetti's article and review the transcript of the trial. The defense offered at the first trial, "*lack of actual malice*," is a troubling concept for me philosophically and in my experience, a difficult theory for a jury to accept.

Carto moves to the edge of his shabby chair.

MARK (CONT'D)

If I took the case, I would be inclined to mount a defense based upon the *truth* of the central allegations that *the CIA had assassinated President Kennedy and that E. Howard Hunt had played a part in that effort.*

Beat.

CARTO

(excitement barely contained)

It seems possible that the course of the trial and its preparation might have a profound impact upon our understanding of an important event in the nation's history!

MARK

(containing)

It's going to be costly.

CARTO

We can do this.

MARK

Time consuming! With this type of defense, it would be advisable to take depositions from various potential witnesses, including past directors and officers of the CIA-- and those who worked with them.

CARTO

(full excitement)

Let's do it!!

Mark calmly thinks against the newsman's bubbling emotion.

CARTO (CONT'D)  
 (selling)  
 Depose who you want! Whenever you  
 want! Ask whatever questions of  
 them you want...

Marks thoughtfully nods.

MARK  
 I'll start reading all the relevant  
 material and confer with Victor  
 Marchetti.

They rise and shake hands, in agreement.

INT. MARK'S APARTMENT/OFFICE -- WASHINGTON D.C. -- DAY

On Capital Hill, across from the U.S. Supreme Court and its  
 garden, seen out the window of Mark's first floor unit.

At his desk, Mark reads the Marchetti article in question.

ON SCREEN: "THE SPOTLIGHT" MAGAZINE ARTICLE

Title: "CIA to Admit Hunt Involvement in Kennedy Slaying"

Below: "*The Spotlight*, August 14, 1978"

MARCHETTI ARTICLE MONTAGE

These words jump off page into the audience:

"there was a meeting at CIA headquarters"

"'limited hangout'"

"more about the crime"

"THEY'LL HANG HUNT"

"E. Howard Hunt"

"His luck has run out"

"the CIA has decided to sacrifice him"

"The death of his wife, Dorothy, in a mysterious plane crash"

"Hunt hated JFK"

"blamed him for the Bay of Pigs disaster"

"his alibi for his whereabouts on the day of the shooting has come unstuck"

"CIA will 'admit' that Hunt was involved in the conspiracy to kill Kennedy"

"three gunmen shooting Kennedy"

"CIA moved to finger Hunt"

"tie him to JFK assassination"

"Hunt's presence in Dallas on November 22, 1963"

"his long and close relationship with the anti-Castro Cubans"

"penchant for dirty tricks"

"one of Nixon's plumbers"

"E. Howard Hunt will be implicated in the conspiracy"

"Gerry Patrick Hemming"

"CIA double agent"

"Castro's former mistress, Marita Lorenz"

"identified Hemming"

"part of the secret squad assigned to kill Kennedy"

"squad allegedly included Hunt and Sturgis"

INT. LIBERTY LOBBY OFFICE -- DAY

Mark faces a balding, beer-gutted VICTOR MARCHETTI (50s), casual suit, glasses, dark features.

MARK

Do you mind if I tape record our interview today?

VICTOR

(clearly uncomfortable)  
That's fine.

MARK

(into tape recorder)  
Mark Lane, interview of Liberty Lobby's *Spotlight* author, Victor Marchetti. Formerly of the CIA.  
(to Victor)  
(MORE)

MARK (CONT'D)

I'd like to go over some of the article you wrote, and even some of the items we've already discussed over the phone.

VICTOR

That's fine.

MARK

So, Bill Corson showed you the memo about Hunt.

VICTOR

No. He was the one who told me about the memo.

MARK

(incredulous)

He *told* you about the memo? You never saw it?

A calm shake of the head tells Mark that his case in defense of the article and Liberty Lobby would be tough.

The door pops open suddenly, and in walks an excited Will Carto.

CARTO

Good news.

MARK

Yes?

Marchetti turns to look.

CARTO

We won the appeal!

Mark looks almost disappointed.

CARTO (CONT'D)

(oblivious)

So, Mr. Lane. What do you say? Will you take over the case for Liberty Lobby?

MARK

(very pensive)

When Garrison lost, it set us back in the fight against the Warren Commission suppression.

(beat)

(MORE)

MARK (CONT'D)

I would not sue Hunt, in this case--  
or bring such an action against  
anyone in the CIA.

(beat)

But... since this trial is  
imminent...

CARTO

Yes...

MARK

I have to admit it'd be nice to  
depose those CIA bigwigs, see if we  
can find something out we don't  
already know about the  
assassination of our president.

CARTO

Hard to say no to this, Mark.

MARK

(eyeing Carto, smiles)

I'll take the case.

Marchetti is indifferent while Carto celebrates.

CARTO

Well, it's apparently going to be  
an education for all of us. Is  
there any chance we may win?

Mark eyes Marchetti suspiciously, but refocuses deep within  
himself.

MARK

There is always that chance.

INT. MARK'S OFFICE -- NEXT DAY

Mark dials a number on his phone.

MARK

(into phone)

Yes, for William Snyder, please?

(beat)

Mark Lane, opposing counsel in Hunt  
versus Liberty Lobby.

(beat)

Thank you.

(beat)

Mr. Snyder?

(beat)

Yes, Mark Lane, here. Fine.

(MORE)

MARK (CONT'D)

I am responding to a message you left on my answering machine.

(beat)

Yes, about the first trial stipulation.

(beat)

Yes, we'll move to strike the stipulation about Hunt's whereabouts.

(beat)

My intention?

Mark glances at a copy of his 1966 best seller, *Rush to Judgment*, the black hardback on his shelf.

MARK (CONT'D)

(into phone)

*I intend to offer evidence both that Hunt was in Dallas at the time of the assassination and that Hunt, and his employers in the Central Intelligence Agency were implicated in the murder.*

Silence.

INT. BILL SNYDER'S LAW OFFICE -- MIAMI

BILL SNYDER (50s) is turning red with anger, holding the phone as if it were opposing attorney Mark Lane's neck.

SNYDER

(into phone)

Mr. Lane, you know good and well that there was a binding stipulation made in the first trial! That Howard Hunt's whereabouts and lack of involvement with the Kennedy assassination was conceded by the defense!

INT. MARK'S OFFICE

Mark calmly lights a pipe.

MARK

(into phone)

For one thing, Bill, the judge stated that the stipulation was to be "for the purpose of *this trial*."

(beat)

(MORE)



MARK (CONT'D)

Well, if the judge had said the word "case" instead of "trial," the stipulation would still be void because Hunt's lawyer the first time around, Mr. Rubin, had violated its terms more regularly than he observed them.

(beat)

That has to do with this case, because if one party violates an agreement, he can hardly insist that the other party is obliged to adhere to its terms.

INT. SNYDER'S MIAMI OFFICE

Snyder forces himself to cool.

SNYDER

(into phone)

Are you interested in settling the case, Mr. Lane?

(beat)

The amount due is more than three quarters of a million dollars, counting costs and interest from the day of judgment, and we expect a bigger award at this second trial.

INT. MARK'S OFFICE

Playing along.

MARK

(into phone, smiling)

My client has not expressed any desire to settle the case, but I will take any offer back to him.

(beat)

\$650,000 dollars? I think it unlikely that my client will seriously consider that offer, but I will tell Mr. Carto about it.

INT. SNYDER'S OFFICE

Snyder heats up again.

SNYDER

You are never gonna get the facts  
about the Kennedy assassination  
before the jury!

(beat)

The judge will not let you turn his  
courtroom into a Roman circus!!!

INT. LANE'S OFFICE

Lane breathes in the comment, looks up at a copy of his  
second book, an orange hardback copy of *A Citizen's Dissent*.

MARK

(cool, into phone)

I am sorry to hear that, Mr.  
Snyder, as I had already lined up  
some dancing bears and a few  
clowns, and had been in contact  
with a high-wire act.

CLICK. Dial tone.

Mark smiles a hopeful smile of coming victory.

INT. WASHINGTON LAW OFFICE -- MORNING

Mark is flanked by paralegal, BRENT WHITMORE (female, 30s),  
and FLEMING LEE (male, 40s) as counsel for the defense.

They are invited into a law office conference room, to be met  
by HOWARD HUNT (60s) and his attorney, Bill Snyder.

SUPERIMPOSE:

"Hunt Deposition, July 1984 -- Washington D.C."

As the attorneys, client, and Brent settle, there is enough  
separation between sides for Mark to instruct his people in a  
whisper.

MARK

(to Fleming and Brent)

I am determined to be cordial to  
Hunt and Snyder. I suggest you  
folks do the same.

Brent and Fleming nod to the wisdom of cordiality.

When the COURT REPORTER enters, is seated and ready, the  
deposition commences.

MARK (CONT'D)

Good morning, and thanks for having us. Shall we swear in the witness?

E. Howard Hunt raises his right hand at the request of the court reporter.

INT. LAW OFFICE CONFERENCE ROOM -- LATER

Time has passed, and the deposition is in full swing, Mark deposing Hunt.

MR. HUNT

I cooperated fully with the Rockefeller Commission investigation into aspects of the Kennedy assassination. I told them that I was in Washington D.C. on November 22, 1963, and not in Dallas. I did not object to the effort of the Rockefeller Commission to examine the records maintained by the CIA that would disclose my whereabouts on November 22. The Rockefeller Commission accepted my testimony, since they had been able to come up with no credible evidence to dispute my claim.

MARK

(lifting a page)

Yes, I have it here on page 255 of the Rockefeller report: "It cannot be determined with certainty where Hunt and Sturgis were on the day of the assassination."

HUNT

I don't know how hard they tried. I can only say they failed to dig sufficiently, ask the right questions of the right people. I have plenty of witnesses who could place me in Washington D.C. on November 22.

MARK

Could you give the names of your numerous witnesses?

HUNT

There was Mary Traynor.

MARK

The domestic servant?

HUNT

Yes. And my wife, Dorothy.

MARK

Both of those witnesses are deceased, as I understand?

HUNT

Yes, they are.

MARK

I'm sorry for your loss.

HUNT

There are living witnesses, as well.

MARK

Go on, then, please.

HUNT

Two were co-workers at CIA. Then, of course, my three children: St. John, Kevan and Lisa.

(beat)

Kevan is a member of the California bar, and Lisa is my married daughter.

(beat)

At the time of the assassination, St. John was about nine years old, Kevan was about thirteen, and Lisa about fifteen. After I picked up my children that day, the entire family stayed pinned to the radio and television set for the rest--balance of the afternoon.

(beat)

I'll add: after the family was reassembled following the notice of these tragic events, that we stayed in the house pretty much watching television.

(beat)

I remember that with me, in addition to my wife, now dead, and the three children, was my wife's aunt, now also dead.

(awkward beat)

Once the family had reassembled, we all stayed in our house.

(MORE)

HUNT (CONT'D)

We had an ample recreation room there, and I believe we had one on the first floor, and we, like thousands of other Americans, millions, we stayed there and watched through the burial services which I think was on Monday, and then life resumed for everyone.

A small glance from Mark says "speak for yourself, sir."

MARK

(resuming)

You never left the house, then.

HUNT

I believe that the family never left the house from the time of Kennedy's death on Friday until at least Monday. I can't recall leaving the house. There would have been no particular reason to. If you recall the events, there was a pall of mourning cast over the whole nation. People stayed by the television sets in their private grief.

(beat)

Come to think, I may not even have left the house on Monday, since I think government offices were closed that day due to the burial services.

(beat)

Other than my children, confined with me to the house for forty-eight or even seventy-two hours--many of them spent in front of a radio or television set in the recreation room--there are the two CIA co-workers, who will testify.

MARK

Walter Kuzmuk and Connie Mazerov.

HUNT

Yes, Walter and Connie. Walter is a former CIA officer, and Connie was my former secretary at CIA.

(beat)

I was with Walter during the morning of November twenty-two.

(MORE)

HUNT (CONT'D)

I probably rode in from Maryland with Mr. Kuzmuk that day and saw him later in the afternoon of that day as well... around twelve-thirty, maybe one o'clock, something like that.

MARK

Did you see Mr. Kuzmuk after one o'clock on November twenty-two?

HUNT

I don't recall.

MARK

Any time on November twenty-three?

HUNT

I don't recall.

MARK

The 24th? 25th? 27th?

HUNT

I don't recall, sir.

MARK

You did live quite close to Mr. Kuzmuk at the time?

HUNT

Yes, sir.

MARK

And occupied an office next to his in the CIA building in Washington?

HUNT

That is correct.

MARK

Are there records maintained by the Central Intelligence Agency, or were there records maintained by the CIA while you were there, which would reveal where you were on any given day while you were employed by the CIA?

HUNT

I presume so. I think there was an attendance clerk, payroll clerk.

MARK

Do you recall whether or not there was an attendance record submitted by the CIA to your counsel which showed where you were according to the CIA records on November 22, 1963?

HUNT

(reversing)

I don't believe there was, no, sir. I think that there was a destroy policy after three to five years or something like that, records of that sort were just simply disposed of.

Beat. Tack change.

MARK

There have been claims, similar to Mr. Marchetti's, in other newspaper articles. Do you plan to sue other newspapers, as you have done against Mr. Carto, and Liberty Lobby?

HUNT

My lawyer handles all that.

MARK

One article I saw says you plotted to assassinate columnist, Jack Anderson. Surely, you will sue.

HUNT

Well, I do agree that at one time I had conspired with Gordon Liddy to *kill Jack Anderson*.

(beat against Mark's  
raised brow)

That was when I had contracted with a Dr. Gunn, who had experience with efforts to discredit foreign leaders or foreign agents through the use of drugs. Gunn was with the CIA at that time.

MARK

(recovering)

In the Watergate hearings, Mr. Liddy testified that you and he planned to commit *arson* at Brookings Institution.

HUNT

I challenge that testimony. Nixon's counselor, Charles Colson, just told me at one time that there is a document being prepared in the Brookings Institution, and that the document was of interest to the administration or to Mr. Colson, himself.

(beat)

Colson said that they would like very much to either have a look at it or to steal the documents from the vault.

(beat)

I believe Mr. Colson was aware there was an entry capability.

MARK

Did you ever discuss your "Cuban assets" with Mr. Liddy?

HUNT

Yes.

MARK

Did you have a code name that the Cuban assets used to address you?

HUNT

Well, not in the Watergate, no.

Long beat. Mark lets Hunt finish his thought.

HUNT (CONT'D)

During the Bay of Pigs operation, I was generally known in the Cuban community as *Eduardo*.

INT. CONFERENCE ROOM -- NOON

After the deposition, the lawyers and assistants move for the door; Mark, Fleming and Brent toward the elevators.

Silence.

INT. ELEVATOR

Mark, Fleming and Brent alone--Fleming slightly bothered.



FLEMING

(to Mark)

I thought that in view of the  
record you would be more  
confrontational with him.

(beat)

You might have gotten much more.

Mark takes it in without response.

EXT. LAW OFFICE -- WASHINGTON

As Brent hails a taxi, Mark huddles close to Fleming in order  
to finally answer his concern.

MARK

It wasn't the right audience.

FLEMING

What do you mean?

Brent holds the taxicab door for her bosses.

MARK

(entering cab, to Fleming)

The jurors weren't there!

INT. CAB -- CONTINUOUS

The legal defense team discusses the case so far and what was  
ahead of them.

MARK

Who's next?

FLEMING

Liddy?

BRENT

The CIA witness list Hunt gave us  
has Liddy on it. Also: Stansfield  
Turner, Walter Kuzmuk, David Atlee  
Phillips--

MARK

Stop there. Let's depose Phillips  
next.

BRENT

What about Helms?

MARK  
I want Phillips.

INT. MARK'S OFFICE/HOME -- WASHINGTON D.C. -- AFTERNOON

Mark awaits Mr. Phillips in his home/office, street level of the four-story townhouse across from the U.S. Supreme Court and its garden.

"No Parking" signs are very visible, and someone's car is being towed from an illegal spot, as Mark welcomes his first caller, RICHARD SULLIVAN (40s).

A tall, relaxed gentleman who looked as if he could have been a college professor.

MARK  
Are you going to represent Mr.  
Phillips?

SULLIVAN  
(clearly defined Boston  
accent)  
No. No, Mr. Phillips is going to be  
represented by a leader of the  
District of Columbia bar, I believe  
by the President of the Bar  
Association, Mr. Bierbower.

MARK  
(cordial but with concern)  
Well... why are you here?

SULLIVAN  
I represent the CIA.  
(beat)  
Also the United States of America.

MARK  
Really? Don't I discern a conflict  
of interest?

SULLIVAN  
(laughing)  
I heard you were good... but that's  
very good.

Sullivan then jots down some words in an English leather-bound notebook.

After a pause:

SULLIVAN (CONT'D)

Mr. James Smith will be here. He is not with intelligence.

(beat, confidential tone)

Actually, Smith is not his real name and he works for the CIA.

MARK

(smiling)

You ever watch the television program, *M\*A\*S\*H*?

SULLIVAN

Yes, I'm a fan.

(beat, then laughing)

Oh yes. "My name is Colonel Flagg from some outfit, but my name is not Flagg and I'm with the CIA."

Yes, yes. That's very good.

Mark looks at Richard's notebook but is disappointed not to see an entry.

MARK

As you must know, it is customary for all persons at depositions to be identified on the record.

SULLIVAN

Are you going to object to Mr. Smith's presence?

MARK

I suggest we discuss it on the record, when the court reporter arrives.

SULLIVAN

Why?

MARK

One day I might write a musical comedy about the deposition, and I want the lyrics to be authentic.

Sullivan issues a substantial guffaw and makes a sufficient entry in the notebook.

DAVID ATLEE PHILLIPS (60s) then enters with his lawyer, JAMES BIERBOWER (70).

They are followed by Hunt's two lawyers, Bill Snyder and KEVIN DUNNE (30s).

Soon after, a female COURT REPORTER (30s) shows up, starts setting up on a conference table.

As the court reporter finishes, in walks a stocky MAN (50s) dressed in a brown, rumpled suit.

SULLIVAN  
(presenting "man" to Mark)  
This is Mr. Smith.

Mark takes in the moment, and begins.

MARK  
(to Phillips)  
Mr. Phillips, my name is Mark Lane. I am one of the attorneys for the defendant in this case, a case brought by Mr. Hunt regarding an article which was published in the *Spotlight*, a publication published by the Liberty Lobby. We are here today at a deposition to ask you some questions, and I think it would be good if we began by each of us identifying ourselves.

SNYDER  
William Snyder, Hunt Counsel.

DUNNE  
Kevin Dunne, the same.

BIERBOWER  
James Bierbower, President of the Washington D.C. Bar Association. Representing Mr. Phillips.

SULLIVAN  
Richard D. Sullivan. I'm assistant general counsel of the Central Intelligence Agency. I am representing the United States, and I am assisted by James Smith, who is a representative of the Directorate of Operations of the Central Intelligence Agency. James Smith is not my colleague's true name, but we have all agreed before going on record that he would be present under that name.

MARK  
Mr. Smith, I wonder if you could tell us if you are an attorney?

MR. SMITH

Negative. I am not an attorney.

MARK

Is there some way we are going to know who you are before we proceed? It is customary, as you probably know, at depositions or other matters related to formal legal proceedings for each of the persons who participate to be identified, not with a name which is not his real name, but with a name which is his real name. Is there some way you could either for the record or off the record tell us who you are?

"Smith" is silent, looks to Sullivan.

SULLIVAN

I'm not sure, Mr. Lane, that Mr. Smith is *participating* in any real sense of that verb, but there might possibly--I don't know, there might be a way in the future that we could clarify that information. But it won't be possible to give Mr. Smith's true name here today.

MARK

Since Mr. "Smith" might not be "participating," according to his counsel, might I inquire about his plans?

SULLIVAN

The only role, I would like to state for the record, Mr. Smith is going to play is to inform me if any matters that would be subject to a secrets-of-state privilege are about to be put on record. That will be the only role he will play.

MARK

I object to "secrets" in a supposed people-led democracy, but to avoid further delays in this deposition, let us continue with Mr. "Smith" aboard, as a special, albeit unorthodox guest of the legal process.

Smith is tempted to grumble, adjusts in his chair.

Mark notices a rare sight outside his front window: A black stretch limousine parked illegally in front of his house (directly under a big, red "No Stopping" sign).

A CHAUFFEUR sits confidently in the driver's seat, playing with radio dials.

MARK (CONT'D)  
Mr. Phillips, could you tell us  
when you first met E. Howard Hunt?

PHILLIPS  
I met him in 1954.

Mark pauses, studies for more.

PHILLIPS (CONT'D)  
(succumbing)  
I was in Florida at the time with  
the CIA operations which later  
became known as the Guatemala  
Operation.

MARK  
What was Mr. Hunt's role in the  
operation?

PHILLIPS  
He was engaged in a *secret*  
operation.

MARK  
"Secret." Secret from the world?  
Secret from our American people?

PHILLIPS  
Just secret.

MARK  
What was your assignment in Mexico  
City, Mr. Phillips?

PHILLIPS  
I cannot answer that.

MARK  
Did you see E. Howard Hunt in  
Mexico City?

The CIA representatives all huddle together, while Phillips decides how to answer.

Before resolution with staff behind him:

PHILLIPS  
(blurting)  
Yes, I did.

MARK  
(with new hope)  
When did you see Mr. Hunt in Mexico City?

PHILLIPS  
It was sometime between September of 1961 and March of 1965.

Mark glances at staff, almost expecting an objection to his line of questioning.

MARK  
Did you see Mr. Hunt anywhere in Mexico prior to November 22, 1963?

PHILLIPS  
Yes, I saw him before that date.  
(beat)  
I must have seen Mr. Hunt once or twice before that occasion.

Mark makes a note.

MARK  
Are CIA officers required to tell the truth when they testify?

PHILLIPS  
I don't understand the question.

MARK  
Strike it then.  
(beat, Mark notes his pad)  
Isn't it true, Mr. Phillips, in essence, for the last quarter of a century you have been a *spy* and that *spies lie*?

PHILLIPS  
(rattled)  
I object strongly to that question, and I want the record to show it.  
(beat)  
I have not been a "spy." A spy is a foreigner or a person who sells out his country for money or for some other sordid reason.  
(beat)  
I... was an *intelligence officer*.  
(MORE)

PHILLIPS (CONT'D)

(beat)

I didn't spy. *I paid spies.*

MARK

Is there a difference?

PHILLIPS

I think so.

MARK

In paying spies, living that life,  
is it not necessary to lie?

PHILLIPS

People involved in secret  
operations find it necessary to  
engage in duplicity from time to  
time.

MARK

Might E. Howard Hunt be obligated,  
as the result of some secret CIA  
oath, to commit perjury at the  
trial?

SULLIVAN

Section 403(D) of the National  
Security Act of 1947 requires  
intelligence sources and methods be  
protected by the director of  
Central Intelligence from  
unauthorized disclosure. Such  
prevarication could indeed be a  
method, and to that extent I will  
object to the question. Now I have  
no objection to the witness  
answering the question if you know  
Mr. Hunt in his nonprofessional  
life engaged in duplicity.

MARK

(to Sullivan)

Is it your position that lying  
might be a method of communicating  
so regularly employed by the CIA,  
its officers, and agents, that  
Phillips would be precluded from  
commenting upon the practice  
because it would be considered a  
secret "CIA method?"



SULLIVAN

I stand by my previous answer.

(beat)

We will be happy to litigate it.

MARK

(to Phillips)

If Mr. Hunt was involved in a plan to *assassinate John F. Kennedy* on behalf of the Central Intelligence Agency, and he was told prior to that time and subsequent to that time that he should *lie* about that if asked, do you think Mr. Hunt would lie about that?

PHILLIPS

(quietly)

I prefer not to answer that question.

(beat, then defensively to Mark)

In the course the questions are taking, I respectfully decline to answer. I don't see I can for the record correctly define questions of *morality* and *ethics*, which apparently is what you are trying to get me to do. I don't feel expert.

MARK

I have no further questions.

INT. MARK'S HOME/OFFICE -- A MOMENT LATER

All parties are gathering their things, capping their Mont Blanc pens, exchanging cards and quips.

Meanwhile, "James Smith" brusquely leaves the room without a word.

Through the front window, Mark watches "Mr. Smith" rush to and enter the limousine, driven away at high speed.

MARK

(to Sullivan, wry)

I thought the car was there for you.

SULLIVAN  
(smiling, modest)  
No. No... my humble car is parked  
nearby, just around the corner.  
(beat, with pride)  
At a fire hydrant.

CUT TO:

INT. MARK'S OFFICE/HOME -- CONFERENCE ROOM -- DAY

Same place, same stuff.

With Snyder, Dunne there, Mark deposes WALTER KUZMUK (60s) of the CIA.

Brent and Fleming are there, with same court reporter typing away off to the side.

SUPERIMPOSE:

"Deposition of Walter Kuzmuk, CIA Officer"

MARK  
In your almost quarter of a century  
working for the Central  
Intelligence Agency, Mr. Kuzmuk,  
did you ever make a statement on  
behalf of the CIA which was not  
true?

KUZMUK  
No, I would never make a statement  
one way or another so long as they  
were paying my salary.

MARK  
You would never make a statement  
one way or another?

KUZMUK  
Pro or con. If I didn't like it, I  
wouldn't get their salary. I'd  
quit. Is that what you are asking?

MARK  
No, I am not asking if you like the  
CIA. I am asking if you ever made--

KUZMUK  
Derogatory?

MARK

No, not derogatory, a statement while you worked for the CIA that was *not true*? Did you ever lie or cover or tell anybody something that was not true because it was going to help the whole agency?

KUZMUK

I don't see how it has any bearing.

MARK

I think it goes to the heart of your testimony, and if you don't answer we are going to get the court to instruct you to answer this. If you refuse to answer, you may do that at this stage, and I would like to know your reason for refusing to answer.

KUZMUK

Well, I think maybe the IG from the department would have to answer that, my friend.

MARK

The Inspector General. Well, he's not here and he's not under oath. So I am asking this question.

KUZMUK

I know.

MARK

Just listen to the question, Mr. Kuzmuk. In the twenty-five years you worked for the Central Intelligence Agency, did you ever make a statement on behalf of the CIA which was not true? You can answer yes or no, or refuse to answer.

KUZMUK

I am not going to answer because I think it comes under the IG, and I can't do that.

EXT. HOME OF STANSFIELD TURNER -- MCLEAN, VIRGINIA -- DAY

Brent and Mark get out of a modest car, walk up a long drive surrounded by upscale Washington suburb homes.

SUPERIMPOSE:

"Home of Stansfield Turner, CIA Director 1977-1981"

A nice sedan is parked outside with "BIG CAR" vanity plate.

Brent and Mark smirk at each other.

MARK

Snyder...

Brent nods.

INT. TURNER HOME

Greeting Mark and Brent inside are STANSFIELD TURNER (60s), the ubiquitous Snyder/Dunne team, and two CIA attorneys, LEE STRICKLAND (40s) and PAGE MOFFETT (40s).

Mark and Brent are led into a parlor, Turner sitting on a sofa--his attorneys on either side of him, poised like attack dogs.

Mark smiles, as he and Brent find a chair, scooch in while the court reporter sets up, Snyder and Dunne doing the same.

MARK

(to attorneys)

Where's Mr. Smith?

They try to smile, holding back barks.

INT. STANSFIELD SMITH PARLOR -- LATER

In full swing, the deposition turns to the serious.

MARK

Mr. Turner, has the CIA, to your knowledge, ever in its entire history violated any law of the United States?

TURNER

(considering)

Yes, I think it has, possibly. I think it is a fine line as to whether it was breaking the law or not.

MARK

Do you know if the Central Intelligence Agency was ever involved in a plan to cover up any of its questionable practices?

TURNER

No.

MARK

You don't.

TURNER

No.

MARK

(changing tack)

Did the CIA maintain attendance records for its employees while you were director?

TURNER

I don't know.

MARK

Did the CIA maintain records of vacation days taken by employees?

TURNER

I don't know.

MARK

Records regarding sick leave for employees?

TURNER

I assume there might be such records, but I don't know.

MARK

You said Mr. Hunt worked for the CIA. Is that correct?

TURNER

I understand that he did.

MARK

In what capacity?

TURNER

I understand he was in the Directorate of Operations.

MARK

Are there records to show where an officer in the Directorate of Operations would be on any given day?

TURNER

I don't know that.

MARK

You don't know.

TURNER

No.

MARK

Did you examine the CIA files for the period preceding your directorship?

TURNER

Yes, I did.

MARK

Did you ever come across any indication that any CIA employee had ever used an *alias* or a pseudonym?

TURNER

Not to my knowledge, no.

This alarms Turner's attorneys, who confer, then tap their client. The three of them adjourn to another room a moment.

Return.

TURNER (CONT'D)

I'd like to amplify my statements, I I may.

MARK

Please do, Mr. Turner.

TURNER

Pseudonyms were used and false statements were made by various CIA employees.

INT. PLUSH LAW OFFICE -- WASHINGTON D.C. -- DAY

Mark, Brent and Fleming sit in a plush conference room, Mark reviewing some notes while a court reporter sets up her machine.

SUPERIMPOSE:

"Deposition of Richard Helms, Director of the CIA 1966-1973"

A royal-like procession begins.

Snyder and the CIA attorneys Moffett and Strickland appear, holding the door majestically for RICHARD HELMS (70s), ex-CIA director.

Whispers of "Ambassador" fill the room, as the attorneys refer to the ex-CIA director with that name.

Before the "Ambassador" sits, a third CIA-related MAN (50s) appears to pull out Helms' chair.

MOFFETT

(explaining "man" to Mark  
and Defense counsel)

With me is a gentleman from the agency whose identity is protected pursuant to statute, but whose name is John Smith, obviously a fictitious name. He is here solely for the purpose of a complex matter, advising us if a question calls for classified information and solely in that capacity, and will not be stating anything for the record whatsoever.

MARK

I object to proceeding at this time with Mr. John Smith, who apparently has refused to tell us his real name, being present unless he identifies himself. This is not Madison Square Garden. It is not a public event. This is a solemn proceeding. The record of this deposition should reveal who is present, the real names of people who are present. And I ask Mr. Smith to identify himself or leave.

MOFFETT

Mr. Lane, I'm sure you can appreciate that this is a question of national security.

MARK

If there is a reason why Mr. Smith feels that the security of this nation would be imperiled were we to know who he actually is, *then I think the nation's security should be saved by Mr. Smith's exodus from the room at this point, rather than revealing his identity.* I do not believe he should be present at this proceeding unless he can identify himself.

There is shifting in chairs, but no response. No movement.

MARK (CONT'D)

Very well, my objection is recorded.

(glancing at reporter)

Let's commence.

Snyder begins, as if a court sycophant, presenting citations and awards for the "Ambassador's" inspection and pleasure.

SNYDER

(to Helms)

I am reading from a citation awarded you by the President of the United States, and I'm going to offer that as plaintiff's exhibit number one.

Snyder hands a copy of the award to the court reporter against somber nods and looks of approval by CIA staff counsel and "Smith."

SNYDER (CONT'D)

And you were recently awarded the National Security Medal by the President, is that correct?

Snyder offers the medal to be admired by the court reporter, and CIA staff, "Smith" nodding sagely.

HELMS

That's correct.



SNYDER

Were you awarded anything else in prior years for your services in the CIA?

HELMS

I was awarded the Distinguished Intelligence Medal when I left the CIA in 1973.

Snyder holds up the medal, in full ceremony.

SNYDER

Did you also receive the William J. Donovan Medal?

Snyder holds it up proudly to more sage nods and reverence.

HELMS

Yes, I did.

Snyder allows the awards to wash over all sufficiently, before proceeding to the matter's heart.

SNYDER

Mr. Helms, *did the CIA have anything to do with the engineering of the killing of President John Kennedy?*

Helms pauses, looks to Mr. Smith a moment.

HELMS

To the best of my knowledge, the CIA had not executed the president.

SNYDER

Did the CIA make any attempt to cover up the true identity of the killers of President Kennedy?

Helms considers the query.

HELMS

(slow, measured)

To the best of my knowledge, the Agency did not seek to cover up the facts.

SNYDER

The allegation of Mr. Marchetti, as I understand it, is that there was a memorandum, either written by you to Mr. Angleton or by Mr. Angleton to you, and either signed or initialed by one or both of you, that said in effect, "Someday we will have to explain what *Hunt* was doing in Dallas on November 22, 1963."

(beat)

Have you ever seen or heard of such a memorandum?

Helms pauses, sighs, and looks from Smith to his two lawyers.

HELMS

Not to the best of my knowledge.

SNYDER

(pushing for more)

A committee of the Congress has found the CIA blameless in the Kennedy slaying. And my question to you is: Is that conclusion, that the Agency was free of any blame in the arranging of the killing or the covering it up, an accurate conclusion as far as you know?

HELMS

This is in respect to President Kennedy's assassination?

SNYDER

Exactly right.

HELMS

It sounds all right to me.

Snyder starts to lose his composure, frustrated at Helms' lack of conviction.

SNYDER

(animated)

We are dealing with an asinine article--

MARK

The jury will decide that.

SNYDER

I remain of the opinion that the article is a fabrication almost from start to finish.

(beat)

I don't think there's a shred of truth in it!

Snyder pauses to let his preface sink into his witness.

SNYDER (CONT'D)

(to Helms)

Have you ever heard from any personnel, past or present, that the Agency had decided to sacrifice Hunt to protect its interest?

HELMS

I don't recall.

Snyder tries to overcome frustration, continues on a new tack.

SNYDER

The remainder of the article describes a theory that *Frank Sturgis* was among the assassins of President Kennedy.

(beat)

Had Frank Sturgis ever been an employee of the CIA, if you are at liberty to say?

HELMS

Sturgis I have heard of.

SNYDER

(pushing)

Do you know if Sturgis was ever an employee of the Agency?

Helms pauses.

HELMS

(looking right at Snyder)

To the best of my recollection, Frank Sturgis was an agent, an outside agent, a contract agent, of the Agency.

Snyder is stunned.

INT. MIAMI DISTRICT COURT -- MORNING

JUDGE JAMES W. KEHOE (60) presides, with E. Howard Hunt in the witness box, his attorneys Kevin Dunne and Bill Snyder seated at one table, a PARALEGAL next to them.

Mark, Brent and Fleming sit with their clients, Will Carto and Victor Marchetti.

The participants all wear dark business suits, excepting Hunt--who appears in a more modest coat, saying perhaps, "I am not a rich man; I could use a favorable verdict and a tidy monetary reward."

In the crowd are Fleming and Carto's wives, Hunt's wife, a few other ONLOOKERS, the BAILIFF, a female CLERK and court reporter.

Twelve JURORS of mixed race, age and gender occupy the jury box.

Judge Kehoe is gruff, to the point, and no nonsense.

SUPERIMPOSE:

"Miami District Court -- January, 1985"

Then:

"Hunt v. Liberty Lobby, Round Two"

Mark stands up to cross-examine E. Howard Hunt.

He shows Hunt a document.

MARK

(to Hunt)

Do you recall, Mr. Hunt, having written documents which contained the statement: "The Watergate bugging is only one of a number of highly illegal conspiracies engaged in by one or more of the defendants at the behest of senior White House officials. These as of yet undisclosed crimes can be proved."

(beat)

Do you recall writing that?

HUNT

I have a recollection of it. I think it was a reminder I sent to Mr. Colson, possibly.

MARK

When did you send that to Mr. Colson, if you recall?

HUNT

After the death of my wife-- probably before I entered prison.

MARK

Was that in reference to a request by you for sums of money?

HUNT

Yes, definitely.

MARK

Were you saying to the White House that you had information about *highly illegal conspiracies* engaged in by one or more of the Watergate defendants at the behest of senior White House officials and these undisclosed crimes could be proved, and they better pay you the money you asked?

HUNT

And they were proved.

MARK

Is that what you were saying, these could be proved; you had the information; they were undisclosed and they had better give you the money?

HUNT

That's right.

MARK

Is that blackmail?

HUNT

No.

Mark glances at the jury.

MARK

Mr. Hunt, could you tell us about the conspiracies that were so serious that you expected the White House to provide hundreds of thousands of dollars to silence?

HUNT

Now, I am not sure what I had in mind at the time. I was on the verge of going to prison, and my thinking was very, very disturbed at that point.

The jurors stare at Hunt.

Hunt looks away and shifts uncomfortably in the witness chair.

Mark grabs a document from behind him.

MARK

(to Hunt)

What, sir, is "plausible denial?"

HUNT

Denial that is believable.

MARK

Is that a term of art within the CIA?

Hunt glances at his attorneys.

MARK (CONT'D)

Scratch that.

(beat)

Mr. Hunt, did you write a memorandum in which you suggested that an operation should be mounted for the purpose of destroying the public image and the credibility of Dr. Daniel Ellsberg, American whistle-blower?

HUNT

I did.

MARK

Did you write this paragraph?

(reading)

"I am proposing a skeletal operations plan aimed at building a file on Ellsberg that will contain all available covert/overt and derogatory information. This basic tool is essential in determining how to destroy his public image and credibility."

(beat)

Did you write that?

HUNT

I did.

MARK

Did you suggest a request be made to the FBI, to the CIA, and Army CIC for their full holdings on Dr. Ellsberg?

HUNT

Yes.

MARK

Do you think that is right?

HUNT

Do I think what is right?

MARK

To try to destroy a person's reputation utilizing the armed forces of the United States government in its secret operations, to destroy the credibility of an American citizen. Do you think that is right?

HUNT

If he were the individual we believed him to be at that time, absolutely.

MARK

If he were a traitor, he should have been *tried* for treason, is that correct?

HUNT

That's correct.

MARK

He then could have *defended himself against the charge in court*, is that correct?

HUNT

That's correct. That's the way our judicial system works. We like to think so.

MARK

But he was not given that opportunity, was he, Mr. Hunt, because you were mounting a covert operation to secretly destroy his reputation and his credibility; is that correct?

HUNT

It had begun, yes.

MARK

Is that right? Do you support that activity?

HUNT

Do I support that activity?

MARK

Yes. Do you support the use of secret weapons by the U.S. government to destroy the credibility of American citizens?

HUNT

I would have to say it depends upon who those American citizens are.

MARK

If they are criminals, should they not be *prosecuted* for their crimes?  
(beat)

But should people be *hiding in dark shadows to destroy their reputations in such a fashion that they cannot defend themselves?*

HUNT

You are asking me for a legal conclusion?

MARK

I am asking you what you believe. Do you believe that is proper?

HUNT

If what is proper?

MARK

To try to destroy the credibility of American citizens in a secret fashion?



HUNT

Under the circumstances then obtaining, I had no problem with it at the time. Today, I obviously would.

MARK

Why? What is different?

HUNT

A lot is different.

MARK

What is different?

HUNT

I have matured a good deal since then.

MARK

*Have you sent a letter of apology to Dr. Ellsberg?*

HUNT

No.

Mark shuffles a page, eyes the jury, and prepares the next line of questions.

MARK

Regarding black bag operations to destroy the reputation of American citizens, would you have acted similarly if the assigned target had been *President John F. Kennedy*?

HUNT

Absolutely not. I liked John Kennedy.

MARK

What is or was your attitude about the late president in more detail, please?

HUNT

Well, he was a young man of my generation. I had met him socially in Boston. Thought well of him. I served in the South Pacific the same time he did. We were both naval officers. At one time, I felt a great deal of empathy for him.

MARK

Were you ever involved in any kind of disinformation to embarrass him?

HUNT

President Kennedy?

MARK

Yes.

HUNT

No.

Mark pauses to let Hunt's lie sink in to jurors.

MARK

*Did you ever forge some cables in order to blame John F. Kennedy for the death of the leader of South Vietnam?*

Hunt pauses. He looks at his attorneys for help.

They can do nothing.

HUNT

Yes, that is a matter of public record.

MARK

*How did you forge the documents in order to charge John F. Kennedy, after his death, with a murder for which he was not responsible?*

HUNT

I went ahead and provided cables that could have logically been, in the sequential flow between Washington and Vietnam, concerning the death of President Diem.

MARK

What do you mean, you "provided" cables? What did you do?

HUNT

Well, I fabricated them.

Mark pauses to let admitted crimes sink into jury minds.

MARK

(nodding)

In essence, then, you forged documents in order to make it seem that John F. Kennedy and his administration were involved in assassinating the Vietnamese head of state; is that correct?

HUNT

That is correct, yes.

MARK

Was that proper?

HUNT

No, it was not proper.

Mark sips water, Hunt shifts nervously, the jury shifts.

MARK

I'd like to look at November 22, 1963 a moment.

HUNT

Okay.

MARK

(fighting a grin)

Mr. Hunt, do you know that Walter Kuzmuk testified he did *not* drive with you to Washington D.C. on November 22, 1963?

HUNT

No, I don't know that.

Mark supplies Mr. Hunt with a copy of the Kuzmuk deposition transcript.

MARK

That is a sworn statement given by Mr. Kuzmuk on Thursday, June 28, 1984. Mr. Kuzmuk answered, referring to November 22, 1963: "So on that date, I drove because Mr. Hunt was *not with me* that day..."

(beat)

Mr. Hunt, did you know Mr. Kuzmuk so testified?

HUNT

No.

Mark glances at jurors, settles for the next bomb.

MARK

Is it true, Mr. Hunt, that the only two alibi witnesses you will present at this trial are those persons who you *did not* tell the *House Select Committee on Assassinations* about when you testified there?

HUNT

That is correct.

The jurors seem very interested, as Mark grabs a dog-eared transcript.

He saunters dramatically back toward Hunt and the witness stand, about to spring the trap he set months previously.

MARK

(closing trap)

Mr. Hunt, do you recall testifying back on December 16, 1981, that when the allegation was made that you were in Dallas, Texas, on November 22, 1963, your children were really upset?

(beat)

Do you recall testifying to that?

HUNT

Yes.

MARK

Do you recall testifying that you had to reassure them that you were not in Dallas that day?

HUNT

Yes.

MARK

That you had nothing to do with the *Kennedy Assassination*?

HUNT

That's right.

MARK

Did you say that the allegation that you were in Dallas, Texas, on November 22, 1963, was the focus of a great deal of interfamily friction, and tended to exacerbate difficulties in the family?

HUNT

I did.

Hunt and his attorneys are oblivious to the storm ahead of them.

The jurors anticipate the next question.

Mark puts down the transcript. He looks at Hunt.

MARK LANE

(softly)

*Mr. Hunt, why did you have to convince your children that you were not in Dallas, Texas, on November 22, 1963, if, in fact, as you say, a fourteen-year-old daughter, a thirteen-year-old daughter, and a ten-year-old son were "with you" in the Washington D.C. area on November 22, 1963, and were "with you" at least for the next forty-eight hours, as you all stayed "glued to the TV set?"*

Hunt looks like he was struck in the face with a wet fish.

His head jerks back.

He stares at his attorneys.

Snyder and Dunne, apparently thunderstruck, begin to speak to each other in whispers.

INT. MIAMI HOTEL ROOM -- NIGHT

Mark is reviewing notes, TV on in the background of his high-rise hotel room.

A KNOCK at the door, has Mark rising to answer.

Mr. Carto is the guest, Mark making a path and offering a chair to his client.

MARK  
(sitting)  
I'll be brief, Mr. Carto.

CARTO  
Yes, Mark.

MARK  
Mr. Carto, I'm abandoning the  
defamation defense.  
(beat)  
I think we're going to win no  
matter what, and I'd like to nail  
CIA for this crime.

Carto is excited again, with dreams of writing history.

CARTO  
(containing)  
Mark, have you ever been this  
confident about a jury's verdict in  
advance and been wrong?

MARK  
(laughing)  
I have made a number of mistakes at  
trial over the years, including  
misreading a jury's reactions.

Carto thought a moment about the decision, his business, the  
risks.

CARTO  
(letting excitement out)  
Go for it!

INT. MIAMI DISTRICT COURTROOM -- DAY

Judge Kehoe at the ready, one JULIA LEE (40s) on the witness  
stand, jury and the same legal regulars present, minus Mr.  
Carto.

Mark rises from his table, leaving Brent and Fleming to their  
notes; Dunne and Snyder have notes out next to their client,  
Mr. Hunt.

MARK  
Your honor, members of the jury,  
before you is not my *actual*  
witness, but a woman--actually the  
wife of defense counsel behind me,  
Mr. Fleming Lee.  
(MORE)

MARK (CONT'D)

Ms. Julia Lee will hereby read the testimony of my *actual* witness, *Marita Lorenz*, who I deposed under oath in the presence of plaintiff counsel, *Misters Dunne and Snyder*.

(beat)

The deposition was taken on January 11, 1985, and as I said, Ms. Julia Lee is here to "stand in" to read Ms. Lorenz' sworn testimony.

(beat)

This is part of an arrangement I made with *Ms. Lorenz* to protect her anonymity and whereabouts, as she had severe concerns for her safety in revealing facts she became a witness to, especially in November of 1963.

Mark studies the jury briefly to make sure all was understood in the matter.

MARK (CONT'D)

(passing photos of *Marita Lorenz* to the bailiff for the judge, to plaintiff counsel, and to the female JURY FOREMAN)

These are public domain photos of Ms. Lorenz, who Ms. Lee will now read for, in order to keep Ms. Lorenz safe from any harm.

Mark walks slowly back toward Julia, allowing photos to be distributed.

When quiet, he turns to his witness.

MARK (CONT'D)

*Ms. Lorenz?*

MARITA (THROUGH JULIA LEE)

Yes.

MARK

What is your present employment?

MARITA

I do undercover work.

MARK

Can you tell us about that work?

MARITA

No.

MARK

Have you been employed by the CIA?

MARITA

Yes.

MARK

During and prior to November, 1963, did you live in Miami, Florida?

MARITA

Yes, I did.

MARK

During and before November of 1963, did you work for the CIA in the Miami area?

MARITA

Yes.

MARK

Did you work with a man named *Frank Sturgis*, while you were working for the CIA?

MARITA

Yes, I did.

MARK

Was that in Miami, during and prior to November, 1963?

MARITA

Yes.

MARK

Was Mr. Sturgis also employed by the CIA?

MARITA

Yes.

MARK

During that time, were there payments made to Mr. Sturgis for the work he did for CIA?

MARITA

Yes.



MARK

Did you ever witness anyone make payments to him for the CIA work which you and Mr. Sturgis were both doing?

MARITA

Yes.

MARK

Who did you witness make payments to Mr. Sturgis?

MARITA

A man by the name of *Eduardo*.

MARK

Who is "Eduardo?"

MARITA

That is his code name; the real name is E. Howard Hunt.

The jury looks suddenly at Hunt, who quickly looks away and begins to confer with his attorneys.

MARK

Did you know him and meet him during and prior to November, 1963?

MARITA

Yes.

MARK

Did you witness payments made by Mr. Hunt to Mr. Sturgis on more than one occasion prior to November of 1963?

MARITA

Yes.

MARK

Okay, Ms. Lorenz, now we will move into specific events in November of 1963.

MARITA

Okay.

MARK

(eyeing jury to brace  
themselves)  
(MORE)

MARK (CONT'D)

Did you go on a trip with Mr.  
Sturgis from Miami during November  
of 1963?

MARITA

Yes.

MARK

Was anyone else present with you  
when you went on that trip?

MARITA

Yes.

MARK

What method of transportation did  
you use?

MARITA

By car.

MARK

Was there one or more cars?

MARITA

There was a follow-up car.

MARK

Does that mean two cars?

MARITA

Backup; yes.

MARK

What was in the backup car, if you  
know?

MARITA

Weapons.

MARK

Did Mr. Sturgis tell you where you  
would be going from Miami?

MARITA

Dallas, Texas.

MARK

He told you that?

MARITA

Yes.

MARK  
Did you arrive in Dallas during  
November of 1963?

MARITA  
Yes.

MARK  
After you arrived in Dallas, did  
you stay at any accommodations  
there?

MARITA  
Motel.

The jury sits, nervous with anticipation, often eyeing photos  
of Marita Lorenz.

MARK  
While you were at the motel, did  
you meet anyone other than those  
who were in the party traveling  
with you from Miami to Dallas?

MARITA  
Yes.

MARK  
Who did you meet?

MARITA  
E. Howard Hunt.

Mark backs off a moment for effect.

MARK  
And was there anyone else who you  
saw or met other than Mr. Hunt?

MARITA  
Excuse me?

MARK  
Other than those?

MARITA  
*Jack Ruby.*

Again, Mark backs off a moment for effect.

MARK  
Tell me the circumstances regarding  
your seeing E. Howard Hunt in  
Dallas in November of 1963.

MARITA

There was a prearranged meeting that E. Howard Hunt deliver us sums of money for the so-called "operation" that I did not know its nature.

MARK

Were you told what your role was to be?

MARITA

Just a decoy at the time.

MARK

Okay.

(beat)

And did you see Mr. Hunt actually deliver money to anyone in the motel room?

MARITA

Yes.

MARK

To whom did you see him deliver the money?

MARITA

He gave an envelope of cash to Frank Fiorini.

MARK

Frank "Fiorini" is an alias of Frank Sturgis, is that correct?

MARITA

Yes.

MARK

Okay.

(beat)

Where did you see the person you identified as *Jack Ruby*?

MARITA

After Eduardo left, a fellow came to the door and it was Jack Ruby.

MARK

When you say "Eduardo"--

MARITA

E. Howard Hunt.

Mark gives the jury a chance to take this fully into their minds.

MARK

Now, Ms. Lorenz, can you tell us in relationship to the day that President Kennedy was killed, *when this meeting took place?*

MARITA LORENZ

The day before.

Pause for effect.

MARK

(great emphasis)

On *November 21, 1963?*

MARITA

Yes.

MARK

And Ruby, Mr. Jack Ruby, you were not sure who that was at the time, but later knew based on pictures from the newspaper and on television?

MARITA

Yes. Later.

MARK

After Ruby had killed Lee Harvey Oswald, correct?

MARITA

Yes.

MARK

So, Mr. Ruby was the person you saw other than E. Howard Hunt?

MARITA

Yes.

MARK

And Hunt paid Sturgis, this on *November 21, 1963*, a day before the assassination of John F. Kennedy, you with a party of CIA employees, two cars--one full of weapons?

MARITA

Yes.

MARK  
In Dallas?

MARITA  
Yes.

MARK  
(to Judge Kehoe)  
Nothing further, Your Honor.

EXT. MIAMI DISTRICT COURTHOUSE -- AFTERNOON

Press vans, members of the PRESS await decision in front of the courthouse.

SUPERIMPOSE:

"February 6th, 1985"

INT. MIAMI DISTRICT COURTHOUSE -- AFTERNOON

The jury walks in, the attorneys and Hunt, the crowd with limited PRESS look on intently, trying to get a read on jury faces.

Judge Kehoe addresses LESLIE ARMSTRONG (40s), jury foreman.

KEHOE  
Have you reached a verdict?

LESLIE  
(rising)  
Yes, Your Honor, we have.

The bailiff takes the written verdict from Leslie, carries it across the courtroom to the judge.

The judge reads the verdict to himself.

The judge looks up, impassively and impartially passes the form back to the bailiff.

The bailiff returns the form back to Leslie Armstrong.

KEHOE  
(to Leslie)  
What is your verdict?

In the courtroom dozens of people wait anxiously.

EXT. COURTHOUSE

A RUNNER comes out, motioning press and camera crews to get ready.

INT. KEHOE'S COURTROOM

From a window, seen on street below, camera CREWS and radio REPORTERS prepare to carry the verdict to the American people.

JUDGE KEHOE  
Would you give it to the clerk?  
(to female clerk,  
authoritative)  
Please publish the verdict.

CLERK  
United States District Court,  
Southern District of Florida,  
Miami, Florida, E. Howard Hunt,  
plaintiff, versus Liberty Lobby,  
defendant. Verdict: *We, the jury,*  
*find for the defendant, Liberty*  
*Lobby and against the plaintiff, E.*  
*Howard Hunt.*

Mark shakes hands with Brent and Fleming, starts to smile.

CLERK (CONT'D)  
So say we, all, signed by the  
foreperson.

KEHOE  
(to jury)  
We will now poll the jury. When  
Mary calls your name, respond in  
the affirmative, if the verdict  
just read was your verdict.

As Mary, the clerk, reads off names, jurors respond "yes"  
after their name is called twelve times.

MARK  
(to Brent)  
Unanimous.

The three defense attorneys smile at one another and pack  
their things.

Hunt and plaintiff counsel do the same, without the smiles.

INT. COURTHOUSE LOBBY -- MIAMI, FLORIDA -- CONTINUOUS

PRESS gather around jury members, especially Leslie Armstrong, the foreman.

Mark, Brent, and Fleming walk down steps, Mark eager to get a listen of a juror press interview.

LESLIE ARMSTRONG

(to reporters)

The evidence was clear.

(beat)

The CIA killed President Kennedy,  
and Hunt had been a part of it.

Mark hears enough to know the effect of his accomplishment, and walks on with his small legal team, out a double door, and into a balmy winter Miami evening.