

"THE DARROW CHRONICLES"

EPISODE ONE (Pilot)

"State of Idaho v. Big Bill Haywood"

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BLACK SCREEN

GRAPHIC:

In the early 1900's, miners and industrial workers formed unions to achieve better workplace conditions, higher wages, and fewer hours.

INSERT

Black and white photos of miserable workplace conditions in mines and at factories.

Black and white photos of workers with placards on strike.

GRAPHIC:

Companies vigorously suppressed unions, with help from the government and private detective agencies.

INSERT

Archival black and white film footage of soldiers attacking strikers.

GRAPHIC:

By 1905, labor and management engaged in open warfare. One side used illegal surveillance, kidnappings, black-listings, spies, and armed soldiers. The other, dynamite.

INSERT

Archival black and white film footage of bridges and buildings being blown up.

GRAPHIC:

In 1905, Clarence Darrow was enlisted to defend several high profile union leaders suspected of ordering the bombings.

In 1912, he himself became a defendant.

(Beat)

The following accounts depict actual events.

TEASER

INT. HOTEL ROOM - DAY

GRAPHIC: DECEMBER 30, 1905

HARRY ORCHARD sits on his bed with a small, wooden box next to him. A stout, 39 year old amoral serial bomber with a slicked-down, receding hairline and a preternaturally calm demeanor. The box contains several sticks of dynamite tied together.

Orchard takes a round blasting cap and sets it in the box, next to the dynamite...

He carefully lifts a corked, test tube-sized bottle of acid and wedges it into the sticks, so that when the cork is pulled, the acid will drip onto the blasting cap...

He attaches a wire through a screw eye in the cork, placing the rest of the wire on the bottom of the box.

EXT. BACK DOOR, RURAL FARMHOUSE - DAY

FRANK STEUNENBERG opens the door, pecks his wife on the cheek and pats his three young children on the heads, before he heads out for a walk. Snow covers the ground.

Steunenberg, mid 40's, seven feet tall, no necktie, long hair poking out of his Stetson hat. Convivial, former Idaho Governor, despised by union miners in the state.

The house sits by itself, surrounded by a wood fence, with wooden gates on the front and back. He leaves via the back gate.

EXT. DIRT PATH - DAY

As Steunenberg walks down the snow-cleared path towards the center of town, he passes Orchard, hiding in the shadows between two buildings. Once Steunenberg walks by, Orchard emerges, carrying a bundle in some newspapers.

EXT. STEUNENBERG'S BACK GATE - MOMENTS LATER

Orchard kneels on eight inches of freshly fallen snow. He tests the gate, eyeing it as it opens inwardly. He leaves it open...

He places the box on the ground inside the gate post, stretches the wire through a small hole in the box, letting it drop to the ground...

He covers the box with snow and closes the gate as he steps out. Reaching back in, he grabs the wire and ties the wire to a picket of the gate...

He gets to his feet and walks calmly away.

EXT. PATH - LATE DAY

Steunenberg, in no hurry, strolls down the path towards his house. Once he arrives at his front gate, he pauses, then keeps walking around towards the back.

EXT. BACK GATE - LATE DAY

Steunenberg unlatches the gate...

CLOSE on wire attached to the gate and the box...

He opens the gate and a LOUD EXPLOSION results. He is blown 10 feet away from the gate, landing on his stomach. His right arm nearly torn off, legs fully attached, but badly mangled. He bleeds profusely on the white snow.

CAMERA lingers on his still-breathing, slightly moving body.

END OF TEASER

ACT I

EXT./INT. COURTHOUSE - HOT SUMMER DAY

The courthouse stands in the middle of the town square, front door and windows all open. Dozens of men and women, dressed in their Sunday finest, sit about on the front lawn. All the women, in and outside the courtroom, wear elaborate hats.

CAMERA tracks inside up to the third floor. The stairs and corridors are jammed with people trying to listen through the open door to the courtroom.

Small, packed courtroom. CLARENCE DARROW and four other lawyers at the defense table, closest to the all male jury of farmers, all in their 50's.

Darrow, early 50's, has a slight paunch, crouching shoulders, black, straight hair, melancholy, sallow, old face. Deeply committed to the underdog and to the bestowal of mercy. Usually speaks to juries in conversational tones, with occasional wit, while appealing to their emotions.

Three lawyers sit at the prosecution table. Reporters fill the seats behind the railing backing both sets of lawyers.

Haywood's mother, Elizabeth, 58, enters alongside Haywood's wife, Nevada, 40, being pushed in a wheelchair by her 9 year old daughter, Henrietta. Darrow's wife RUBY opens the railing and allows them to sit inside the railing, behind the defense table, before Ruby returns to her front row seat.

Ruby Darrow, 39, attractive journalist when they first met. Nimble mind, quiet, alert eyes and kind smile. No children or separate career. Devoted to Darrow, whom she calls Dee. Serves as his ethical and practical consigliere.

WILLIAM DUDLEY "BIG BILL" HAYWOOD in a suit, enters a side door, escorted to his seat by two deputies. Haywood, 38, stocky (5 foot 8 inches, 204 pounds), milky right eye, thunderous voice. Gregarious with fellow miners, but perpetual scowl around the one percent. Committed Socialist.

Haywood's seat is close enough to the jury to extend his arm out and touch one. He reaches out to his daughter, placing his hand fondly upon her head and the two exchange quick, loving smiles. Then he glances over towards his wife and the two exchange similar smiles.

Once they are seated, Judge FREMONT WOOD, 51, enters and sits behind the jury on an elevated platform.

JUDGE WOOD

Mr. Darrow, you may proceed with your closing argument.

Darrow rises to his feet. He wears a wrinkled, gray suit, holding his glasses in his hand, clasped by the nose piece as he walks about in front of the jury, speaking without notes.

DARROW

Gentlemen, I need not tell you how important this case is.

He gestures first to Haywood, then his family and part of the audience.

DARROW (CONT'D)

How important to the man on trial.
How important to his family and his friends.

(Beat)

How important to society. How important to a great movement which represents the hopes and the wishes and the aspirations of all men who labor to sustain their daily life.

He advances to the jury and drops his voice as he stares at their eyes.

DARROW (CONT'D)

You know it!

Darrow turns, hangs his head, and speaks as he retreats.

DARROW (CONT'D)

We are here in the home of the man who was killed in the most ruthless, cowardly, brutal way that any man could meet his death.

EXT. PATH TO STEUNENBERG'S HOME - WINTER, LATE DAY

William Borat, 50, and Fred Sweet, 45, stroll along the snow-cleared path, smoking cigars when Harry Orchard walks by them going the other way. Seconds later, a loud EXPLOSION.

EXT. BACK OF STEUNENBERG'S HOME

All the glass on the back side of the house SHATTERS.

SERIES OF SHOTS

1. Borat and Sweet drop their cigars and break into a run towards the explosion.
2. Orchard races up the steps of the hotel, as others run out.
3. Borat and Sweet reach a prostrate, bleeding Steunenberg, on his stomach. They kneel next to him. Steunenberg's clothing and shoes are torn to tatters and his back visibly injured.

STEUNENBERG
(Weakly) Who shot me?

4. Orchard dashes around his room, picking things up. He absent-mindedly puts a blasting cap in his pocket, and throws some loose items into the chamber pot. He empties a bottle of acid into the sink, then stuffs it in his pocket. BANG. The cap explodes.
5. Borat and Sweet look at each other, unsure what to do.

STEUNENBERG (CONT'D)
For God's sake, turn me over. I'm
dying.

The two men do that, as gently as they can. He looks at them, then lapses into unconsciousness.

6. Orchard, uninjured, sees his coat is torn up, puts on a new coat, and hurries out the door.

END SERIES OF SHOTS.

INT. COURTROOM - DAY

Darrow continues his summation.

DARROW
Gentlemen. William D. Haywood is
charged with murder. He is charged
with having killed ex-Governor
Steunenberg.

Darrow points to Haywood.

DARROW (CONT'D)
Now, Bill is here today, but he was
not here when Steunenberg was
murdered. He was fifteen hundred
or a thousand miles away.
(Beat)
But this fellow Orchard was here.

INT. HOTEL SALOON - DAY

Orchard sits alone drinking. He looks over and sees the sheriff, the desk clerk, and one deputy hurry up the stairs.

INT. ORCHARD HOTEL ROOM - DAY

The deputy, on his knees, reaches into the chamber pot and takes out some plaster of Paris and fishing line. He shows the items to the nodding sheriff. The sheriff opens a suitcase on the bed, with the label "Hogan," and lifts out a pistol.

INT. SALOON - DAY

Orchard stands next to the sheriff as the deputy places him in handcuffs. Orchard has a faint Canadian accent.

ORCHARD

You might as well know, name's not Tom Hogan. It's Harry Orchard.

INT. COURTROOM - DAY

DARROW

Who is Orchard? If he is not the biggest murderer who ever lived, he is the biggest liar, at least, who ever lived. He's someone who committed every crime known to man. A perjurer, a thief, a bigamist, a burglar, a murderer; who, when he is caught with the blood dripping from his fingers, turns to you and says: Here now, this man --

Darrow points to Haywood.

DARROW (CONT'D)

this man told me to do it.

(Beat)

But Harry Orchard said none of that until Father McParland laid his hands on him in prison.

INT. PENITENTIARY OFFICE - DAY

The backwards stencil on the half-glass, closed door reads "Warden's Office." Warden E.L. Whitney, mid-50's, behind his desk. JAMES HAWLEY, casually dressed, sits before him, chewing on a toothpick with his boots on the warden's desk.

Hawley, 60, bow tie, thick mustache. Uber confident, lead prosecutor in the Haywood trial. Rough hewn, self-taught in the law; yet, the most experienced trial attorney in Idaho.

KNOCK, KNOCK.

HAWLEY

That's McParland. (Loudly) Come on in.

JAMES MCPARLAND enters. Sixty-four years old, stout, heavy Irish accent, round, wire glasses, large Teddy Roosevelt mustache, dapper suit. Dogged detective, zealously religious.

HAWLEY (CONT'D)

Warden, James here is a Pinkerton man. Head of their western office.

McParland shakes the warden's hand. Hawley doesn't rise.

MCPARLAND

Pleased to meet you sir.

HAWLEY

He broke the Molly Maguires, those coal mining terrorists in Pennsylvania. The Governor thinks he can get Orchard to cooperate.

MCPARLAND

I'll do my best. When can I see him?

HAWLEY

Right now's good as any.

Hawley gets to his feet. As the trio begins to leave the room,

HAWLEY (CONT'D)

We've had him for a week now and he admits to nothing except his name.

MCPARLAND

Before I see him, I'll need some things.

INT. CELL - DAY

McParland and Orchard are alone smoking cigars next to a table with the remainder from a sumptuous lunch.

MCPARLAND

Was the luncheon to your liking?

Orchard nods as he takes a puff on his cigar.

ORCHARD

Yes, and this as well. The prison has not allowed me any tobacco until now.

The two pause, smoking away, for a few silent seconds, as McParland sizes up Orchard.

MCPARLAND

Do you believe in God Mr. Orchard?

ORCHARD

I did, when I was a young-un.

MCPARLAND

So you know it's an awful thing to live and die a sinful life. Every man ought to repent of his sins,
(beat)
and there is no sin that God will not forgive.

ORCHARD

What about murder? That's what you all arrested me for.

MCPARLAND

King David in the Bible was a murderer. And so was the Apostle Paul. Both were forgiven by God.

ORCHARD

Is that why you're here? To get me to confess.

MCPARLAND

No. I don't need that. We have positive proof you placed the bomb. I'm here because I believe the assassination was not your idea. We know the Western Federation of Miners was behind it all.

ORCHARD

Why? I ain't said that.

MCPARLAND

The people at the head of that group are a gang of cutthroats and murderers. They simply used you as a tool for their latest act of terrorism.

ORCHARD

I don't know nothing about that.

MCPARLAND

I think you do Mr. Orchard. And I think you are in a position to be a great benefit to the state.

ORCHARD

I ain't a great benefit to nobody caged up in here.

MCPARLAND

Oh, but you can be Mr. Orchard. I've worked several other cases where men turned state's evidence. And when the state used their testimony at trial, they declined to prosecute them.

(Beat)

So you just come clean with me Mr. Orchard and tell me who you were working for.

He motions with his hand to the table.

MCPARLAND (CONT'D)

If you do the right thing, this can continue. And perhaps a financial reward for your cooperation as well.

INT. COURTROOM - DAY

Darrow continues to address the jury, hands in pockets, head down, eyes up, one thumb hooked in his suspenders. His voice rises a bit as he comes closer and closer to the jury.

DARROW

And there is not an intelligent man who has listened to this case who does not know that it is Harry Orchard from beginning to end who murdered Governor Steunenberg.

JUROR ABBOT

Excuse me mister, but could you stand back a mite. Kinda gives some of us here a bit of a headache hearing you when you're so close and all.

Darrow doesn't smile as he glances over at Ruby, who slightly nods her head. He steps back.

DARROW

Thank you for telling me that.

He lowers his voice and motions with his hand between the juror, himself, and Haywood.

DARROW (CONT'D)

Gentlemen, as you can see, Bill Haywood and I are here as aliens to you. I am two thousand miles from home, unacquainted with you, with your life, and with your methods of reasoning.

EXT. DESERT ROAD - DAY

GRAPHIC: Six Months Earlier

Darrow drives a car, loaded with luggage, Ruby beside him in the front seat. After several seconds with the windows down, dust flies into the car. Darrow coughs and closes the window.

DARROW

Not sure what is worse, this damnable dust or dying in the desert heat with the windows closed.

RUBY

Just keep going back and forth, closing and opening them, Dee. We'll get there soon enough.

(Beat)

Maybe crack the window just a smidge.

He complies, before patting her on the knee.

DARROW

I should have had you take the train Rube.

RUBY

And leave you to drive all this way from Chicago by yourself? I wouldn't have it. We should be coming up on Boise before long.

DARROW

That letter you got give us directions to the cottage?

RUBY

Yes. It's on the edge of town. Not as convenient as a hotel, but close enough to the courthouse to walk.

DARROW

I reckon reporters took up all the hotel spaces.

Ruby lifts a newspaper off her lap.

CLOSE on front page headline: "Haywood Loses Appeal; Trial of the Century to Begin."

RUBY

If this is any indication, you're probably right. I would have wanted to be there, too, if I was still working at the paper.

DARROW

Do you miss it?

She pats him on his leg.

RUBY

The last three years with you have been vastly more interesting.

(Beat)

And challenging. Do you trust these unionists that hired you?

DARROW

I don't think union people are any better than any others. Like all men, they can be selfish and unreasonable.

(MORE)

DARROW (CONT'D)

I am for them because the men who make up a union never had what they ought to get. After awhile, if they get more than they ought to, I will probably be against them.

RUBY

Just be careful they don't turn on us.

DARROW

No matter what these people do, they still have the same instincts of love, and pity, and hope, and charity and kindness that are the heritage of every man who lives.

Ruby smirks.

RUBY

The governor's widow might not agree with you there.

They both laugh. After a few seconds driving in silence, Ruby scans the inside of the newspaper.

DARROW

What does it say about the Cubs?

RUBY

Nothing that you don't already know. You listened to the entire game last night.

DARROW

How about the box score? Can you read me that?

RUBY

No, it's not going to change. You can read it yourself once we reach Boise.

A visibly disappointed Darrow perks up when he points out the window.

DARROW

Well, imagine that. Some green twisting along over there.

RUBY

That's the Snake.

DARROW
(Chuckling) No, he awaits us in
Boise. Harry Orchard.

RUBY
What do you know about him?

DARROW
Almost nothing. He's been locked
up in the penitentiary and guarded
like a precious jewel for almost a
year. The authorities won't allow
us any access to him.

RUBY
So you don't know what he's going
to say?

DARROW
No.

INT. WARDEN'S OFFICE - DAY

GRAPHIC: January, 1906

Hawley and the warden sit as a triumphant McParland enters.

MCPARLAND
So we got it gentlemen. Orchard
confessed. I'll bring my secretary
in to take it all down. He tells
quite a story.

HAWLEY
What's he say about the Mining
Federation?

MCPARLAND
Says he was acting on the orders of
Moyer, Haywood, and Pettibone for
all the bombings, including
Steunenberg.

HAWLEY
(To the Warden) Moyer's the
president and Haywood another
officer. (To McParland) Who's
Pettibone?

MCPARLAND
Big in the union. Not an officer,
but in the inner circle.

HAWLEY

Problem as I see it gentlemen, is that they're all in Colorado. And we got no evidence any of them were ever here in Idaho. The law won't let you extradite somebody who didn't set foot in this state.

MCPARLAND

Let me handle that. You just get me the papers I need from the Governor.

HAWLEY

I'll get you anything you want.

INT. COLORADO GOVERNOR'S OFFICE - DAY

GRAPHIC: Thursday, February 13, 1906

McParland hands papers to the governor, JESSE MCDONALD, 49, sitting at his desk before a Colorado flag.

MCPARLAND

Governor, this is the extradition request from the Idaho governor to arrest the three men, who were all present in the state at the time of the assassination of his predecessor.

He scans the request.

MCDONALD

And what do you want me to do?

MCPARLAND

We'll need arrest warrants for all three.

(Beat)

But hold the release of those warrants until we're back in Idaho.

MCDONALD

Why?

MCPARLAND

Courts'll be closed this weekend and the judges and lawyers will all be at home. Can't have their lawyers holding up getting them to Idaho.

EXT. DENVER TRAIN DEPOT - NIGHT

GRAPHIC: Saturday, February 15, 10:55 p.m.

LOUDSPEAKER (V.O.)

All aboard. Train leaves in five minutes.

CHARLES MOYER, 41, begins to board the 11:00 train. McParland emerges from the train to block his way as two Colorado deputies come up behind him.

MCPARLAND

You're under arrest mister union president, for the assassination of Governor Steunenberg.

As they handcuff him and begin walking him away,

MCPARLAND (CONT'D)

Now, let's get the other two.

BACK TO:

INT. CAR - DAY

Ruby holds the newspaper as she relates part of the story to Darrow.

RUBY

The paper says Mr. Moyer was taken off the Deadwood Sleeper, fleeing to South Dakota and then Canada.

Darrow shakes his head and sighs.

DARROW

People say they believe the newspapers, and the state's attorneys know that. So they deliberately poison their minds by lies in the paper.

(Beat)

Moyer was actually taking the train to Kansas for a union meeting.

RUBY

What about Mr. Haywood?

DARROW

He was in the company of his sister in law at the time he was kidnapped.

INT. BOARDING HOUSE HALLWAY - NIGHT

GRAPHIC: Saturday, February 17, 11:30 p.m.

McParland and four armed Colorado deputies silently position themselves outside a closed door.

INT. ROOM - NIGHT

Haywood is asleep in bed with a woman about his age.

KNOCK, KNOCK

HAYWOOD

Who's there?

DEPUTY THOMAS (O.S.)

Deputy Thomas. I need to see you
Bill. You gotta come with me.

Haywood gets out of bed and begins putting on his clothes.

HAYWOOD

Why?

DEPUTY THOMAS (O.S.)

I can't tell you now, but you must
come with me.

INT. HALLWAY - MOMENTS LATER

Haywood, fully dressed, opens the door, surprised to see such a large group.

HAYWOOD

Where you all taking me?

DEPUTY THOMAS

To the county jail.

HAYWOOD

If you're arresting me, where's the
warrant? And what's this private
dick doing here?

Haywood sneers at McParland.

HAYWOOD (CONT'D)

Yeah, even with one eye, I can spot
your type a mile away.

DEPUTY THOMAS

I got no warrant Bill. McParland here's a Pinkerton man. He says the Governor signed one on you.

MCPARLAND

You'll see it when we get you back to Idaho.

As they escort Haywood down the hall,

DEPUTY THOMAS

They got you mixed up in the Steunenberg murder, Bill.

EXT. TRAIN STATION - NIGHT

GRAPHIC: Sunday, February 17, 5:00 a.m.

Three separate carriages arrive, one handcuffed arrestee and three Idaho guards emerge. Each guard carries a Winchester. They head towards the idling train.

HAYWOOD

Where'd they round you up George, home?

GEORGE PETTIBONE, 45, nods. Haywood looks at Moyer.

HAYWOOD (CONT'D)

They let you call a lawyer Charles?

MOYER

No, wouldn't let me call my family neither.

As they board the train, McParland talks to the conductor.

MCPARLAND

No stops, remember. Not till we cross the Idaho border.

(Beat)

You men, position yourselves on each side of the car, in case their union friends try a rescue.

INT. COTTAGE BEDROOM - DAY

Darrow brings in the last of their luggage and sets it down before sitting on the bed, exhausted, wiping his sweaty brow. Ruby brings him a glass of water and sits next to him.

RUBY

I don't think you've worked this hard since they hired you.

DARROW

Still wish they'da let me argue it. Might've convinced a few more of the judges to go our way.

RUBY

Not so sure about that Dee. You can read jurors better'n anyone, but that Oliver Holmes fellow seemed like a pretty cold fish. Definitely not a friend of working people. He didn't buy anything Mr. Richardson was selling.

DARROW

Ed almost didn't accept anything I'd written either. He wasn't too happy the union brought me into this case. He hates sharing the spotlight. I suppose that's why he didn't want me arguing.

Ruby looks down, embarrassed.

RUBY

Some of that might have been my fault.

DARROW

Why?

RUBY

I let slip to Mr. Richardson that while you're a genius before a jury, you know very little law and--

DARROW

And what?

RUBY

And are a might too lazy to do much research.

Darrow looks at her in shock, then breaks into a big smile.

DARROW

(Chuckling) I can't argue with the truth dear.

They smile at each other and pat each other's legs.

RUBY

So what happened after they kidnapped Mr. Haywood and the others?

DARROW

They had to work on Orchard, cause none of the union leaders would say a word. As far as I know, they're still interrogating him.

RUBY

And once they're finished?

DARROW

Once that's done, they'll need to make him respectable, I imagine.

INT. ORCHARD CELL - DAY

McParland sits alongside his male secretary, transcribing Orchard's confession. Orchard has been crying. He hangs his head like a broken man.

MCPARLAND

Albert, that's quite a history.

(Beat)

But the jury won't take kindly to a man who's committed eighteen murders in his life. Even if he was just following orders from the WFM.

ORCHARD

Not all of 'em, remember, only --

MCPARLAND

No, you were working for Haywood and Moyer the whole time, remember that.

He hands Orchard a Bible.

MCPARLAND (CONT'D)

Read this. We need some sympathy to come your way. And you finding God is the only way.

END OF ACT I

ACT II

INT. LAW OFFICE - DAY

GRAPHIC: May 2, 1907

Darrow sits with the other defense counsel: ED RICHARDSON, 50, bald on top, impeccable three-piece suit, oversized ego, jealous of Darrow. Edgar Wilson and John Nugent of Boise; and Fred Miller of Spokane, all in their 40's.

Richardson waves a copy of McClure's magazine at the others.

ED

Well, now we know what he's gonna say. Every magazine in the country is running Orchard's story.

DARROW

The prosecutors timed it perfectly. One week before trial and every man in the jury pool is reading it.

ED

I got some ideas, but what do you think we should do Darrow?

DARROW

Line up witnesses who can contradict all the things he blames on the union.

ED

When? We start picking a jury next week.

DARROW

We got time. It'll take a spell to weed through all the men they bring in. (Chuckling) Might take even longer to find them. Heard quite a few aren't too eager to do their civic duty.

SERIES OF SHOTS

1. Sheriff knocks on the front door of a home. Camera tracks around to the back, showing a man high-tailing it away.

2. Sheriff looks in the window of one farmhouse, thinks for a second, then opens the door to the root cellar. The light coming in reveals a farmer sitting on the ground, looking sheepishly up at the sheriff.

3. Wife opens the front door and after a few unheard questions, she points out in the field. Sheriff begins walking there.

4. Sheriff in the field. He focuses on one hay stack, when he spies it moving just slightly, and pulls back some hay to reveal a farmer hiding out.

END SERIES OF SHOTS

BACK TO:

INT. LAW OFFICE - DAY

GRAPHIC: May 9, 1907

CHARLES ADDISON, mid 30's, sits across from Darrow and Richardson. Dressed in a nice suit, deferential manner.

DARROW

So where you from Charles?

ADDISON

Out of state, like you. Never been to Idaho.

Darrow hands him a piece of paper.

DARROW

This is a list of who the court's got coming in. I need you to find out all about 'em, their nationality, religion, politics, habits, all of the qualities and experiences that inhabit their minds.

Addison stands, shakes hands with the two lawyers.

ADDISON

I'll do my best.

He leaves the room. Ed, noticeably irritated,

ED

Still don't think we need all this. I've been trying cases in Idaho my whole life. I know these men Darrow.

DARROW

I don't doubt Ed that you can tell a lot about an Idaho man's method of speech, the kind of clothes he wears, where he lives. But we need to know more than that. We have to find out everything we can about each individual juror.

EXT. FARM HOUSE - NIGHT

Addison greets farmer ABBOT, mid 50's.

ADDISON

Mr. Abbot, I'm Charles Addison. I've been visiting your neighbors, checking to see if you all have sufficient insurance to meet your family's needs.

ABBOT

Like what?

ADDISON

Life insurance, crop insurance, protecting your home. I just need a few moments of your time, to discuss your situation and what's important to you. May I come in?

INT. HOTEL ROOM - NIGHT

McParland stands talking to Addison, as McParland sets some papers on a small table.

MCPARLAND

Good work here. How long you been working for the company?

ADDISON

I been a Pinkerton man for almost ten years. Worked undercover in some of the union mines.

(Beat)

Surprised though, boss. When you wired me to come here, I thought you'd just have me tailing him and the other fellas working for Haywood.

MCPARLAND

No, we got other men doing that.
You keep talking to the people
Darrow wants you to see, and
delivering information to him,

He gestures to the papers on the table.

MCPARLAND (CONT'D)

that's the opposite of what you
wrote down here. Hawley might be
able to slip a few past the defense
onto the jury.

INT. HOTEL LOBBY - NIGHT

Addison and McParland come down the stairs together. They
shake hands before Addison heads out.

Ruby sits amidst a small group of reporters, talking
indecipherably. She looks over and sees the two men. She
tilts her head back as she narrows her eyes.

EXT. CITY STREET - NIGHT

GRAPHIC: May 17, 1907

As Ruby and Darrow stroll together, Ruby looks back to see a
Pinkerton man half a block behind, tailing them, but making
no effort to hide himself.

DARROW

Having us tailed all the time must
cost Hawley quite a lot of money.

RUBY

Thirty thousand dollars goes a long
way.

DARROW

You mean the money the mine owners
gave the Governor. I heard that
was a bribe.

RUBY

No. The reporters I talked to said
it was to cover the costs of
Haywood's trial.

Darrow points back with his thumb.

DARROW

No doubt includes all the private
detectives they hire.

RUBY

And the spy I saw at the hotel, the
one you hired to do jury work for
the defense.

A chagrined Darrow looks down at the ground.

DARROW

My mistake. Had to throw out
everything he told us about the
jurors he talked to.

RUBY

So what do you plan to do?

DARROW

I have some thoughts.

Ruby stops walking, tilts her head and looks at him
skeptically.

RUBY

Promise me it's nothing illegal,
Dee.

He looks back at the tailing detective.

DARROW

Couldn't even if I wanted to Rube,
with them tailing us night and day.

RUBY

Where do you stand with the jury?

DARROW

By the end of tomorrow, I'd say
we'll have questioned about two
hundred and fifty men.

(Beat)

Seems like a lot of these Idaho
farmers aren't so eager to serve.

RUBY

Some might be just plain scared.
Rumors floating around that the WFM
plans to shoot Orchard on his way
to the courthouse. They probly
reckon it'd be the same fate for
them if they find Haywood guilty.

Darrow removes a note from his pocket.

DARROW
That explains this note I got the
other day.

RUBY
(Concerned)
What's it say?

DARROW
(Chuckling)
That if Orchard is killed, the
second man shot would be me.

Ruby is both fearful and outraged.

RUBY
What!? When were you planning to
tell me about it?

He pats her hand.

DARROW
(Still amused)
Nothing to concern yourself with
Rube. Turns out it came from the
prosecutor, Hawley.

RUBY
I warned you Dee that even for you,
your usual attacks on his character
have been a might strong this time.

INT. COURTROOM - DAY

Darrow and Hawley stand facing the judge. Only a few jury
seats are filled.

DARROW
Mr. Hawley and I don't see eye to
eye on the need to exclude anyone
harmed by a union strike from this
jury.

HAWLEY
Your Honor, these are all
upstanding members of the
community, who can be fair and
impartial.

DARROW

Mr. Hawley would be glad to lick the dust from a mine owner's boots if we give him the opportunity to perform that service.

BACK TO:

EXT. CITY STREET - NIGHT

Ruby and Darrow walk in silence for a few seconds.

RUBY

You planning to see Haywood and the others tomorrow?

Darrow nods.

RUBY (CONT'D)

How's he holding up?

DARROW

Better'n most men facing the gallows.

INT. COUNTY JAIL - DAY

Haywood, Moyer, and Pettibone together in a large room with a cookstove, a few piles of books, some dumb bells and boxing gloves. All in excellent health. Pettibone and Haywood smiling, Moyer not so much.

PETTIBONE

Charles, you oughta go for a walk on the lawn. The roses are right pretty.

HAYWOOD

That's true. I just spent an hour with my family out there. My mother even came this time. It'll lift your spirits Charles. I'm sure of it.

MOYER

Maybe later. I wanna hear what Darrow has to say.

INT. COUNTY JAIL - MOMENTS LATER

Darrow is let in, looking worried and down in the mouth.

PETTIBONE

Don't look so down Darrow. Sure it might be hard on your career to lose this great case, but it's us fellas that have to be hanged.

Haywood reaches over to a table, picks up a cigar, and offers it to Darrow.

HAYWOOD

Here. Somebody sent me a box of 'em. Been giving them to the others in the jail here.

Darrow takes it, but puts it in his pocket, as he removes a telegram from the other pocket.

DARROW

I got a telegram from Eugene Debs. He asked what you three think about his covering the trial for his newspaper.

MOYER

He still bothered by what the President said?

EXT. TRAIN DEPOT - DAY

Teddy Roosevelt standing at the rear end of a train speaking to a large crowd of men and women.

TEDDY ROOSEVELT

Organized labor must renounce violence. It is not justified under any circumstances.

VOICE IN THE CROWD

Without the unions, we'll starve.

TEDDY ROOSEVELT

These labor leaders, Debs, Moyer, and Haywood, who have disrupted lawful commerce, are undesirable citizens of this nation.

Some in the crowd begin pelting him with eggs, until he ducks back into the car.

BACK TO:

COUNTY JAIL CELL - DAY

Darrow reaches into his coat pocket, takes out a large button, and shows it to the men.

CLOSE ON button: "I Am an Undesirable Citizen."

DARROW (V.O.)

Ruby gave me this. They've been passing 'em out all over town.

MOYER

You're not gonna wear that at trial are you?

DARROW

No, I was planning on giving it to Hawley.

(Beat)

So what about Debs?

HAYWOOD

What do you think? Debs and I ain't on the best of terms right now.

DARROW

I don't think it'll help. You're already getting a lot of support all over this country.

INSERT

Archival footage of massive protest marches by ten thousand people in several major cities carrying placards in support of the defendants.

HAYWOOD

(Chuckling) You sure it's not because you don't wanna share the spotlight?

(Beat)

What's Richardson think?

DARROW

He's against it. Doesn't think the socialist card'll play that well with the farmers here. And that's who it looks like we'll be getting on your jury.

Moyer goes to a table and lifts up a newspaper.

MOYER

You see the paper today Darrow?
Says the government's putting its
fingers on the scales by changing
the law to let the prosecutor
challenge more jurors than usual.

HAYWOOD

That's capitalist justice for you.
Anything you can do Darrow to even
up the odds? Something with the
jury maybe.

DARROW

You of all people Bill, know the
rich have got all sorts of
advantages on criminal defendants.
They are smarter. Their social
advantages are better. They speak
the English language better. They
have got the advantage in almost
every particular.

HAYWOOD

(Chuckling) Except the lawyers.

Haywood walks over and puts his arm around Darrow's shoulder.

HAYWOOD (CONT'D)

Look, we all got faith in you
Darrow. But if things get too
gloomy, just come back out here.
We'll cheer you up.

He goes over to the table and lifts up a cigar.

HAYWOOD (CONT'D)

Here, take another one of these.
It'll make you feel better,
'specially after you read what the
governor said about us.

Darrow nods ruefully.

MOYER

I didn't see it. What'd he say?

HAYWOOD

That he'd make sure none of us
three ever leave this state alive.

END OF ACT III

ACT IV

INT. LIVING ROOM - NIGHT

Ruby reads a book as Darrow rolls an unlit cigar in his hands as he peers out the window. The book is Pinkerton Labor Spy by Morris Friedman. Ruby looks up from her book.

RUBY

Haywood sounds mighty chipper for a man on death row.

DARROW

They say the ideal labor leader is a man who has a vision large enough to work for some better condition of society than the one he is living in now.

(Beat)

Imagine what he could see if he had two good eyes.

Darrow gives her a sly grin and she shakes her head and smiles. They sit in silence, Darrow continuing to stare out the window.

DARROW (CONT'D)

You know we're calling the author of that book you're reading as a witness. He used to be McParland's private stenographer.

RUBY

What's he gonna testify about?

DARROW

All the dirty tricks the Pinkertons used to undermine the WFM.

RUBY

What's that got to do with the assassination?

DARROW

Trying to suggest to the jurors that these infiltrators may have committed some of the crimes Orchard blames on the unionists.

(Beat)

Moyer and Pettibone are also going to testify for Bill.

Ruby takes a few deep breaths and hesitates.

RUBY

Probably not my place, but what motive did Orchard have to murder the governor, if it wasn't on orders of the mine union?

DARROW

The Hercules Mine.

(Beat)

In between his murders, Orchard did some legitimate work in the mines. He and some other fellas located the Hercules. He had a tenth interest.

RUBY

That was quite a strike according to the papers. Even that small a share would be worth millions.

DARROW

Now maybe, but not when Orchard was involved. The governor he murdered forced the mine to close when he arrested all those miners.

FLASHBACK

INT. GOVERNOR'S OFFICE - DAY

FREDERICK BRADLEY, mid 40's, and ALBERT BURCH, 32, sit in chairs before the desk of a seated Steunenberg.

BRADLEY

You cannot let it continue Governor. You have to stop this union violence. It is nothing less than an insurrection.

STEUNENBERG

And what would you have me do?

BURCH

Arrest them, all of them.

BRADLEY

Declare martial law.

STEUNENBERG

And how could I enforce it?

BRADLEY

Wire McKinley to bring in federal troops.

Steunenberg rises to his feet, as do the two men that he towers over. He goes to the window and looks out. After silently thinking for several seconds,

STEUNENBERG

I agree.

Demonstrating with his hands,

STEUNENBERG (CONT'D)

We have to take the monster by the throat and choke the life out of it. We'll round up all the union men and hold them in custody.

END FLASHBACK

INT. LIVING ROOM - NIGHT

DARROW

Orchard sold his interest and fled the state. Later was when they found all that silver.

RUBY

And he blamed the governor for making him sell out?

DARROW

That's the best motive we got.

INT. COURTROOM - DAY

GRAPHIC: TRIAL, WEEK ONE.

Everyone, jurors, lawyers, spectators, in place.

JUDGE WOOD

Mr. Hawley, your next witness.

HAWLEY

Call Harry Orchard.

The room fills with murmurs as everyone cranes to see Orchard enter. Wearing an ill-fitting gray suit, he is surrounded by a phalanx of armed deputies escorting him to stand next to the witness chair.

CLOSE on Haywood tilting his head back as he stares at him. Orchard avoids looking at Haywood.

JUDGE WOOD

Do you swear that the evidence you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

ORCHARD

I do.

JUDGE WOOD

Be seated.

(Beat)

Mr. Hawley.

Hawley takes the toothpick out of his mouth, holding it in his hand, as he stands to examine Orchard. Orchard is consistently cool and deliberate in his answers.

HAWLEY

Is Harry Orchard your real name?

ORCHARD

No, sir.

HAWLEY

What is your real name?

ORCHARD

Albert E. Horsley.

The reporters stir as they take note of this, with a few making noise as they exit the courtroom. Disconcerted, Hawley looks at them before addressing the judge.

HAWLEY

Should I continue?

DARROW

(Chuckling) Don't worry Hawley, the jury's still here. They can't go anywhere.

Laughter in the courtroom irritates Hawley.

HAWLEY

Mr. Horsley, did you murder former Ideeho (sic) governor Frank Steunenber on December 30, 1905?

ORCHARD

Yes.

HAWLEY

And did you commit this act pursuant to the orders of defendant William Haywood?

ORCHARD

Yes sir.

HAWLEY

And the Western Miners' Federation?

ORCHARD

Yes sir.

HAWLEY

And did you commit other fatal bombings?

ORCHARD

Yes, there are many more such instances to relate.

INT. COURTROOM - DAY

GRAPHIC: FIVE HOURS LATER

HAWLEY

And were all of these bombings that you've related done at the behest of the Western Miners' Federation?

ORCHARD

Yes.

HAWLEY

And Mr. Haywood?

ORCHARD

Yes.

HAWLEY

Thank you for coming forward and telling the truth sir. Your witness.

JUDGE WOOD

Mr. Richardson.

Hawley sits as Ed rises and walks next to Orchard. His tone throughout is hostile. Orchard's remains calm and detached.

ED

You lied when you told people your name was Harry Orchard, didn't you sir?

ORCHARD

Yes.

ED

And you lied on this witness stand, did you not, when you testified you lit one of the fuses that destroyed the mine in Wardner?

ORCHARD

No sir, I lit one of them fuses.

ED

So if half dozen witnesses testify under oath before God that they saw you elsewhere at the time the mine was bombed, these witnesses would also be lying?

Hawley rises to his feet.

HAWLEY

Judge, that's not a proper question!

JUDGE WOOD

Objection sustained. Mr. Richardson, this witness cannot testify about what other witnesses will say.

ED

Well then, let's talk about what you say you did. You abandoned your wife and infant child to run away with a married woman?

ORCHARD

Yes.

ED

And after that woman left you, you married yet another woman, did you not?

ORCHARD

Yes

ED

While still legally married to your first wife, correct?

ORCHARD

Yes sir.

ED

So you lied to several people, including your second wife, when you committed bigamy.

ORCHARD

I don't know what that word means, sir.

ED

Married to two women at the same time.

(Beat)

But bigamy was the least of your crimes. You burned down your business to collect insurance money, did you not?

ORCHARD

Yes.

ED

But you have never been prosecuted for arson. Or for bigamy. Or for any of the other murders and attempted murders you committed, correct?

ORCHARD

No, sir.

ED

Is that because you were a paid informant for the Mine Owner's Association?

ORCHARD

Not at the time I burned my business.

ED

How about when a mine in Colorado, was blown up, killing two people. You committed that bombing, did you not?

ORCHARD

Yes sir, the Vindicator mine.

ED

And you dynamited a train depot in Independence, Colorado, killing another thirteen people.

ORCHARD

Yes.

ED

You tried to murder even more people by blowing up a hotel, when it was filled with guests.

ORCHARD

Yes.

ED

Do you have any evidence Mr. Haywood was personally acquainted with any of your murder victims?

ORCHARD

Just what I testified to.

ED

You also made plans to kidnap children, did you not?

Orchard begins to tear up.

ORCHARD

Yes, I was deeply in debt. I would not have harmed them.

ED

Yes, says the man who attempted to assassinate the governor of Colorado, and not one, but two Colorado Supreme Court justices. You intended to harm *them*, to murder them in fact.

ORCHARD

Yes, that is correct.

ED

And you finally succeeded by assassinating former governor Steunenberg, did you not?

ORCHARD

Yes.

ED

What do you have to say to witnesses who will swear before God that you made up your mind to go down to Caldwell and kill the Governor because he drove you out of the Hercules mine?

INT. RESTAURANT - NIGHT

Darrow and Ruby dine with a visibly tired Ed, when a young man storms into the restaurant and approaches them. He is JIM HAWLEY, JR., mid 20's, visibly angry.

JIM

Darrow, you got a lotta nerve saying those things about my father.

DARROW

I'm afraid I've insulted a lot of people in my career son. Who might you be?

JIM

James Hawley, Jr. And my father deserves respect, not derision from the likes of you. He was the mayor of Boise and he's gonna be the next governor.

DARROW

(Chuckling) Well, if he takes himself off this case to run, I'll be happy to contribute to his campaign.

JIM

You keep your murderer's money. And you lay off my father or I'll come after you myself.

He storms away.

END OF ACT III

ACT IV

INT. RESTAURANT - NIGHT

RUBY

Think we oughta report him to the sheriff?

DARROW

For being a son who's proud of his father? No, I just hope my son feels the same way about me.

Ruby smiles at him as she pats his hand.

RUBY

You know he does Dee.

(Beat)

It's a pity your wife could not join us Ed.

ED

She knows how wound up I get when I'm in trial. Thought it would be best if I calmed down before heading home.

DARROW

(Chuckling) Well, after five days and what Ruby says was going on 26 hours of cross examination, are you calmer than that young fella?

Ed tries to conceal his irritation at what he perceives as criticism.

ED

I believe I accomplished what I set out to do.

DARROW

I think you made it clear that this prosecution is not about Steunenberg. Never has been. It's an attempt by the mine owners to destroy the Western Federation of Miners.

(Beat)

And we've gotten some good news since you started going after Orchard.

He looks at Ruby, who removes several telegrams from her purse.

ED
What are those?

RUBY
Telegrams that have been coming in
ever day about Orchard.

ED
Where are they from?

RUBY
All over the country.

ED
(Apprehensively)
What do they say?

DARROW
That Orchard is lying. Most of
these are offers to refute parts of
his stories.

ED
We got any money left to bring 'em
here?

DARROW
Don't need it. They're all willing
to pay their own way.

Ed looks at Darrow.

ED
How many people are we talking
about?

RUBY
You're asking the wrong person Ed.
You know as well as I do that Dee
here is not one to do any
investigation himself.

DARROW
Now that's not --

Ruby silences him with a tilted head and a "Really?" stare.

RUBY
But if you ask me, I'd say you have
almost a hundred who look
legitimate.

Ed laughs.

ED

Darrow, you deliver that good news to Haywood. Me, I'm gonna pass it on to Hawley. Can't wait to see his face. Especially when it looks like he's got nobody on his side to corroborate Orchard's tale.

INT. DISTRICT ATTORNEY'S OFFICE - DAY

The prosecution team of OWEN VAN DUYN, 35, District Attorney, Hawley, and WILLIAM E. BORAH, 42, gather together. Hawley's desk is large, the others tiny. Van Duyn, non-assertive, willing second fiddle to the others. Borah, type A, flamboyant orator, elected to the US Senate before the trial, but not yet sworn in.

Ed Richardson leaves the room. After he's left,

HAWLEY

What an arrogant ass. He thinks he's got us with all his hundred perjurers.

BORAH

He's got a point, though, Jim. You did a good job with Orchard, but we don't have much else.

OWEN

Your cross of Haywood will help Senator.

BORAH

Perhaps, but we need more corroboration of Orchard.

HAWLEY

You mean Horsley.

BORAH

You know who I mean. Whatever name you give him, we need somebody to back up his story.

HAWLEY

Maybe we can get something better.

BORAH

What's that?

HAWLEY

You notice that gentleman I had sit
right behind us towards the end of
the day?

INT. COURTROOM - DAY

HUGO MUNSTERBERG sits right behind the prosecution table.
Forty-four, heavy German accent, conversant but not fluent in
English, handlebar mustache, half-bald, pince-nez glasses,
boastful, professorial in tone and haughtiness.

HAWLEY (V.O.)

Professor type.

INT. D.A. OFFICE

HAWLEY

Name's Hugo Munsterberg. He's a
German psychologist running
Harvard's psychological lab.

OWEN

What's he doing here?

Hawley takes a copy of the New York Times out of his
briefcase and tosses it to Owen.

HAWLEY

You need to read the papers more
Owen. Take a look.

CLOSE on front page:

PROFESSOR MUNSTERBERG INVENTS MACHINE AS CURE FOR LIARS.

OWEN

Never heard of this man, or his
machine.

HAWLEY

Well, the editors of McClure's did.
They paid him to come to Boise and
watch Horsley testify and to see
how Haywood reacted.

BORAH

So, what did he conclude?

INT. EMPTY COURTROOM - EVENING

Only Hawley and Munsterberg remain.

HAWLEY

So professor, what do you think?

MUNSTERBERG

I cannot deny that the impression of my first morning was very bad. I saw Mr. Horsley from the side and his profile, especially the jaw, appeared to me most brutal and most vulgar; I saw also at once the deformation of the ear, the irregularity in the movement of the eyes and the abnormal lower lip. That this was the profile of a murderer seemed to me not improbable.

Hawley frowns, clearly disappointed.

HAWLEY

What about Haywood?

MUNSTERBERG

He had the head of a thinker and leader. No sharper contrast was possible: all my sympathies went to this brilliant face of the defendant and all my disgust to the witness.

HAWLEY

Well, thank you for your time.
I'll --

MUNSTERBERG

But.

HAWLEY

(Startled) But what?

MUNSTERBERG

But if you'd permit me to examine Mr. Horsley, I could make a more accurate, scientific analysis.

HAWLEY

You got it professor.

(Beat)

Just don't tell anyone until your examination is complete.

INT. ORCHARD CELL - NIGHT

Orchard sits next to a small table, with a wire running from his mouth to a Hipp Chronoscope sitting on the table. Hawley and McParland stand some distance behind Orchard. Munsterberg sits in front of him.

MUNSTERBERG

Gentlemen, this truth compelling machine works on the principle of word association. It measures the time taken to respond to words relevant to the crime.

HAWLEY

What about those other machines you told me about?

MUNSTERBERG

Yes, the pneumograph and the sphygmograph. The former records variations in breathing and the latter records heart beats.

HAWLEY

Do you plan to use those as well?

MUNSTERBERG

Yes, after the Chronograph results are tabulated.

(Beat)

Shall I begin?

Hawley nods his head and waves his hand to proceed.

MUNSTERBERG (CONT'D)

Mr. Horsley, please relax. You will endure no pain during this examination. I will say a word or sentence and I want you to respond, "true" or "false." Do you understand?

The device inserted in his mouth causes a bit of a lisp.

ORCHARD

Yeth.

MUNSTERBERG

My name is Harry Orchard.

ORCHARD

Falth.

Munsterberg nods, looks at the timer, and notes the time on a piece of paper.

MUNSTERBERG
Your confession.

ORCHARD
Thru.

Hawley smiles at McParland as Munsterberg writes this down.

INT. LAW OFFICE - NIGHT

The four defense lawyers are all present. Darrow holds up a written motion.

DARROW
Looks like Hawley wasn't
intimidated by your little visit,
Ed.

ED
What's that?

DARROW
A motion to admit the conclusions
of Professor Munsterberg.

ED
The one with the supposed truth
machine?

DARROW
Uh huh.

ED
That's preposterous. I've never
heard of such a thing.

DARROW
Because no one has ever used it
before in a trial.

ED
Can we talk to this quack, find out
what he decided?

DARROW
'Fraid not. He's gone back to
Cambridge. But Ruby's talking to a
reporter who interviewed him.

INT. COTTAGE LIVING ROOM - DAY

STAN WILSON, 30, sits on the sofa, drinking a glass of beer. Ruby is perched near him on a chair, taking notes.

RUBY

You're covering the trial for the Herald?

WILSON

Yes ma'am.

RUBY

When did you talk to Dr. Munsterberg?

WILSON

After he returned to his office at Harvard.

RUBY

What did you think of him?

WILSON

(Chuckling) He's a pompous ass, just the opposite of your husband Mrs. Darrow.

INT. MUNSTERBERG'S CAMBRIDGE OFFICE - DAY

Wilson sits in front of Munsterberg, seated behind his desk. The room is cluttered with books, papers, and his scientific equipment.

MUNSTERBERG

The methods of experimental psychology cannot longer be excluded from the court of law. The wrangling of attorneys is out of date in the twentieth century. Such third degree vulgar ordeals belong to the Middle Ages.

WILSON

What was your perception of Harry Orchard?

MUNSTERBERG

I didn't think much of him when he testified. He seemed too slick.

WILSON

Do you believe the jury will agree with you?

MUNSTERBERG

My research has shown that a panel of untrained jurors is not as capable of identifying liars as trained observers such as myself. It is far too easy for police interrogators to create false confessions in pliable suspects.

WILSON

But can't a decent lawyer bring that out?

MUNSTERBERG

Lawyers are supremely confident in their abilities, which is often misplaced.

WILSON

So did you reach a conclusion about Orchard's testimony?

MUNSTERBERG

Yes, I did. I have not the slightest doubt that Mr. Horsley is telling the truth. His confession is, every bit of it, true.

INT. OUTSIDE COURTROOM - DAY

The other lawyers have all gone inside. Darrow lingers outside, with Ruby.

RUBY

You should have had Ed write a written response Dee.

DARRROW

No need. There's no law on this kinda thing.

RUBY

How would you know? You haven't opened a law book since we left Chicago. If this evidence gets in -

DARROW
It won't. Trust me.
(Beat)
'Fraid you can't come in Rube.

INT. COURTROOM - DAY

CAMERA tracks Darrow as he enters. Judge Wood, Haywood, and the lawyers for both sides in their seats. No one else in the courtroom.

JUDGE WOOD
Gentlemen, I've excused the jury so that we can determine whether the prosecution's next witness will be allowed to testify.

DARROW
This man was brought here by a magazine that has already published the fantastical autobiography of Harry Orchard, and his testimony is simply a way to promote that article.

HAWLEY
Your Honor, Dr. Munsterberg is a world renowned psychologist, currently teaching at Harvard University.

DARROW
That may be Mr. Hawley, but it don't look as though he's any more truthful than Orchard. He said in the press he observed Orchard in court. But as we all know judge, Orchard was on the stand about eight days, and this doctor fella only saw him for thirty minutes.

HAWLEY
His conclusions were based upon his extensive, scientific evaluation of Mr. Horsley outside of court.

DARROW
I don't think taking the measurements of Orchard's head tell us anything about whether he was an honest man.

HAWLEY

He did more than that and Mr. Darrow knows this.

DARROW

I don't see how judge. Mr. Hawley didn't make this witness available to us. He made no investigation of our witnesses or our client.

(Beat)

In my opinion, he's in no more position to give an intelligent judgment upon the truthfulness of Orchard's story than the man in the moon.

HAWLEY

Your Honor, Mr. Darrow prides himself on having an extraordinary understanding of human nature. But Dr. Munsterberg is not here to help Mr. Darrow; his testimony will help the jurors.

DARROW

Judge, your town of Boise is known as the Athens of the Sagebrush, not because of philosophers who reside here, but because its residents are wise men and women. And the twelve men on Mr. Haywood's jury will be able to decide this case without any advice from a Harvard psychologist.

JUDGE WOOD

I appreciate your arguments gentlemen. We'll take a recess. I'll notify you of my decision when we return.

END OF ACT IV

ACT V

INT. COURTROOM - DAY

Everyone back in their places. Courtroom filled once again, with Ruby in the front row.

JUDGE WOOD

I agree with Mr. Darrow. You lawyers can argue about whether or not Mr. Orchard or Mr. Horsley is telling the truth, but I will not permit a witness to take that decision away from the jury. Dr. Munsterberg's testimony is excluded.

Darrow glances at Ruby with a smug grin on his face. She tilts her head down with a "You're lucky" look.

HAWLEY

If that's your decision your Honor, then the prosecution has no other witnesses at this time.

JUDGE WOOD

Then we'll resume with defense witnesses this afternoon.

INT. COURTROOM - HOURS LATER

Bill Haywood is on the witness stand. Before he begins, Darrow comes up and shakes Bill's hand. Darrow moves about while he conducts his direct examination, sometimes putting his hand on Haywood's shoulder.

Spectators fan themselves with palm-leaf fans in ninety-five degree heat.

Throughout his testimony, Haywood speaks in a mild-mannered, soft-spoken, conversational tone.

DARROW

Bill where did you grow up?

HAYWOOD

I was born and raised in Salt Lake City, Utah.

DARROW

What type of work did your father do?

HAYWOOD

He rode for the Pony Express, but he died of pneumonia when I was about three, so I don't have much memory of him.

DARROW

When did you start work Bill?

HAYWOOD

I started working in the mines when I was nine.

DARROW

Is that how you hurt your eye?

CLOSE ON Haywood's right eye. It is a milky, dead eye.

HAYWOOD

Naw, that was my fault. I was whittling a slingshot and the knife slipped.

DARROW

Bill, what prompted you to get involved in union work?

HAYWOOD

I always figured, if one man has a dollar he didn't work for, some other man worked for a dollar he didn't get.

(Beat)

The mine owners did not find the gold, they did not mine the gold, they did not mill the gold, but by some weird alchemy all the gold belonged to them. That just don't seem fair.

DARROW

Now you sat here when Harry Orchard testified. He said a lot of uncorroborated things about you Bill. Were any of them true?

HAYWOOD

No, Orchard is a damn liar.

DARROW

Had you ever met Harry Orchard?

HAYWOOD

Yes. He was one of a thousand union members who joined strikes.

DARROW

How is it you recall him out of that many people?

HAYWOOD

He'd come to the WFM headquarters and ask a lot of questions. The kinds of questions people working with detectives or the mine owners would ask. When's the next strike? Which mines you gonna strike? Things like that.

DARROW

What did you think of him when he came by?

HAYWOOD

I figured he was a spy working with the Pinkerton Agency. They were doing that kind of thing all the time.

DARROW

He testified you ordered him to blow up a mine in Colorado, the Vindicator Mine. Did you?

HAYWOOD

No. That bombing killed two miners. I've spent my whole life trying to help miners, not murder them.

DARROW

Orchard also testified you told him Governor Steunenberg should be exterminated. Is that true?

HAYWOOD

No it is not. I never knew the governor, but after he tried to break the unions by illegally putting all those good men in bull pens, I told a lot of people he should be relegated.

DARROW

And what did you mean by that?

HAYWOOD

That he should be exiled and banished from office. Union support is what got him elected and I worked to get that support withdrawn.

DARROW

Mr. Haywood, did you order Harry Orchard to assassinate Governor Steunenberg?

HAYWOOD

Mr. Darrow, no offense, but let me say this so plain that even a lawyer can understand it. I had nothing to do with the murder of Governor Steunenberg.

INT. COURTROOM - DAY

GRAPHIC: Darrow's Closing Argument, Hour Ten

Darrow and his voice are noticeably tired. He sweats as he scans the jury.

DARROW

Now, gentlemen of the jury, there are many things more I would like to say, but I have not the strength to say them. The responsibility is on you, and if I have done my part I am glad to shift it upon your shoulders and be relieved of the grievous load.

He turns to face Haywood.

DARROW (CONT'D)

I have known Haywood. I have known him well and I believe in him. I do believe in him. God knows it would be a sore day to me if he should ascend the scaffold; the sun would not shine or the birds would not sing on that day for me.

CLOSE on weeping mother, wife, and daughter.

DARROW (CONT'D)

You are asked to take his life because up in the Coeur d'Alene, he has been against the Mine Owners' Association, and because he has been organizing the weak, the poor, the toilers; has been holding together in one great brotherhood those men.

Darrow turns to the prosecutors, then Bradley and Burch, who are in the audience.

DARROW (CONT'D)

But gentlemen, you shortsighted men of the prosecution, you men of the Mine Owners' Association, you people who would cure hatred with hate, you who think you can crush out the feelings and the hopes and the aspirations of men by tying a noose around his neck, you who are seeking to kill him, not because he is Haywood, but because he represents a class, don't be so blind in your madness as to believe you can strangle the Western Federation of Miners when you tie a rope around his neck. Don't be so blind in your madness as to believe that when you make three fresh new graves, you will kill the labor movement of the world.

He pauses to turn back to the jury and wave his arm towards the gallery.

DARROW (CONT'D)

But, I want to say to you gentlemen, if at the behest of this mob, you should kill Bill Haywood, he is mortal, he will die. But he can't die unless you kill him. You must tie the rope. You twelve men of Idaho, the burden will be on you. But I want to say that a million men will grab up the banner of labor at the open grave where Haywood lays it down, and in spite of prisons or scaffolds or fire, in spite of prosecution or jury, or courts, these men of willing hands will carry it on to victory in the end.

Darrow puts his head down and takes a deep breath before lifting it to face the jury.

DARROW (CONT'D)

Gentlemen, I want to speak to you plainly. He and his mother, his wife and his children are not my chief concern in this case.

CLOSE on Haywood's somewhat startled face as Darrow takes a long pause.

DARROW (CONT'D)

If you should decree that he must die, ten thousand men will work down in the mines to send a portion of the proceeds of their labor to take care of that widow and those orphan children, and a million people throughout the length and the breadth of the civilized world will send their messages of kindness and good cheer to comfort them in their bereavement. It is not for them I plead.

CLOSE on prosecutor's table, as Hawley leans over, takes the toothpick out of his mouth, and whispers to Senator Borah.

HAWLEY

Here it comes.

DARROW

Other men have died, other men have been martyrs in the same cause in which Bill Haywood has risked his life. Wherever men have looked upward and onward, forgotten their selfishness, struggled for humanity, worked for the poor and the weak, they have been sacrificed on the scaffold, on the rack, in the flame and they will meet it again until the world grows old and gray.

(Long Beat)

Bill Haywood is no better than the rest. He can die if die he needs, he can die if you twelve men say he must; but, oh, gentlemen, don't think for a moment that if you hang him you will crucify the labor movement of the world.

A few members of the audience say "Here, here," loud enough to hear in the otherwise silent courtroom. The judge bangs his gavel.

JUDGE WOOD

Silence!

DARROW

Don't think that you will kill the hopes and the aspirations and the desires of the weak and the poor, you men, unless you people who are anxious for this blood--are you so blind as to believe that liberty will die when he is dead? Do you think there are no brave hearts and no other strong arms, no other devoted souls who will risk their life in that great cause which has demanded martyrs in every age of this world? There are others, and these others will come to take his place, will come to carry the banner where he could not carry it.

Darrow begins to choke up.

DARROW (CONT'D)

Gentlemen, it is not for him alone that I speak. I speak for the poor, for the weak, for the weary, for that long line of men who in darkness and despair have borne the labors of the human race.

Darrow looks at the row of reporters in the audience, as they try to take notes of his summation.

DARROW (CONT'D)

The eyes of the world are upon you,

Back to the jury.

DARROW (CONT'D)

upon you twelve men of Idaho tonight. Wherever the English language is spoken, or wherever any foreign tongue known to the civilized world is spoken, men are talking and wondering and dreaming about the verdict of these twelve men that I see before me now.

INT/EXT. HALLWAY AND FRONT LAWN - DAY

Everyone is rapt, in silence, leaning forward to hear every word.

DARROW

If you kill him, your act will be applauded by many. If you should decree Bill Haywood's death, in the great railroad offices of our great cities men will applaud your names. If you decree his death, amongst the spiders of Wall Street will go up paeans of praise for those twelve good men and true who killed Bill Haywood. In every bank in the world, where men hate Haywood because he fights for the poor and against the accursed system upon which the favored live and grow rich and fat--from all those you will receive blessings and unstinted praise.

He lowers his voice for effect, slowly raising it as he speaks.

DARROW (CONT'D)

But if your verdict should be "Not Guilty," there are still those who will reverently bow their heads and thank these twelve men for the life and the character they have saved. Out on the broad prairies where men toil with their hands, out on the wide ocean where men are tossed and buffeted on the waves, through our mills and factories, and down deep under the earth, thousands of men and of women and children, men who labor, men to suffer, women and children weary with care and toil, these men and these women and these children will kneel tonight and ask their God to guide your judgment. These men and these women and these little children, the poor, the weak, and the suffering of the world will stretch out their hands to this jury, and implore you to save Haywood's life.

Exhausted, he drops his head and takes a deep breath, then lifts his head.

DARROW (CONT'D)

Thank you.

Murmurs abound in the room as he takes his seat. Haywood reaches over and grasps his weeping daughter's hand.

INT. COTTAGE BEDROOM - NIGHT

Ruby lays in bed as Darrow, fully dressed, puts on his shoes.

RUBY

Do you want any company, Dee?

DARROW

No, you sleep.

RUBY

How's your ear?

Darrow tugs on his left ear.

DARROW

Not that bad, but I don't think I'd be able to sleep without taking something. And I need to be myself till all this is over.

He comes over to her, leans in, and the two peck each other on the cheeks.

EXT. BOISE CITY STREETS - NIGHT

As Darrow walks alone, head down in contemplation, he passes in silence three or four groups of men, huddled together, talking indecipherably as they sneak quick glances at him.

He looks up at the courthouse, where he sees lights on in the third floor jury room. He sighs as he stops to stare at the lights.

INT. COTTAGE LIVING ROOM - MORNING

Darrow, fully dressed, watches as Ruby adjusts her hat.

RUBY

What do you think it means, for them to come back this quickly?

DARROW

I think they gave it more thought than it seems.

(MORE)

DARROW (CONT'D)
They deliberated all night.
(Beat)
But it is a bit shorter time than
you'd expect for such a long trial.

INT. COURTROOM - DAY

As the jury files into Judge Wood's courtroom, Darrow puts an arm around Haywood.

DARROW
Bill, old man, you'd better prepare
for the worst. I'm afraid it's
against us, so keep up your nerve.

HAYWOOD
Yes, I will.

JUDGE WOOD
Have you reached a verdict?

FOREMAN
Yes judge.

Haywood and his lawyers stand.

JUDGE WOOD
Please hand it to my clerk.

The foreman removes a folded up piece of paper from his inside left coat pocket and hands it over. The clerk delivers it to the judge, who opens it and then looks up puzzled.

JUDGE WOOD (CONT'D)
But there's nothing here.

FOREMAN
I'm sorry judge. We didn't get any
sleep last night.

He reaches into his right coat pocket and removes another folded piece of paper. It is handed up.

JUDGE WOOD
In the case of the state of Idaho
versus William D. Haywood, we the
jury find the defendant
(beat)
Not guilty.

Loud gasps and more than a few claps from the gallery, as several reporters rush outside. Darrow, in shock, grasps Haywood's hand.

DARROW

Bill, you're free. You're free.

Haywood, crying and laughing at the same time, hugs Darrow, shakes Ed's hand, then hugs his wife and daughters. Haywood rushes over to the jury box to shake the hands of the jurors. Juror Abbot pulls a small American flag from his pocket.

ABBOT

Haywood, I'd like you to sign your name on this flag.

Haywood lifts a pen from a nearby table and does just that.

FOREMAN

Bill, before you leave town, I'd like to have you over to my house for dinner.

A beaming Haywood nods his head vigorously.

CLOSE ON Ruby as she smiles at Darrow.

CLOSE ON Darrow as he sheepishly grins before looking down.

INT. OVAL OFFICE - DAY

GRAPHIC: One Day Later

Teddy Roosevelt sits behind his desk when an aide enters and hands him a telegram.

CLOSE on telegram: "Undesirable Citizens Victorious. Rejoice." Signed Emma Goldman.

END OF ACT V

EPILOGUE

1. Photo of the Real Harry Orchard.

GRAPHIC: Harry Orchard pleaded guilty to the murder of Frank Steunenberg. His death sentence was later commuted to life.

(Beat)

2. Photo of Orchard as a smiling, older prisoner.

GRAPHIC: Orchard was a model prisoner, raising chickens and growing strawberries as a prison trusty. When he became eligible for parole, he refused to leave, and died in prison in 1954 at the age of 88.

3. Photos of Otto Munsterberg and William Marston

GRAPHIC: As an undergraduate, William Marston worked in Otto Münsterberg's psychology lab at Harvard. Marston's techniques for detecting deception formed the basis for the modern day polygraph.

(Beat)

GRAPHIC: His attempt to introduce polygraph evidence in court was rejected by the U.S. Supreme Court in Frye v. United States. It remains inadmissible in most courts.

(Beat)

4. Photo of the Real Bill Haywood.

GRAPHIC: In 1918, Haywood was convicted of espionage and sedition by calling a labor strike during World War I.

(Beat)

GRAPHIC: After a year in Leavenworth federal prison, Darrow put up \$1,000 of his own money to have Haywood released on bond during his appeal.

(Beat)

A life-long socialist, Haywood jumped bail and fled to Russia, where he later died.

5. ESTABLISHING SHOT Kremlin.

Camera zooms into the Kremlin wall necropolis, showing the plaque honoring Haywood.

GRAPHIC: His ashes were placed in the Kremlin wall.

(Beat)

GRAPHIC: Darrow said he was glad when Haywood made his
getaway.

FADE OUT.