

VERVE

THE DEFENDER

a true story

by

E. Nicholas Mariani

"Scipio Africanus Jones will receive little glory, but the record is clear. He went down to Elaine and took charge of these cases when the whole area was a seething cauldron of hate and the slightest misstep meant death. With courage and conviction, he fought on behalf of nearly a hundred men until that glorious day when the prisoners were set free. Now, the highest court in the land has delivered a verdict that will surely change history. All hail Judge Jones! Praise him for this achievement. The first Scipio Africanus was a mighty warrior and a conqueror for the Roman Empire. Our Scipio Africanus has come not to conquer, but to save; and he is not so much a warrior as he is a defender of his kind."

--The Associated Negro Press, reacting to the United States Supreme Court decision in *Moore v. Dempsey*.

FADE IN:

EXT. LITTLE ROCK, ARKANSAS -- NIGHT (1919)

FIREWORKS explode in the dark sky as raucous BAND MUSIC fills the air. We can hear PEOPLE cheering all around us. Some kind of celebration is underway. It sounds absolutely massive.

We PAN DOWN and find ourselves in a large SOUTHERN CITY with hints of an antebellum past. It's a warm summer night early in the 20th century and the streets are filled with thousands of people, all waving SPARKLERS and AMERICAN FLAGS...

At first glance, we might assume it's the Fourth of July. But something bigger is going on. This isn't just a yearly event.

This feels monumental, perhaps even historic. And then--

We see SOLDIERS, hundreds of them, marching through town; all dressed in crisp DOUGHBOY UNIFORMS. They're showered with cheers and CONFETTI as the city welcomes them home as heroes and pass beneath large BANNERS heralding the end of war...

Super: Little Rock, Arkansas -- August, 1919

And if that's not enough to mark the occasion, we also see NEWSPAPERS tucked under people's arms and strewn across the street, all bearing the same bold headline: **WORLD WAR ENDS! PEACE AT LAST! NATION CELEBRATES AS TROOPS RETURN HOME!**

Needless to say, everyone is overjoyed. Loved ones embrace. Families reunite. For a brief moment, the world seems happy.

But as the celebration continues, something should catch our eye. We're deep in the South in the era of Jim Crow. 'WHITES ONLY' signs hang in the windows and that's exactly what we see in the crowd: MEN, WOMEN, and CHILDREN of all ages; with one thing in common: every last one of them is white.

And on that note, we start to PULL BACK; farther and farther, to the outskirts of town. We HOLD for a moment, watching the celebration from a great distance. And then--

We PULL BACK a little more, revealing a row of PRISON BARS--

INT. PRISON CELL -- CONTINUOUS

EMMANUEL WEST (24, black) peers through the bars and watches the distant celebration. His eyes are full of loneliness and fear -- the look of a condemned man.

Emmanuel shifts his glance and we see he has something in his hands: a small, cross-shaped MEDAL. He digs it into the wall, carving a message we can't quite see...

EMMANUEL

(As he writes)

It's strange to think everyone's celebrating outside while I'm stuck in here, waiting. I don't know what to make of it. I really don't.

For a moment, there is nothing but silence and we wonder if maybe Emmanuel is talking to himself. And then, from out of the darkness, a MALE VOICE gently responds--

SCIPIO (O.S.)

Try not to think about it. This will all be over soon.

EMMANUEL

Sure, Mr. Jones. I'll try.

Emmanuel finishes writing and quietly steps back. And we see that he's carved into the wall: "Emmanuel West, 1895-1919."

Emmanuel stares at his name as if it were a tombstone, then he slowly turns around to face the other man in the room--

SCIPIO AFRICANUS JONES (55, first name pronounced 'Sippy-oh') stands quietly near the door, a light-skinned black man dressed in an elegant dark suit. His presence exudes empathy, intelligence, and deep inner strength. This is a man with an extraordinary life story. We'll soon learn all about it.

SCIPIO

I'm sorry, Manny. I wish there was more we could do.

Emmanuel smiles sadly and nods: "I know." He wipes his medal clean and crosses the room, offering it to Scipio--

EMMANUEL

Here, I'd like you to have this.

SCIPIO

I can't take your medal, Manny.

EMMANUEL

Mr. Jones, you're the closest thing to family I've got. I'd like you to have it. Really.

Scipio finally nods and reluctantly takes the medal. He turns it over in his hands, revealing the iconic cross-shaped *Croix de Guerre*. And we realize: Emmanuel West is a war veteran.

SCIPIO

Where'd you get this, anyway?

EMMANUEL

Verdun.

SCIPIO

(a moment, then)

It's beautiful.

Emmanuel smiles and the two men stand in deference to each other. The moment lingers and stretches...and then a GUARD pounds loudly on the prison door--

GUARD

(To Emmanuel)

Time to go, West.

Emmanuel nods as more GUARDS come into the cell. They gather all around him. Emmanuel glances back at Scipio--

EMMANUEL

Thank you for everything.

Scipio hesitates, overwhelmed. Finally, he nods. The guards grab Emmanuel and haul him swiftly out the door--

SCIPIO

Wait!

But it's too late. They're already gone. Scipio grabs his BRIEFCASE and quickly chases after them...

EXT. PRISON YARD -- MOMENTS LATER

Emmanuel is led outside where the GALLOWS awaits -- looming across the yard with fireworks bursting in the distance.

Dozens of GUARDS stand by to witness the execution. Among them is WARDEN E.H. DEMPSEY (54) -- a tough, grizzled man who's been doing this a long time. He watches with a hint of sympathy as Emmanuel climbs the scaffolding...

DEMPSEY

'Poor bastard.

Some of the guards nearby seem to nod in agreement. Behind them, Scipio appears. He makes his way quietly through the crowd and stops beside Dempsey, offering a polite nod--

SCIPIO

'Warden.

DEMPSEY

Judge.

(then, glancing up)

'Helluva night for a hanging.

Scipio nods as more fireworks explode in the sky. He grips Emmanuel's medal tightly, watching as his client reaches the top of the stairs and gets positioned over the trap door...

SCIPIO

'Always is.

Up on the platform, a GUARD slips the NOOSE over Emmanuel's head and pulls it tight around his neck. Emmanuel gasps and chokes -- this just got very real.

GUARD

(To Emmanuel)

Any last words?

Emmanuel shakes his head as tears stream down his face. He looks out into the crowd...and locks eyes with Scipio.

Scipio places his clenched fist (with Emmanuel's medal) over his heart. Emmanuel takes a deep breath...and quietly nods.

The guard pulls the lever. The trap door opens--

Emmanuel plunges nearly twenty feet and then the rope snaps tight, but the fall doesn't break his neck. He dangles with his feet inches off the ground, thrashing in convulsions as the life is squeezed from his body...

Dempsey and the guards flinch and recoil, trying to remain calm. But this is difficult to watch. Even for them.

DEMPSEY

Jesus Christ.

Scipio watches in horror, refusing to look away. He calmly raises his hand, as if to say: "It's okay, just let go."

Finally, Emmanuel's eyes roll back and his body grows still, swinging almost peacefully at the end of a knotted rope...

And bathed in the warm glow of distant celebratory fireworks.

Everyone stands frozen, not sure what to say. It's a strange and alarming sight -- both ethereal and haunting.

We HOLD on Scipio as he stares at Emmanuel's corpse. In his eyes, we see relief that it's finally over. But we also see devastation...and a deep sense of personal failure.

EXT. PRISON -- FRONT YARD -- LATER

The fireworks are starting to wane as Scipio passes through the gate. He tips his hat to a few waiting GUARDS. They all nod and respectfully call him, "Judge."

Dempsey follows close behind. Like Scipio, he seems quiet and subdued. We sense a familiarity between these men. This isn't the first time they've taken this walk together.

DEMPSEY

Judge, I apologize for the way that ended. Your client deserved better. You have my word the boys'll catch hell for it come Monday morning.

Scipio keeps walking, not sure what to say. He looks down and we see he still has Emmanuel's medal in his hand. He slips it in his pocket, then quietly says--

SCIPIO

What's done is done, Warden. Don't be too hard on them.

Scipio stops walking and slowly turns around, facing Dempsey in the darkness with the prison looming behind them.

SCIPIO (CONT'D)

I'd appreciate it though if you could make sure Emmanuel gets a proper burial. I'm sure it would have meant a lot to him. He was a veteran, after all.

Dempsey stares at Scipio -- this is a big ask. But a few more fireworks burst in the sky. And Dempsey quietly nods.

DEMPSEY

Sure, Judge. We'll take care of it. You know...for whatever it's worth, I thought you had a real shot with this one. Sorry it didn't work out.

Scipio manages a faint smile, then reaches inside his bag. He takes out a small WOODEN BOX...and offers it to Dempsey--

DEMPSEY (CONT'D)

What's this?

SCIPIO

'Little something to celebrate when your boy gets in tomorrow.

Dempsey is lost for words. He takes the gift, marveling--

DEMPSEY

I'd ask how you could've known, but if there's one thing I've learned over the years...it's that Scipio Africanus Jones has his ways.

Scipio smiles and then watches Dempsey open the box. Inside, are several rows of beautifully hand-crafted CIGARS.

DEMPSEY (CONT'D)
 Ah, Judge. You shouldn't have.
 (then, smelling one)
 God...Virginia tobacco.

Dempsey rolls the cigar around in his fingers, smiling for a moment. And then, suddenly, he flashes a mischievous grin--

DEMPSEY (CONT'D)
 Don't suppose you have some of that
 whiskey I love to go with 'em?

SCIPIO
 Warden, you know it's illegal to
 buy or sell alcohol these days.
 (then, a slight smile)
 You trying to get me in trouble?

DEMPSEY
 I would hope you know me well
 enough by now, Judge.

Scipio stares at Dempsey a moment and then nods, sadly--

SCIPIO
 Yeah...though truth be told, nights
 like this, I wish I didn't.
 (Tips his hat, "Goodbye.")
 I'll see what I can do.

Dempsey smiles and lingers in the yard, watching as Scipio walks down a dark road towards a parked Model-T...

INT. MODEL-T, PARKED -- THAT MOMENT

LOUIS BOOKER (20s, black) lies asleep at the wheel. His youth and sharp dress suggest he's more than just a driver.

Louis hears the door open and startles awake. He turns and sees Scipio climbing into the back seat of the car--

SCIPIO
 Thanks for waiting.

LOUIS
 Sure, Mr. Jones. How'd it go?

Scipio gives him a grim look: "Don't ask."

SCIPIO
 Just get me out of here.

Louis nods and quickly starts the engine. He pulls away and drives off into the night, heading back towards the city...

INT. MODEL-T DRIVING, DOWNTOWN LITTLE ROCK -- LATER

The streets are still full of celebrating crowds. Louis honks and turns the wheel, maneuvering the best he can. Scipio sits in the back, staring quietly out the window--

SCIPIO

We need to get the warden some more of that whiskey he likes.

LOUIS

Already? 'Man sure goes through a lot of that stuff.

SCIPIO

So would you if you had his job. Just track down a bottle. It keeps him happy. And on our side.

(a deep breath, then)

Anything happen at the office today I should know about?

LOUIS

(Hesitates)

Yeah...the ruling came down in the Anderson case. They decided against us. Just like you expected.

Scipio nods, disappointed; but not surprised. We sense these legal defeats are something of a regular occurrence.

SCIPIO

Alright. Pull the applicable case law. We'll file an appeal as soon as I'm back from Washington.

(Louis nods, "Sure.")

Anything else?

LOUIS

Governor's got that party tonight, remember? 'Said you'd stop by.

(Off Scipio's look)

I'm sure he'd understand if you don't want to go.

Scipio lets out a deep sigh and checks the time on his watch. It's late and he's exhausted -- but he quietly nods.

SCIPIO

No, I should make an appearance. 'Get those donation checks?

LOUIS
 'Front pocket of my bag. On the
 floor, right next to you.

Scipio leans over and finds a MESSENGER BAG by his feet. A small ENVELOPE is inside. He slips it in his pocket.

LOUIS (CONT'D)
 Gonna ask him about the jury bill?
 (Scipio nods, then)
 Think he'll go for it?

SCIPIO
 I don't know. Doubtful.

Louis glances at Scipio in the rear view mirror. He can tell his boss is discouraged and tries to stay positive--

LOUIS
 Well, you never know. Maybe you'll
 catch him in a good mood. Like all
 these folks out here...
 (then, a touch of sadness)
 They sure seem happy, don't they?

Scipio takes a deep breath and glances back outside. Staring at an endless sea of happy people, he quietly says--

SCIPIO
 They certainly do.

EXT. GOVERNOR'S MANSION -- LATER

Louis pulls up to a stunning MANSION with an elegant party in full swing. Just like the rest of the city. GUESTS mingle out on a PORTICO BALCONY and spill into the front yard...

SCIPIO
 You can go on home, Louis. I'll
 walk back from here.

LOUIS
 You sure, Mr. Jones?

SCIPIO
 (Nods, then)
 Thank you again for tonight.

Scipio climbs out of the car and stares up at the magnificent house. Suddenly, he seems nervous. He takes a deep breath and straightens his tie, turning back to Louis--

SCIPIO (CONT'D)
 How do I look?

LOUIS
Like you belong in there.

Scipio smiles and heads for the front door. Louis watches him disappear inside...and then reluctantly drives away.

INT. GOVERNOR'S MANSION -- MOMENTS LATER

Scipio takes a few steps into the entry and stops. We HOLD on him for a moment, then circle around...revealing--

A sea of elegant GUESTS mingling and enjoying LIVE MUSIC and CATERED FOOD, everyone in black-tie; except for all the young SOLDIERS roaming around in uniform. These are children of the elite, wearing privilege on their sleeves. BANNERS hang from the ceiling, letting us know this party is in their honor.

Scipio stands unnoticed, taking it all in. And a look in his eye lets us know: he's about to step into the lions' den.

CARL (O.S.)
Good to see you, Mr. Jones.

Scipio turns and sees a BLACK VALET (Carl, 60s) standing near the door, smiling warmly as he offers to take Scipio's hat--

SCIPIO
Thanks, Carl. How's your nephew?

CARL
Oh...fine, Mr. Jones. Just fine. We sure appreciate you helping him get that job down at the mill.

SCIPIO
Of course. 'Happy to help. You let me know if that overseer gives him any trouble, alright?

CARL
Thank you, Mr. Jones. We sure will.

SCIPIO
(Smiles, then)
'Governor around?

CARL
Yeah, he's back there somewhere.
Want me to announce you?

SCIPIO
No. Thanks, Carl.
(Winks, "I'll be fine.")
I'll go find him myself.

Carl nods and we see relief in his eyes. Scipio takes a deep breath and slowly turns, making his way into the house--

Heads turn as Scipio passes by. As you can imagine, he gets more than a few scowls. But a surprising number of people raise their glasses and call him, "Judge." The BLACK SERVERS stare in wonder, as if he were a movie star...

All of which should make us ask: who is this guy? And how has he pulled this off in the South at the height of Jim Crow?

Scipio turns a corner and enters a large LIVING ROOM, pushing through the crowd as he tries to reach the next hallway...

Standing up ahead is JOHN MARTINEAU (50s), a kind man with warm, gentle eyes. He sees Scipio coming and suddenly smiles. We sense this man is a real ally, perhaps the only white man in Little Rock whose friendship Scipio doesn't have to buy.

MARTINEAU

Well, as I live and breath. Scipio Jones. How have you been?

SCIPIO

I'm well, John. And you?
(Martineau nods, "Fine.")
Still in chancery court, presiding over civil cases?

MARTINEAU

Oh, you know it. For now and, I'm sure, the foreseeable future. I keep hoping we'll see you over there. Maybe one day, huh? After you've grown weary of the doldrums of criminal law and find yourself longing for the glory of property disputes and civil forfeiture.

Scipio smiles and even manages a faint laugh, but there's a sadness in his eyes. Martineau sees it right away.

MARTINEAU (CONT'D)

I, uh, heard there was an execution over at the prison tonight. One of your clients?

(Off Scipio's look)

Ah, Sip, I'm sorry. I can't imagine anything harder. Really.

SCIPIO

Thanks, John. I just wish you'd come over to criminal court where you could actually do some good.

MARTINEAU

Me, too. But we both know that's why they keep me where I am.

Scipio stares at Martineau for a moment and quietly nods. And on that somber note, he remembers why he's here--

SCIPIO

'Seen the governor tonight?

MARTINEAU

Yeah, he's back in the parlor room.
(then, a subtle warning)
Along with the usual crowd.

Scipio nods, "Thanks," and continues on his way. We HOLD on Martineau -- sensing their paths will cross again soon.

AROUND THE CORNER -- MOMENTS LATER

Scipio comes down a narrow hallway and turns a sharp corner, into a smoke-filled room booming with raucous laughter--

THE BACK PARLOR ROOM -- CONTINUOUS

Where some powerful MEN are enjoying BRANDY and CIGARS. They look like Southern Rockefellers, Titans of Industry.

Two men by the window notice Scipio right away: J.S. UTLEY and ED MCCULLOUGH (Both 50s). And from the smirks on their faces, we don't get the sense these men are allies.

UTLEY

Well, well, look who it is. 'Son of a bitch. How'd he get invited here?

MCCULLOUGH

It pays to be friends with the governor. Poor bastard. Probably came straight from the prison.

UTLEY

I imagine he's feeling rather at home there these days.

McCullough smiles and the two men share a laugh. And just as we wonder who these men might be, a SERVANT passes by with a TRAY of drinks, addressing them both by title--

SERVER

Something to drink, Mr. Attorney General? Mr. Chief Justice?

McCullough and Utley both nod and take a drink off the tray.

Back across the room, Scipio slips through the crowd. Nobody pays him any mind. They're focused on someone else--

BUSINESSMAN (O.S.)

I gotta hand it to you, Thomas. I always knew you were a skilled politician, but it takes a real genius to have a war end just as you're facing re-election!

LAUGHTER ripples across the room, followed by--

MCRAE (O.S.)

Now, now, let's not get cocky. I still have a race to win. And I'm going to need your help. That goes for every man in here!

Scipio gets closer as people applaud, then the crowd suddenly parts...and we see the most powerful man in Arkansas--

GOVERNOR THOMAS MCRAE (60s) is a veteran politician and life-long Democrat with the "Old South" in his veins. Progressive, forward-thinking, but chained to the past. In short, a man of contradictions. Much like the South, itself.

MCRAE (CONT'D)

Besides, as far as I'm concerned, we should all thank the Kaiser for his timely surrender. Have you seen the papers? Cotton is selling at record prices. We were blessed with a bumper crop and our labor force is back just in time to harvest it!

The room erupts again with thunderous applause. McRae basks in the approval, then turns and sees Scipio approaching--

MCRAE (CONT'D)

(Hesitates)

Judge Jones, you made it!

Scipio smiles and steps into view. The mood in the room drops ten degrees as the other men exchange nervous glances.

SCIPIO

'Governor, sorry I'm late.

MCRAE

Oh, you didn't miss much. By the way, these cigars are fantastic.

SCIPIO

Glad you're enjoying them.

MCRAE

Do you know everyone here?
 (then, to the group)
 Gentlemen, this is Scipio Africanus Jones, best Negro attorney in the South. Hell, best Negro attorney anywhere. I went up against this man a few times before I left law for politics and I can assure you that the last place you ever want to see him is in court.

An OLDER MAN in the group smiles, recognizing Scipio--

OLDER MAN

Oh, I know Judge Jones. Assuming this is the same Scipio Africanus Jones who challenged all the segregation laws back in '91.

MCRAE

The very same. Guess who got to be opposing counsel on that case? Me.
 (Smiles at Scipio)
 We were young men then.
 (Back to the group)
 The Judge made quite an argument, in fact he damn near won. And in the process, we became friends. There's actually a very special reason I invited him here tonight. In addition to his outstanding legal career, Judge Jones has the honor of having sold more war bonds than anyone else in the state of Arkansas. Despite our political differences through the years, I can honestly say that this man is a patriot. He has my gratitude, as well as my respect, and it seemed fitting he should be here tonight to help welcome our boys home.

Scipio smiles with appreciation. It's a nice tribute. And for a brief moment, it almost makes us forget where we are.

SCIPIO

Governor, you're too kind.
 (then, to the men)
 Very nice to meet all of you.

The men stare at Scipio and offer polite smiles, but nobody introduces themselves or offers to shake his hand. A tense, awkward moment hangs in the air. And then--

Scipio notices one of the men is there with his son, a young SOLDIER. A familiar MEDAL is pinned to the boy's chest--

SCIPIO (CONT'D)

Croix de Guerre. You must have been at the Battle of Verdun.

SOLDIER

Yes. How'd you figure that?

SCIPIO

I knew someone else who was awarded that honor. Welcome home. It's nice to see our veterans being given the respect they deserve.

A few of the men nod and utter, "Amen." But the boy's father just stands aside, staring at Scipio with amusement--

FATHER

Scipio Africanus, huh? Wasn't he a Roman general? Tell me, where does a colored man get such a name?

SCIPIO

My mother gave it to me.

FATHER

Your mother was a student of Roman history?

SCIPIO

I'm actually not certain. She died when I was young...sometime during the last great war, I believe.

Everyone flinches, suddenly uncomfortable. For this detail carries with it a subtle admission: Scipio was born before the Civil War. And that means he was born a slave.

FATHER

I see. And what part of the country do you hail from, Judge?

SCIPIO

'Afraid I don't know that, either. I have reason to believe I was born in Texas. But my earliest memory from childhood is picking cotton down in Phillips County.

FATHER

The Delta. Really? Tough place for a boy to grow up.

(MORE)

FATHER (CONT'D)
 (then, pointedly)
 Especially during that time.

Scipio smiles with a look that says: *No shit*. A tense moment hangs in the air. And then Scipio turns back to McRae--

SCIPIO
 Governor, I'm afraid I can't stay long tonight. I was hoping we might have a quick word?

McRae stares at Scipio. We sense this is another big ask. But the governor puffs on his cigar and turns back to the men--

MCRAE
 Gentlemen...excuse us.

The men smile and watch Scipio and McRae walk away, a look on all their faces that says: "Well, now we've seen everything."

SOLDIER
 One of the more impressive coloreds I've met, I must say.

OLDER MAN
 Oh, Judge Jones is a credit to his race. Always has been. 'Damn shame the rest aren't like him.

FATHER
 Born in the Delta, too. My God.
 (then, marveling)
 How do you suppose he ever got out?

NEARBY HALLWAY -- MOMENTS LATER

Scipio and McRae come out of the parlor and down the narrow hall, making small talk until they're away from the crowd--

MCRAE
 Sorry to hear you can't stay long.

SCIPIO
 Ah, I got an early train to catch tomorrow. Lillie and I are taking Hazel up to college.

MCRAE
 Your daughter's going to college?
 My word. Well, I guess that's one more reason to celebrate tonight.

Scipio manages a faint smile as they turn another corner. He reaches into his pocket...and hands McRae the envelope--

SCIPIO

'Got a couple donations for your re-election campaign. One from Bethel Baptist. The other's from me. Took a little doing, but I got them issued by a white bank. 'Figured it'd make things easier that way.

McRae nods and opens the envelope, peering inside. The checks must be for large amounts. The governor suddenly smiles.

MCRAE

This is tremendous, Sip. Thank you.
(then, a wry smile)
Twenty years ago, could you have imagined supporting a Democrat?

SCIPIO

Times change. And besides, like everyone else, Governor, we expect to get something for our money.
(Off McRae's look)
When you have some time, maybe we could sit down and talk about that bill I was proposing?

McRae takes another puff on his cigar, suddenly guarded--

MCRAE

Which bill is that?

SCIPIO

The one about Negroes serving on trial juries.
(McRae starts to object)
Now's a good time, with everyone's mind on other things. We could pass it quickly with barely a mention in the newspapers--

MCRAE

(Interrupting)
Are you insane? Scipio...I can't put a race bill in front of the state legislature right before the election. You know that. Unless you want to just hand the governor's mansion over to my opponent and take your chances with him? He's running quite the little populist campaign, just got himself endorsed by the Klan. But I'm sure he'd be perfectly receptive to whatever you want to discuss with him.

Scipio looks away for a moment and McRae senses he went too far. He steps a little closer, softening just a bit.

MCRAE (CONT'D)

Look, I know progress has not come as fast as you'd like, but we've accomplished a great deal. Little Rock is known throughout the South as a black man's El Dorado. It's one of the only cities, North or South, that has a thriving black middle class. I'm very proud of that. You should be, too. Hell, five years ago, it would've been unthinkable to even have a Negro in the Governor's Mansion, let alone at a state function. Look at us now. We'll get the rest of the way there, I promise. I just need you to be patient, alright? I'll have more flexibility in my next term. We'll see what we can do then.

SCIPIO

Do I have your word on that, Governor?

MCRAE

You have my word I'll do my best.
(Holds up the envelope)
Can I go ahead and keep this?

Scipio hesitates and then finally nods. What choice does he have? McRae slips the envelope into his suit pocket. BEAT.

MCRAE (CONT'D)

How'd it go at the prison tonight?
(Off Scipio's look)
I'm sorry. I know you're upset I wasn't able to intervene. It's not my place to issue pardons in these cases. He received a fair trial. That's what's important.

SCIPIO

He was an American soldier.

MCRAE

Convicted of rape and murder.

Scipio stares at McRae, a flash of anger in his eyes--

SCIPIO

He was innocent.

MCRAE

A jury of his peers said otherwise. Sometimes the law just has to take its course. That's how it goes. I didn't win all my cases, either. In fact, if I remember correctly, I lost a few of 'em to you.

(a quiet moment, then)

I should be getting back. Be sure to tell your people how much I appreciate their support.

(then, as he leaves)

And try not to take everything so hard. Remember, there are a lot of reasons to be happy tonight.

Scipio nods and watches McRae walk away, then he lets out a deep sigh -- we sense a heavy weight on his shoulders.

EXT. LITTLE ROCK (DOWNTOWN) -- LATER

Scipio's footsteps echo and fade as he walks downtown. The streets are now empty, littered with NEWSPAPER and CONFETTI after a long night of celebration...

Evidence of Jim Crow is sadly all around. 'WHITES ONLY' signs hang in the windows, CONFEDERATE STATUES guard a nearby PARK. A local MOVIE THEATER plays BIRTH OF A NATION, with a giant poster of a "heroic" KLANSMAN galloping through the moonlight with a fiery cross in hand. (Google it, it's terrifying.)

Scipio takes it all in and continues on his way. Imagine how sad and lonely this walk must feel. Everything in sight says he's not welcome. And yet it's still his home.

EXT. LITTLE ROCK (DUNBAR NEIGHBORHOOD) -- LATER

Scipio crosses over into the black part of town. His part of town. And like McRae said, Little Rock does appear to have a thriving black middle class. It almost feels like Harlem--

Folks mingle outside BUSINESSES and RESTAURANTS. JAZZ MUSIC plays from nearby CLUBS. BLACK SOLDIERS are being welcomed home as heroes by their families, albeit with much less fanfare than their white counterparts across town...

Scipio watches it all with bittersweet pride. Everyone stops as he passes by, with numerous shouts of "Mr. Jones!"

EXT. PULASKI STREET -- MOMENTS LATER

Scipio turns down a quiet street lined with hundred-year-old trees. He stops at a beautiful brick house and climbs up the front steps, reaching for the door--

INT. JONES HOUSE -- THAT MOMENT

An elegant house filled with BOOKS and FAMILY PICTURES on the walls. The product of a life's work. Lived-in and loved.

HAZEL JONES (18) is curled up on the couch with a book in her lap. She hears the door open and smiles as Scipio appears--

HAZEL
Hey, Daddy.

SCIPIO
Hey, Baby Girl.

Scipio comes into the room and leans over the couch, beaming at his daughter -- who is clearly the light of his life.

SCIPIO (CONT'D)
Excited for the big trip, tomorrow?
(Hazel nods, "Sure am.")
Good. I'm sorry I missed your last night. I hope you know I wanted to spend it with you.

HAZEL
That's alright, I understand. Did you see the governor?
(Scipio nods, "I did.")
Did you tell him I think he's a horrible man?
(Scipio shakes his head)
I don't know how you stand him. There was another lynching outside the city this week.

SCIPIO
I know. Governor McRae doesn't condone those things.

HAZEL
Doesn't do anything to stop them, either. Isn't that just as bad?

Scipio stares at his daughter, not sure what to say. We sense there are many things he'd like to tell her. But, for now, he just leans forward and kisses her softly on the cheek.

SCIPIO
Where's your mother?

LILLIE (O.S.)
Behind you, Mr. Jones.

Scipio smiles and turns around, suddenly revealing--

LILLIE JONES (42) standing across the room, a little younger than her husband, but every bit as strong. And at the moment, relieved to have her family home safe and sound.

LILLIE (CONT'D)
You look exhausted.

SCIPIO
Long day.

Lillie nods and then glances at their daughter. Hazel senses her parents want to be alone. She dashes up the stairs...

Scipio waits for her door to shut, then turns and goes over to his wife. She caresses his face -- clearly worried.

LILLIE
I wish you wouldn't keep these hours. You're not a young man anymore, you know?

SCIPIO
Couldn't be helped.

LILLIE
(a moment, then)
Tell me what happened.

Scipio stares at her. Where to even begin? Finally, he digs into his pocket...and hands her Emmanuel's medal.

Lillie seems confused for a moment and then she realizes what she has. Without another word, Scipio heads quietly upstairs, leaving his wife both stunned...and speechless.

INT. JONES HOUSE -- BEDROOM -- LATER

Lillie lies in bed with Scipio. They've been awake for some time. In the darkness, we see she still has Emmanuel's medal in her hands. They stare at it quietly, deep in thought.

LILLIE
He really survived the war just to be killed back home?

SCIPIO
(Nods, then)
I thought we had a good chance this time. A former governor was on the jury, two ministers, the rest were all well-educated men. Over twenty witnesses testified that Manny was somewhere else the night that white woman was raped and killed.
(MORE)

SCIPIO (CONT'D)

He got the fairest trial a black man could ever hope for. And they still found a way to kill him. I wonder...how is that any different than a lynching?

Lillie looks up at her husband -- deeply concerned.

LILLIE

Maybe you should stop taking murder cases. You just set yourself up for heartbreak every single time.

Scipio takes a deep breath -- suddenly emotional.

SCIPIO

I just don't know how to win, Lil.
I don't know how to win.

Lillie stares at Scipio, at a loss for words. He gives her a kiss and then turns over, trying in vain to get some sleep.

EXT. SCIPIO'S LAW OFFICE -- NEXT MORNING

A humble LAW OFFICE at the end of a quiet street. Like you'd find in a John Grisham movie if it were set in 1919.

INT. SCIPIO'S LAW OFFICE -- SAME TIME

Scipio stands at his desk, boxing up some FILES. He's closing the books on a tough loss. We know it's not the first time.

OUT IN THE LOBBY/RECEPTION AREA

Louis waits at the FRONT DESK, anxious and on edge. He checks the time on his watch, then nervously shouts--

LOUIS

Boss! We should get going if you want to make your train!

For a brief moment, there is no answer. And then Scipio comes out of his office, carrying the box of files...

LOUIS (CONT'D)

What's this?

SCIPIO

Emmanuel West's case files. Put 'em in storage with the others when you get a chance.

Louis nods and takes the box, motioning to his watch. Scipio grabs his coat. They walk together towards the door...

But it opens before they get there--

And ROBERT HILL (27, black) steps into the office, a handsome young man, well-educated and groomed. And just like Scipio's last client -- wearing a World War I uniform.

SCIPIO (CONT'D)

Can I help you?

ROBERT

I'm looking for Scipio Jones.

SCIPIO

(Hesitates)

You found him.

Robert straightens up and steps a little closer, staring at Scipio like a young boy who's finally meeting his hero.

ROBERT

George Murphy said I should come see you. My name is Robert Hill. Do you have a moment to talk?

Scipio stares at Robert for a moment. We don't know George Murphy, yet. But his name has gotten Scipio's attention.

SCIPIO

George Murphy, huh?
(Checks his watch, then)
Five minutes. Come on back.

Robert nods and follows Scipio back to his office. We HOLD on Louis -- who clearly has a bad feeling about this.

IN SCIPIO'S OFFICE -- MOMENTS LATER

Scipio shuts the door and sits down at his desk. Robert roams around the room, marveling at everything he sees--

Leather-bound LAW BOOKS fill the shelves. FRAMED PICTURES and NEWSPAPER CLIPPINGS hang on the walls. They span almost three decades and all bear witness to a remarkable career--

Scipio is seen with various POLITICIANS, including Governor McRae. Several photographs show him arguing in court. One article details his efforts to open businesses in the black community. Another shows him casting a ballot at the (yes, really) Republican National Convention.

ROBERT

'Amazing. Hey, is it really true you challenged all the segregation laws back in 1891?

SCIPIO

My first case. And, sadly, my very first loss.

ROBERT

'Still something to be proud of. Most Negro lawyers have to settle for doing contract work. Not you. You actually argue in criminal court. Scipio Africanus Jones, the only black man in the South with an appellate record, who's appeared before the Arkansas Supreme Court a record nineteen times.

SCIPIO

It's a pity I couldn't win more. I'm impressed, Mr. Hill. You've clearly done your homework. So how do you know George Murphy?

ROBERT

I imagine the same way you do.

SCIPIO

(Intrigued)

Really? You don't look like you're from Phillips County.

Robert comes over and sits down, smiling warmly--

ROBERT

If you don't mind my saying so, sir, neither do you. I wouldn't have believed your story if Mr. Murphy hadn't told me himself all about how you fled the cotton fields and came to Little Rock, worked as a janitor in a white law firm just so you could study for the bar exam at night.

SCIPIO

I was fortunate. Back then, there was no road map for where I wanted to go. Still isn't. The hardest part was getting out of Phillips County though. But then...I don't have to tell you that, do I?

ROBERT

No, you sure don't. But you got out during more difficult times. Do you remember it well?

SCIPIO
The Delta?

 ROBERT
No. Slavery.

Scipio stares at Robert long and hard. And in this moment, we realize: he doesn't like to talk about his past.

 SCIPIO
I'm in a bit of a hurry, Mr. Hill,
so I'm just going to go ahead and
say yes. I'll help you.
(Robert looks confused)
You're not the first young Negro to
come ask for my guidance. I'll help
you study for the bar exam and, in
return, you'll work here. I have a
similar arrangement with Louis, the
young man you met outside.

 ROBERT
Mr. Jones, I think there's been a
misunderstanding. I'm not here to
pursue a career in law. I'm here
because I need legal assistance.

 SCIPIO
Legal assistance?
(then, pointedly)
You in some kind of trouble, son?

 ROBERT
No...but I need help with a little
venture I'm undertaking.

Robert removes a stack of black and white PHOTOGRAPHS from his bag and hands them to Scipio. The first shows a sleepy southern TOWN at the edge of a massive, raging river--

 ROBERT (CONT'D)
Ever been to Elaine? Small farming
community in southern Phillips
County. Right on the Mississippi
River. Richest topsoil in the
world. Tough place to live, but a
tremendous place to grow cotton.

Scipio flips through pictures of the town. It seems quiet and peaceful. But we sense a terror lurking beneath the surface.

 SCIPIO
I try to avoid sundown towns. Is
this where George is living now?

ROBERT

Yes, sir. He's helping me organize the sharecroppers down there. You see, they're rather upset with their present condition.

(then, boldly)

They're looking to form a union.

Scipio flinches and, for a moment, doesn't seem to react. He finally looks up. And we sense he's deeply troubled.

SCIPIO

A union? For what purpose?

ROBERT

(Shrugs, "What else?")

To fight for higher wages. With the war over and new markets opening overseas, the price of cotton has skyrocketed. It's currently selling at over fifty-cents a pound. Know how much the sharecroppers get? The men and women who actually do the back-breaking work of picking all that cotton?

SCIPIO

Three or four cents?

ROBERT

If they're lucky. Their condition is desperate, arguably no better than it was under slavery. Planters keep them in servitude by advancing them money for supplies, charging five or six times what a white person would pay, and then cooking the books so they can never get out of debt. No different than serfdom. They remain, in every practical sense, in bondage.

Scipio sighs and continues flipping through the pictures. The next few are portraits of black SHARECROPPERS, ragged MEN and WOMEN with broken bodies, weathered faces, haunted eyes.

SCIPIO

Mr. Hill...my mother picked cotton her entire life. You don't have to tell me it's hard. I'm well aware.

ROBERT

Well, I'm sure you're also aware a lot of these men are veterans.

(MORE)

ROBERT (CONT'D)

They spent the last year fighting for other people's freedom and rightly believe they should be given the same consideration here at home. Southern economies would collapse without black labor. Everyone knows this. Whites are desperate to stop Negroes from fleeing to the North. That means sharecroppers have both leverage and willpower. This is a unique moment in history. We can right this wrong. But we need your help. There are incorporation papers to file, a stock-company to form, and honestly, we're going to need legal representation if we get taken to court. Mr. Murphy said I should come see you. He said you're the only man for the job.

Scipio smiles faintly, but we see reluctance in his eyes. He turns to another picture, showing a humble BAPTIST CHURCH...

ROBERT (CONT'D)

That's where we hold our meetings.

SCIPIO

Looks like the church I attended when I was a boy.

Scipio's eyes linger a moment and then he turns to the last page: a FLYER showing an army of workers with raised fists, under the bold heading: **BATTLE FOR YOUR RIGHTS!**

SCIPIO (CONT'D)

Let me make sure I understand. You plan on venturing down to Phillips County, a place northern newspapers have dubbed the American Congo, in order to form a sharecroppers union with the hope of demanding higher wages from their white overlords?

ROBERT

Yes, sir. That is my intention.

SCIPIO

(Nods, then)

You're a dead man.

Robert rears back, caught off guard. He searches for words, but Scipio is already up and charging around the desk--

SCIPIO (CONT'D)

What? Didn't get enough fighting in the trenches, you want to start a war at home? You been following the news, Mr. Hill? Because despite what you may have been led to believe, this has not exactly been a united home front. We've had race riots in several major cities. Just last month, Chicago erupted into a full blown war zone because two little black boys tried to go swimming in the wrong part of town. That's up north. What do you think is going to happen when you try to unionize the Mississippi Delta?

ROBERT

Mr. Jones...these men and women know the risks. They're willing to fight for a chance at a better future. I thought you, of all people, would understand that.

Scipio stares at Robert and seems to soften a bit. He sighs and steps forward, sitting down beside the young man.

SCIPIO

I do and I admire your conviction, but you need to understand this is not the first time people have spoken about a "unique moment in history." They said the same thing when I was a boy and the war ended. Everyone believed things would get better and they did...for awhile. Congress passed the 14th amendment, Negroes were granted citizenship, the right to vote, run for office, even serve on juries. In just a few short years, we had black policemen and firefighters. Sixteen Negroes were elected to the United States Congress, hundreds more to state and local legislatures. The Civil Rights Act was passed, barring businesses from discriminating on the basis of race. "Never was a revolution more complete," said Frederick Douglass. He was right. The future looked hopeful.

ROBERT

So what happened?

SCIPIO
Slaughterhouse vs. Louisiana.

ROBERT
(Confused)
I'm sorry...what's that?

SCIPIO
A little known case most people have never heard of. You can read about it in those books you were just admiring. In 1873, sanitation laws were passed requiring butchers in New Orleans to move their shops to a specific part of town. They filed suit, alleging their right to due process had been violated under the terms of the 14th Amendment.

ROBERT
That's absurd.

SCIPIO
I agree. So did the United States Supreme Court. They ruled against the butchers in a 5-4 decision, stating that while citizens are entitled to certain rights under the constitution...
(then, with emphasis)
...it is the responsibility of the state to guarantee those rights.

ROBERT
I don't understand. What does that have to do with us?

SCIPIO
Everything. Whether they realized it or not, those five justices had set a precedent that would snowball for fifty years. Once the federal government yielded its authority in matters of constitutional law, the South was free to rise again. A few years after the Slaughterhouse case, the Supreme Court cited the very same precedent and ruled that the federal government couldn't prosecute lynch mobs or stop states from implementing poll taxes and literacy tests. And guess what? No more Negro congressmen, no more Negro police.

(MORE)

SCIPIO (CONT'D)

And you certainly won't find any Negroes serving on juries, or anywhere in a courtroom for that matter...unless, of course, they have the misfortune of sitting in the defendant's chair.

(Lets that sink in, then)

Eight years after Slaughterhouse, the Supreme Court went ahead and declared the entire Civil Rights Act unconstitutional. After all, businesses are privately owned. Why shouldn't they have the right to discriminate?

(a quiet moment, then)

I think about those butchers all the time, and how a single decision can change history. If one more justice had dissented, our future might have been very different. But they didn't. So here we are.

Robert stares at Scipio, not sure what to say. But the wind has left his sails. The whole room feels deflated.

ROBERT

If one case can change history, doesn't it stand to reason another can change it back?

SCIPIO

Doubtful. Once established, legal precedents are almost impossible to overturn. Besides, the Taft Court is split six-to-two, with Democrats in the majority. The only justice who'd even be sympathetic to us is Oliver Wendell Holmes. And he's rejected every case I've ever sent to him on appeal.

ROBERT

(a moment, then)

Why are you telling me all this?

Scipio leans forward and looks Robert right in the eye--

SCIPIO

Because you need to understand. If you go down to Phillips County and get into trouble, the law won't protect you. It can't. It's in chains. Like those sharecroppers you care so much about.

Robert stays quiet for a moment and we sense Scipio's given him pause. But he's young, foolish...and full of idealism.

ROBERT

Mr. Jones, I appreciate all this, I really do, but...this is something I'm committed to doing.

SCIPIO

If I was your attorney, I would urge you to reconsider.

ROBERT

So you won't help me?

SCIPIO

There's honestly nothing I can do for you, son.

Robert shakes his head and then rises to his feet. He stands quietly for a moment...and then lays his soul bare--

ROBERT

You know...when I was in France, people welcomed me with open arms. I could eat where I wanted, talk to whoever I wanted. I may have had a German army in front of me, but I never had to worry about lynchers at my back. Now if that can happen there, why not here? Aren't people basically just the same? I don't understand you. This is your home. You sound as if you've given up.

Scipio hesitates and suddenly looks away. And we sense, in this quiet moment, that Robert's now given him pause.

SCIPIO

I'm sorry. Maybe I've grown old. I used to feel the same way you do. But unfortunately, the course of my life, and some recent events, have caused me to become...pessimistic about such things.

ROBERT

Well, I say pessimism is cowardice.

Scipio flinches, clearly stung. Robert puts on his hat and suddenly turns, charging towards the door...

SCIPIO

Robert.

Robert turns back, a flash of hope in his eyes. Scipio stares at him for a moment, then nods quietly at his uniform--

SCIPIO (CONT'D)

Be sure to take a change of clothes with you. You'll get lynched in the Delta for wearing a uniform. Even if you are a veteran.

(As Robert turns to leave)

And Robert...good luck.

Robert stares at Scipio, then charges out the door. Scipio listens to his footsteps fade down the hall. And then--

Scipio notices Robert's stack of PICTURES still on his desk. He jumps up and grabs them, racing out the door--

OUT IN THE LOBBY/RECEPTION AREA -- CONTINUOUS

Scipio finds Robert long gone. Louis comes over and motions to his watch. Scipio nods...and reaches for his coat.

EXT. HOWARD UNIVERSITY -- AFTERNOON (DAYS LATER)

A sprawling CAMPUS overlooking the nation's capital. A much different place in 1919, but there are still enough notable landmarks to recognize Washington, DC.

INT. DORM ROOM -- THAT MOMENT

Lillie helps Hazel settle into her dorm. STUDENTS pass by the open door -- all young BLACK GIRLS excited for fall semester.

LILLIE

Do you like your roommates?

HAZEL

Yeah, they seem nice.

(then, looking around)

Where'd Dad go?

LILLIE

I think he's still outside, looking at the campus.

Hazel goes to the window and sees her father in the yard--

EXT. HOWARD UNIVERSITY -- MOMENTS LATER

Scipio stands on the hillside, staring at the city. He seems quiet, deep in thought. Still thinking about Robert Hill.

HAZEL (O.S.)

You alright?

Scipio turns and sees Hazel approaching. He smiles with a bit of sadness as she comes over and stands beside him.

HAZEL (CONT'D)

You've been quiet the whole trip.

SCIPIO

When your daughter leaves home for college someday, you'll understand.

(then, off her look)

Don't worry, I'll be fine.

Hazel smiles and they stare out at the city together. Scipio notices a group of BLACK STUDENTS across the yard talking to WHITE COEDS. His face suddenly darkens. He seems worried.

SCIPIO (CONT'D)

Listen, Hazel...I need to speak with you about something.

HAZEL

Oh, Dad...it's alright. Mom already talked to me about boys.

SCIPIO

Well, I don't want to know anything about that conversation.

Hazel smiles and playfully rolls her eyes. Scipio steps a bit closer, his tone suddenly quiet...and serious--

SCIPIO (CONT'D)

This isn't Arkansas, but it's still America. Understand? You need to be careful around white people.

(Hazel nods, "I will.")

If anything were to happen to you, your mother and I would never--

Hazel silences him with a hug, whispering into his ear--

HAZEL

I'll be careful, Dad. I promise.

Scipio wraps his arms around her, not wanting to let go. He takes a deep breath...and then whispers back to her--

SCIPIO

I'm sorry I couldn't give you a better world.

HAZEL

(a moment, then)

You did just fine.

Scipio nods and then pulls back, suddenly emotional. His eyes well up with tears. Hazel watches him wipe them away.

HAZEL (CONT'D)
Ah, Daddy. Don't be sad.

SCIPIO
I'm not sad. I'm just overwhelmed by it all. Slavery to college in a generation. 'Quite something.
(Looks around, then)
I wish my mother could see this.

HAZEL
(Shrugs)
Maybe she can.

Scipio smiles and puts his arm around his daughter, then he nods at a familiar BUILDING looming far in the distance--

SCIPIO
'Know what that is over there?

HAZEL
Of course. The Capitol building.

Scipio nods: "Very good." He points to another--

SCIPIO
How about that one?

HAZEL
That's the White House. Dad...I did get into college, you know?

Scipio smiles and points to one more, a giant MARBLE BUILDING facing the opposite direction, obscured by blooming trees--

SCIPIO
How 'bout that one?

And Hazel's smile fades away. She shakes her head, unsure.

HAZEL
I don't know that one. It looks like a regular old building.

SCIPIO
(a moment, then)
That's the Supreme Court.

HAZEL
(Impressed)
Really? I never would've guessed.

SCIPIO

You should go over there sometime when court is in session. That's where real history gets made.

HAZEL

Maybe I'll wait until you argue a case there.

Scipio laughs at the thought, shaking his head--

SCIPIO

Too late for me, I'm afraid. You, on the other hand...I'll hold out some hope for that possibility.

Hazel smiles and walks with her father back to the dorm. Just as they're about to disappear inside, Scipio glances back at the Supreme Court. And his eyes linger for a moment.

INT. TRAIN -- SUNSET

Scipio sits with Lillie in a segregated passenger car. It's crowded and dirty. BLACK PEOPLE are crammed into every seat, with many more standing in the aisle...

Through the window, we can see WHITE PEOPLE in the next car, spread out and comfortable, enjoying a nice dinner. This is "separate but equal" in Jim Crow, America.

Scipio has Robert's file of pictures open on his lap. Lillie watches as he flips through them -- clearly concerned.

LILLIE

Penny for your thoughts?

Scipio looks up at his wife. He hesitates, then smiles--

SCIPIO

I miss our girl.

LILLIE

Me, too.

(a moment, then)

But what's really bothering you?

Scipio sighs and glances at the pictures in his lap. Staring at a family of sharecroppers, he quietly says--

SCIPIO

Somebody said something to me the other day I can't stop thinking about. Do you think pessimism is the same thing as cowardice?

Lillie stares at Scipio in a way only possible after decades of marriage. She knows this is a question that speaks deeply to him. And it asks a thousand others.

LILLIE
Depends, I suppose.

SCIPIO
On what?

LILLIE
On whether you think pessimism is
just a matter of being realistic.

Scipio stares at her for a moment and finally nods. He closes the file on his lap and glances back out the window--

Far in the distance, in fields set ablaze by the setting sun, DARK FIGURES can be seen toiling past sundown. Sharecroppers, perhaps. And then, in an instant, they're gone.

EXT. UNION STATION (LITTLE ROCK) -- LATER

Scipio and Lillie step off the train and get their bags. It's late and the station is practically empty. But everyone who's there seems to be reading a NEWSPAPER...

Scipio walks with Lillie down the platform, sensing a strange excitement in the air. And then they pass by a NEWSSTAND...

And Scipio stops dead in his tracks.

LILLIE
Scipio? What's wrong?

Scipio stares at her for a moment as if he's seen a ghost, then he slowly turns...and walks over to the NEWSSTAND--

REVEAL: Copies of the ARKANSAS GAZETTE are on display, with a giant bold headline emblazoned on the front page: **RACE WAR ERUPTS IN PHILLIPS COUNTY! NEGROES PLOTTED REVOLT!**

Scipio grabs a NEWSPAPER and devours the article, turning the pages frantically...and then closing his eyes with dread.

INT. SCIPIO'S OFFICE -- MORNING (HOURS LATER)

The grim newspaper is laid out on the desk. Scipio paces back and forth with a CANDLESTICK TELEPHONE in his hands...

SCIPIO (INTO PHONE)
Yes, Operator. I'm trying to reach
George Murphy in Phillips County.
Can you connect me, please?
(MORE)

SCIPIO (INTO PHONE) (CONT'D)
 (Listens a moment, then)
 No service? What do you mean no
 service? Hello...? Operator...?

Scipio clicks the line a few times and finally hangs up in frustration. Louis comes in with another NEWSPAPER...

SCIPIO (CONT'D)
 The telephone lines to Phillips
 County are all down.

Louis stares at Scipio for a moment and then quietly nods. He sets the newspaper on the desk. We see fear in his eyes.

LOUIS
 'Morning edition.

Scipio stands frozen, dreading what he's about to read. He takes a breath and sits down, opening the newspaper--

The front page shows a picture of McRae, under the headline:
**GOVERNOR DEPLOYS NATIONAL GUARD TO PHILLIPS COUNTY! MCRAE
 HERALDED FOR SWIFT ACTION IN PUTTING DOWN UPRISING!**

Scipio sighs and then glances further down the page, where a
 WHITE SOLDIER named JAMES TAPPAN (25) is pictured, under the
 headline: **AMERICAN SOLDIER SLAIN IN NEGRO-PLOTTED ATTACK!**

Scipio shakes his head and quickly scans the page, searching
 desperately for information that clearly isn't there--

SCIPIO
 It doesn't say whether any Negroes
 were killed.

LOUIS
 It's the Mississippi Delta, Boss.
 What do you think?

Scipio sits back and lets out a deep sigh. This is really
 bad. Finally, he stands up and reaches for his hat--

SCIPIO
 'Back in an hour.

EXT. LITTLE ROCK (DOWNTOWN) -- LATE MORNING

Scipio hustles down a crowded street, past scores of people
 reading NEWSPAPERS...and finally entering--

INT. UNION STATION (TELEGRAPH OFFICE) -- CONTINUOUS

Where an aging TELEGRAPH OPERATOR (Roy, 60s) is filling out
 some forms. He looks up and smiles as Scipio comes in--

ROY
Heya, Judge. How have you been?

SCIPIO
Fine, Roy. How's your family?

ROY
Oh...just swell. And yours?

SCIPIO
They're fine. Listen, I need to send a wire to Phillips County. And I'm afraid it's rather urgent.

ROY
'Sorry. No can do. Their telegraph line went down few days ago.

SCIPIO
You're kidding.

ROY
Nope. No messages have been getting in or out all week. Say, you don't have any people down there, do ya? I hear someone kicked the hornet's nest good and hard.

SCIPIO
(Hesitates)
No. Thanks, Roy. I'll check back with you tomorrow.

Roy smiles and offers a polite nod. But his eyes suddenly narrow as Scipio turns and leaves the station.

EXT. UNION STATION (TELEGRAPH OFFICE) -- MOMENTS LATER

Scipio comes outside and leans against the wall. WHITE PEOPLE all around him are still reading those awful newspapers...

We PUSH IN on Scipio and can almost see the wheels turning in his mind. Considering his options. Pondering his next move.

INT. GOVERNOR'S MANSION -- LATER

McRae charges down the hallway with an ADVISER close behind, speaking at a fast clip with a clear sense of urgency--

MCRAE
Tell Colonel Jenks I want an update by the end of the day. And get me the national newspapers. I want to see how we're being covered.

The adviser nods and charges on ahead. McRae turns and opens his office door. Suddenly, he stops dead in his tracks--

Scipio is standing across the room, perusing the governor's books; a folded-up NEWSPAPER tucked neatly under his arm.

MCRAE (CONT'D)

Judge? Sorry to keep you waiting, I didn't even know you were here.

SCIPIO

Carl showed me in.

MCRAE

Well...I'm going to have to talk to Carl about keeping me informed.

McRae steps inside and quietly shuts the door. Scipio smiles as the governor turns around, nodding at a bookshelf--

SCIPIO

I see you kept your old law books.

MCRAE

Sure. Hell, with my job, you never know when I might need 'em.

(then, as he approaches)

The crown jewel of my collection is that first edition of Gibbon's *Fall of the Roman Empire*. You know, he talks about the man you're named after. Scipio Africanus. You're welcome to borrow it, if you like?

SCIPIO

Oh, I've read Gibbon. Couple times, actually. Thank you, though.

MCRAE

Why am I not surprised?

(Motions, "Have a seat.")

So what brings you here? Shall I venture a guess?

Scipio nods with a faint smile as they sit down. He unfolds the newspaper...and sets it gently on the table--

SCIPIO

I was hoping you could share some details about what's happening in Phillips County.

McRae stares at the newspaper, then looks up at Scipio. In his eyes, we see him shift from friend...to politician.

MCRAE

Honestly, Sip, the details are a bit hazy. You've read the papers, you know the gist. Seems some folks went down to Elaine with the sole intention of starting trouble. Got a bunch of simple people believing all kinds of nonsense. Next thing you know, we've got an uprising on our hands. Pretty amazing when you consider we're supposed to be at peace. Fortunately, the National Guard responded quickly and got the situation under control. The guilty parties are in jail, being charged as we speak. Trial's scheduled to start in the next day or two. With any luck, and God willing, this should all be behind us soon.

SCIPIO

(Nods, then)

How many people were killed?

MCRAE

Last casualty report I saw said a couple Negroes were shot resisting arrest. And a soldier, young boy. 'Quite tragic, really. He'd just returned from the war.

SCIPIO

What were their names?

MCRAE

Private's name was James Tappan. He's being laid to rest tomorrow.

SCIPIO

And the Negroes?

MCRAE

(Hesitates)

I don't have those names. Sorry.

Scipio stares at McRae and quietly nods. And in his eyes, we see a deep skepticism over everything he's being told.

SCIPIO

Well, Governor. It seems to me the people of Arkansas owe you a debt of thanks. I have no doubt that, due to your swift action, countless lives were probably saved.

MCRAE

Thanks, Sip. That's kind of you to say. Tell your people not to worry. 'Situation's been handled. There's no cause for alarm. I'm sure you'd agree the last thing we need is for this kind of trouble to spill over here in Little Rock. Especially so close to the election.

Scipio stares at McRae for a moment. And if it wasn't already clear, we now know what the governor really cares about.

SCIPIO

Of course. I'll do everything I can. You have my word, Governor. Thank you for your time.

McRae nods as Scipio picks up the newspaper and heads for the door. Halfway there, he stops and turns back--

SCIPIO (CONT'D)

Oh, Governor? One last thing. Did you know that the telephone and telegraph lines to Phillips County have been down all week?

MCRAE

No, I didn't. Can't imagine that has anything to do with this, though.

SCIPIO

No, me either. Although I do find it interesting that all the major newspapers somehow managed to get detailed accounts of everything that supposedly happened...

(Holds up the newspaper)

Despite the fact that no messages were getting through.

And McRae, who thought he was home free, is suddenly frozen in his seat. This much is clear: Scipio is a good lawyer.

MCRAE

I don't understand. Are you saying those reports are lies?

SCIPIO

No, of course not. Especially now that you've cleared everything up.

(then, a slight smile)

Thank you again, Governor. Best of luck with the campaign.

Scipio turns and leaves, pulling the door shut behind him. We HOLD on McRae -- sensing this could be a problem.

INT. SCIPIO'S OFFICE -- SUNSET

The office is bathed in deep orange light. The grim newspaper is laid out on the desk, with Emmanuel's medal on top.

Scipio sits quietly, consumed in dark thoughts. We sense he's been there for hours. Suddenly, he hears a loud *knock*--

LOUIS (O.S.)
Need anything before I go?

Scipio looks up and sees Louis in the doorway. He shakes his head. Louis starts to leave. And then Scipio calls out--

SCIPIO
Louis? Do I have any meetings
scheduled tomorrow?

LOUIS
Yeah, a few.

SCIPIO
Cancel them.

Louis seems confused and then he sees Emmanuel's medal on the desk. And suddenly, he realizes what Scipio is going to do.

LOUIS
You sure, Boss?

SCIPIO
(Nods, then)
Have a nice night.

Louis nods and disappears out the door, leaving Scipio bathed in a fiery light...and a deep sense of growing resolve.

INT. JONES HOUSE -- BEDROOM -- EVENING

Lillie comes in and finds Scipio packing a SUITCASE--

LILLIE
You're going somewhere?

SCIPIO
Just for a day or two. Got a client
over in Tulip who needs some help.

LILLIE
The house is already quiet without
Hazel. Now you're leaving, too?

SCIPPIO
I'm sorry. This came up suddenly.

LILLIE
Is it serious?

Scipio closes the suitcase and turns to face Lillie. He hates lying to her...but he doesn't want her to worry.

SCIPPIO
No, just a civil case.

LILLIE
Call me when you get there?

SCIPPIO
I don't think they have telephone service, yet. But I'll send a wire on my way back. Alright?

Lillie nods and Scipio kisses her on the cheek. She watches him leave -- suspicious he isn't telling her everything.

INT. TRAIN -- NIGHT

Scipio sits in the same segregated passenger car as before. Only this time, it isn't crowded. It almost feels...empty.

Scipio takes off his coat and folds it up for a pillow. We watch him close his eyes and go to sleep. And then--

We PULL OUT WIDE to reveal he's all alone in the car, heading to a place where no other black man dares to travel...

INT. TRAIN -- DAWN (NEXT MORNING)

Scipio feels sunlight on his face and opens his eyes. He sits up and looks outside, greeted with a stunning view--

The sun is rising over the vast MISSISSIPPI RIVER. Warm light dances across the water, nearly two miles wide, and blankets soft fields of cotton as far as the eye can see...

Scipio stares at the landscape, both epic and sad. His eyes suddenly flicker. We sense he's peering into his own past.

PORTER (O.S.)
Next stop, Elaine!

Scipio sees a white PORTER (40s) passing through the car. He shoots Scipio a glance, scornful and befuddled. And then--

Scipio lurches forward as the train pulls into the station, slams on the breaks, and screeches to a sudden stop. BEAT.

Scipio grabs his bag and walks calmly down the aisle. The same porter watches him approach, now blocking the door.

PORTER (CONT'D)

Sure you want to get off here, boy?

Scipio stares at the man and quietly nods. The porter gives him a look: "It's your funeral." And then he steps aside--

EXT. TRAIN PLATFORM -- CONTINUOUS

Scipio steps off the train and takes a look around, only to find the station is empty. He's the only one there.

Scipio slowly turns and takes it all in. Everything is quiet and peaceful. And yet, strangely menacing. And then--

The train whistle shrieks loudly and the engine spits steam, chugging out of the station...and leaving Scipio behind.

EXT. MAIN STREET (ELAINE) -- EARLY MORNING

Scipio comes out of the station and approaches a small town up ahead. We recognize it right away: Elaine, Arkansas.

The town from Robert's pictures.

Scipio grips his bag tightly, his footsteps echo and fade. It's unnervingly quiet. And we quickly see why--

Just like the train station, the town appears abandoned. Some SOLDIERS guard the JAIL and COURTHOUSE while a few CHILDREN play in the empty street. But the SHOPS and BUSINESSES are all shuttered and closed. The adult residents are gone.

Scipio maintains a steady calm as he strides into town. And then he suddenly flinches, passing a sign that reads--

**NIGGER, READ AND RUN
DON'T LET THE SUN GO DOWN ON YOU HERE**

Scipio takes a deep breath and continues on his way. He tips his hat to the soldiers as he passes the jail. They all grip their guns tightly, eyes brimming with suspicion.

Scipio glances up and sees more SOLDIERS on the roof, manning a giant military-grade MACHINE GUN. It's like something you'd see in a war zone or an occupied country. And then--

A gentle breeze blows. It gets even quieter. Scipio glances down the street. The children have all stopped playing.

They stand frozen like statues, watching him approach. One YOUNG BOY seems to be wearing an odd-shaped NECKLACE...

Scipio gets a little closer. The boy slowly turns. And we see that the "necklace" is a string of severed BLACK EARS.

Scipio shudders in horror and then sees a SHATTERED WINDOW up ahead. A sign above the door reads: **GEORGE MURPHY, ATTNY.**

INT. MURPHY'S OFFICE -- MOMENTS LATER

GEORGE MURPHY (79, white) limps around his office, packing to leave; his aging body fueled with adrenaline and fear.

SCIPIO (O.S.)

George.

Murphy gasps and turns around with a GUN in his hand. Scipio takes a step back and calmly raises his arms--

SCIPIO (CONT'D)

Whoa, easy there. It's me.

Murphy steps into the light and squints, stunned--

MURPHY

Scipio? 'Hell are you doing here?

SCIPIO

Nice to see you, too.

(Looks around, then)

Getting out of town?

MURPHY

'Bet your ass I'm getting out of town. It ain't safe for me anymore. And, Sip, if it ain't safe for me, it sure as shit ain't safe for you.

SCIPIO

Me, I understand. Why you?

MURPHY

Eh...couple of those union boys were seen leaving my office last week. And apparently that's all it takes to get a brick through your window these days. Sip, this is bad. You should have told me you were coming.

SCIPIO

I couldn't. Your telephone and telegraph lines have been cut.

MURPHY

Oh, that's just perfect.

Murphy hobbles over to his desk and grabs some files--

SCIPIO
Your limp is getting worse.

MURPHY
You know, you might show me just a little respect. I took this bullet fighting for your freedom.

SCIPIO
You fought for the Confederacy.

MURPHY
And we lost. You're welcome.

Scipio allows a faint smile and goes over to the window. He peers through broken glass at the quiet street outside--

SCIPIO
Why is the town so empty?

MURPHY
Everyone's over at the cemetery laying Private Tappan to rest.

SCIPIO
So it's true, then? They killed a white boy?

MURPHY
'Afraid so. And they couldn't have picked a worse man to kill. Son of a prominent family and a war hero. As soon as that funeral ends, you can bet there'll be a mob in the street. I plan to be long gone by then. If you were smart, you'd head back to Little Rock now.

Scipio takes a deep breath -- he's not going anywhere.

SCIPIO
Tell me what happened.

MURPHY
Who knows? Supposedly, Negroes in the area were planning to massacre all the whites. Tappan was driving past the church where they were plotting their uprising when he got a flat tire. Couple of 'em snuck up and ambushed him, setting their plan off prematurely.

SCIPPIO
You believe that story?

MURPHY
Of course not.

SCIPPIO
What about that boy you sent to me?
Is he still alive?

MURPHY
Robert? Doubtful. But if he is,
he's over in that jail. I thought
you'd talk some sense into him.

SCIPPIO
I tried. He's young and headstrong.

MURPHY
Yeah, well...if memory serves me
correctly, so were you.

Scipio flinches as that comment lands. He glances over at the jail, guarded by soldiers. And his conviction seems to grow.

SCIPPIO
How many other prisoners?

MURPHY
'Hundred or so. Most pled guilty to
lesser charges. The rest are being
tried later this afternoon.

SCIPPIO
Pretty efficient system you boys
got down here.

MURPHY
That's the Mississippi Delta for
ya. Welcome home, my friend.

SCIPPIO
What time does the courtroom open?

MURPHY
'Bout nine.

Scipio nods and glances at his watch: it's 7:30. He slowly turns around just as Murphy finishes packing--

SCIPPIO
You driving out of town?
(Murphy nods, "Sure am.")
'Mind giving me a ride?

MURPHY

Now that's the first sensible thing
you've said since you got here.

SCIPIO

I'd like to see the church where
the shooting supposedly started.
Can you show me where it is?

Murphy sighs and zips up his bag, turning to face Scipio--

MURPHY

No. But I can show you where it
used to be.

INT. MODEL-T DRIVING, COUNTRY ROAD -- MORNING

Murphy drives a MODEL-T down a dusty road. Scipio sits in the
passenger seat, reviewing Robert's file of pictures...

Murphy suddenly yanks the wheel and pulls over to the side.
He turns to Scipio and nods: "There it is, right there."

Scipio sits for a moment, stunned by what he sees. He holds
up Robert's picture of a humble BAPTIST CHURCH. And then he
slowly lowers it to reveal a ruin of smoldering ash--

SCIPIO

I can only think of one reason
they'd burn it down.

MURPHY

Sure. Destroy evidence.

Scipio nods and then climbs out of the car. He slowly circles
the perimeter...and stops at a pool of dried blood--

SCIPIO

Tappan died here?

Murphy hesitates and then quietly nods. Scipio kneels in the
tall grass...and picks up a few empty RIFLE SHELLS.

SCIPIO (CONT'D)

So...after the smoke cleared and
everyone realized a white man had
been killed, what happened then?

MURPHY

'Most fled into the woods. They
knew they were in trouble and
didn't have long. White mobs poured
in right after 'em. And then the
real killing began.

Scipio takes a deep breath and quietly nods, then he glances up at the dense forest lurking beyond the cotton fields--

EXT. FOREST -- MOMENTS LATER

Scipio and Murphy step into the woods. Sunlight cuts through the moss-covered trees. It's a beautiful autumn morning.

SCIPIO

(Confused)

What happened to the bodies?

MURPHY

Posses burned most of 'em. Families buried the rest. Just like they done for three-hundred years. You have any idea how many folks have been strung up in these trees?

Scipio looks up as a gentle breeze rattles the branches. And all at once, we can feel the souls. This place is haunted.

MURPHY (CONT'D)

Despite what you may have read in the papers about the swift action of our Governor McRae, it took the army nearly three days to get here. It was open season until then. Men, women, children. Anything black and moving was a target. They shot 'em down like rabbits. It was a good old-fashioned nigger hunt. Just like the old days.

SCIPIO

See any of this yourself?

(Murphy shakes his head)

Too bad. You'd make a good witness.

Scipio turns and heads deeper into the woods. He soon begins to see signs of killing: SCATTERED FOOTPRINTS in the ground, TRAMPLED GRASS, BULLET HOLES in the trees...

And then Scipio stops dead in his tracks. A large TREE TRUNK up ahead is painted crimson red, stained with dried blood.

Scipio steps closer and sadness fills his eyes. This was an execution. Someone was killed right here, on this very spot. A sharecropper, perhaps. Or maybe his wife and children.

SCIPIO (CONT'D)

Twenty-nine Negroes were killed in Chicago last month. Is this going to be just as bad?

MURPHY

Scipio. God, no. This is far worse.

Scipio sighs and keeps staring at the bloody tree, his eyes full of grief. But also a deep rising fury. And then--

Scipio suddenly hears something far in the distance. A faint moaning. It almost sounds like a child crying.

SCIPIO

Do you hear that?

Murphy shakes his head, unsure. And then they suddenly hear it again. Louder this time. And unmistakably human.

Scipio dashes off into the trees, racing towards the sound. Murphy limps close behind, struggling to keep up...

FIFTY YARDS AWAY -- CONTINUOUS

Scipio comes through the trees, shocked to discover--

A YOUNG BOY (5, black) huddled behind some bushes, crying in despair. Sick and dehydrated, frightened and confused.

SCIPIO (CONT'D)

George!

Scipio takes off his coat and wraps it around the boy. He picks him up in his arms as Murphy limps into view--

MURPHY

Oh, my God.

SCIPIO

Do you know who this is?

Murphy steps a little closer. The boy cowers in fear. Scipio holds him close, as if to say: "There, now. It's alright."

MURPHY

Yeah. Frank Moore's boy.
(Feels his forehead)
He's a little warm.

SCIPIO

Is there a place around here we can get him some food and water?

MURPHY

Yeah, his family's cabin is nearby.
Come on, I'll show you.

Scipio nods and follows Murphy deeper into the trees--

EXT. SHARECROPPERS' CABINS -- MORNING

Scipio comes out of the woods with Murphy, the boy still in his arms. They see some CABINS in the distance, dilapidated and run down. Clearly lacking water and electricity.

This is extreme poverty, it knows no equal. And from the look on Scipio's face, we sense it looks very familiar.

INT. SHARECROPPERS' CABIN -- MOMENTS LATER

Scipio and Murphy give the boy a cup of WATER and some BREAD. He struggles at first, but soon is eating on his own...

SCIPIO

Good?

The boy looks up at Scipio and quietly nods. He continues to eat. Scipio watches him for a moment, then asks--

SCIPIO (CONT'D)

What were you doing out in the woods all by yourself?

The boy looks up at Scipio. His answer should give us chills--

YOUNG BOY

Mom told me to hide.

SCIPIO

When was the last time you saw her?

The boy shrugs, unsure. But there's a sadness in his eyes that suggests he knows the worst has probably happened.

Scipio stares at the boy, not sure what to say. He takes a deep breath and stands up, roaming around the cabin--

Shack is a more accurate word, for it's a single room; built with rotting PLANK WOOD and NEWSPAPER for insulation. SOILED BLANKETS are laid out on the floor for beds.

SCIPIO (CONT'D)

The whole family lives here?

MURPHY

(Nods, then)

As you can see, sharecroppers' living conditions haven't changed much since you were a boy. Extreme heat in the summer, extreme cold in the winter. Nothing to keep the mosquitos out. It's a wonder more don't die from malaria.

(MORE)

MURPHY (CONT'D)

Sip, these people are responsible for the most profitable industry in the world. It's built on their backs. This is all they have to show for it. Can you blame any of 'em for wanting to form a union?

Scipio takes a deep breath and quietly shakes his head. His eyes flicker once again. He glances back at the young boy--

SCIPIO

What do you suppose happened to his family?

MURPHY

(a moment, then)
God knows.

EXT. SHARECROPPERS' CABIN -- MOMENTS LATER

A gentle breeze sways the cotton fields. Scipio leans against a WOODEN FENCE, flipping through Robert's pictures--

Scipio arrives at one that looks like it was taken on this very spot. It shows a HUSBAND and WIFE holding their SON.

Scipio squints in the sunlight and looks closer. Sure enough, it's the same young boy he just found in the woods.

MURPHY (O.S.)

Robert take those?

Scipio turns and sees Murphy coming towards him. He quietly nods and glances back at the family in the photograph--

SCIPIO

He was thorough.

MURPHY

Yeah, nice kid. Hope he's okay.

Scipio sighs and closes the file, then peers over the fence. Suddenly, he notices: the ANIMAL PENS are all empty--

SCIPIO

What happened to the livestock?

MURPHY

You'll find anything of value is most likely in the possession of white planters, now.

Scipio shakes his head and looks off in the distance. Staring at the vast cotton fields, he comes to a realization--

SCIPIO

Does that include cotton crops?
 (Murphy nods, "Sure.")
 How many acres would you say these
 families farm all together?

MURPHY

I don't know. Four-thousand?

SCIPIO

And an acre still yields about five-
 hundred pounds of cotton?
 (Murphy nods, again)
 So four-thousand acres times five-
 hundred pounds, each selling at
 fifty cents a pound...
 (Does the math, then)
 That's a million dollars.

MURPHY

Pretty good return on investment,
 huh? And just think, all they had
 to do was kill a bunch of people
 and throw the rest in jail.

SCIPIO

You'd think there'd be more than
 enough to go around.

MURPHY

With niggers? Never.
 (then, stepping closer)
 Sip...can I ask you something? What
 exactly are you aiming to do here?

Scipio stares at Murphy, unsure. This is the question. And at
 the moment, he doesn't have an answer. And then--

Something grabs their attention. It should send chills down
 our spine. In the distance, DARK FIGURES are coming towards
 them, drifting through the white cotton fields...

Scipio and Murphy stand frozen as the figures come closer and
 step into view. And we realize: they're all BLACK WOMEN.

YOUNG BOY (O.S.)

(Shouting)

Mom...!

Scipio turns and sees the young boy come bursting out of the
 house, racing across the yard towards one of the women--

MARY MOORE (25) falls to her knees. She opens her arms big
 and wide, wrapping them tightly around her son...

MARY

Oh, thank you, Jesus! Thank you,
Jesus! Thank you!

Mary sobs and clutches her son for dear life. Her cries are deep and painful. We fear she may never let go.

MURPHY

We found him in the woods. Must've
been out there for days.

Mary finally catches her breath and wipes away her tears. She looks up at Scipio and Murphy and nods: "Thank you."

SCIPIO

You came from the jail?

MARY

(Nods, then)
They released all the women.

SCIPIO

What about the men?

Mary grips her son tightly, shaking her head--

MARY

They're being put on trial this
afternoon. And the prosecutor, he
says they're sure to hang!

SCIPIO

Did you get his name?

Mary trembles as she searches her memory, reliving the horror of the past week as she tries desperately to recall a name--

MARY

Um...Mil...Miller. I think he said
his name was Miller.

SCIPIO

(To Murphy)
John Miller?

MURPHY

Yeah, young guy. Came down from
Helena. You know him?

SCIPIO

I know all of them.

Scipio kneels beside Mary and gently touches her arm. She flinches and recoils. And he realizes: she's in pain.

Scipio slowly leans over and looks at Mary's back. He sees long red stripes of blood seeping through her shirt.

Scipio glances at the other women and we see they've all been beaten. Their faces are bruised, their clothes bloody.

MARY

If this is what they done to the women, just imagine what they're doing to the men!

Mary begins to sob in a pain we can barely imagine. It all seems so hopeless. Scipio glances down at her son.

Some people may later wonder: at what point did Scipio decide to risk everything for these people, even his own life?

Well, the moment is here and now, staring at this boy wrapped in his mother's arms; a boy who, fifty years ago, might have been him. And a mother who could've very well been his own.

SCIPIO

What's your name, Ma'am?

Mary looks at Scipio and her face grows calm. He's probably the only man in her life who's ever called her, 'Ma'am.'

MARY

Ma...Ma...Mary.

SCIPIO

And your husband?

Scipio holds up the picture Robert took. Mary stares at it for a moment, then takes a deep breath...and says--

MARY

Frank.

SCIPIO

Alright, listen to me, Mary. I know you've been through a lot. But if you can, get yourself cleaned up and back over to the courthouse.

Your husband needs you now.

(then, to the others)

That goes for all of you. Alright?

Mary glances at the other women. They all quietly nod. Scipio rises to his feet and motions to Murphy: "Let's go."

Mary and the women watch them leave, not sure what to think. But in their eyes, buried beneath so much grief and pain, we see for the first time a faint glimmer of hope.

EXT. MAIN STREET (ELAINE) -- LATER

Murphy stops his Model-T right at the edge of town. He waits for Scipio to climb out, then motions down the street--

MURPHY

DA's office is on the first floor
of the courthouse, second building
from the jail. I'd take you myself,
but this is as far as I go.

Scipio nods and then hears a rumbling in the distance. And we suddenly realize why Murphy is so apprehensive--

TOWNSPEOPLE are pouring over the hill, heading straight for town. It's a terrifying sight, a swarm of people with blood in their eyes; half a mile away and approaching fast...

MURPHY (CONT'D)

Looks like folks are already on
their way back from the cemetery.
If I were you, I'd get my ass over
to the train station.

(Off Scipio's look)

'Nothing you can do for those boys,
now. They dug their own graves.

SCIPIO

Don't worry. I can handle myself.

MURPHY

You're a damn fool, Jones. But hell
if I don't respect you.

Scipio nods and then watches Murphy drive away, disappearing into a cloud of dust. And Scipio is once again...alone.

INT. COURTHOUSE -- DA'S OFFICE -- MOMENTS LATER

DEPUTY HENRY SMIDDY (32) paces around the office, as jittery as a man on twelve cups of coffee. He goes to the window and watches as a mob outside comes pouring down the street...

SMIDDY

Shit.

Smiddy hears the door open and turns, watching in disbelief as Scipio, a black man in a suit, steps into the office--

SMIDDY (CONT'D)

What in the everlasting hell?

(Puts a hand on his gun)

Whoa! Whoa! Just hold it right
there. What do you want boy?

SCIPPIO
Judge Jones to see John Miller.

SMIDDY
Judge Jones? 'That a joke?

Scipio gives him a look: "No, it is not." Bewildered, Smiddy goes into the back office. We hear a muffled whisper--

SMIDDY (O.S.) (CONT'D)
I dunno. Some nigger, says his name
is 'Judge Jones.'

Scipio strains to hear the response, but it's lost in all the noise. He goes to the window. The mob is at the courthouse.

MILLER (O.S.)
Judge Jones?

Scipio turns and sees JOHN MILLER (30s) standing before him. An ambitious young prosecutor who will be a U.S. Congressman in a few years. He stares at Scipio -- utterly baffled.

MILLER (CONT'D)
What are you doing here?

SCIPPIO
Nothing to worry about, Mr. Miller.
I'm here as a friend. Is there some
place where we can talk?

Miller can't help but laugh. It's all so absurd. He's at the very edge of civilization with a howling mob outside and now a black lawyer in his office says he wants to "talk."

MILLER
Yeah...sure. Come on back.

MILLER'S OFFICE -- MOMENTS LATER

Miller gives Scipio a chair and then sits at his desk. Smiddy hovers near the door. The mob outside continues to howl.

MILLER (CONT'D)
As you can probably tell from the
noise, I'm due in court in a few
minutes, so we'll have to make this
brief. What can I do for you?

SCIPPIO
A young man I know may have gotten
himself mixed up in the trouble
down here. I'm trying to find out
if he's still alive.

MILLER
(Intrigued)
What's his name?

SCIPIO
Robert Hill.

Miller's whole face lights up, shouting--

MILLER
Robert Hill?! That's the damn fool who started this mess. Yeah, he's still alive. He's over in the jail. Gonna stand trial for murder in about twenty minutes.

SCIPIO
Murder's a serious charge. You have the evidence to prove it?

MILLER
Sure do. Physical evidence, eye-witness testimony, and multiple confessions by the guilty parties. They were plotting a war, Judge. Plain and simple. And in all their passion and haste, they wound up killing a decorated war hero.

SCIPIO
You've got a few more war heroes over in that jail, you know?

MILLER
Please. They're a disgrace to both their uniform and race. They snuck up and ambushed that poor boy, shot him down in cold blood. And for what? Because he was changing a flat tire outside the church where they were plotting their uprising.

SCIPIO
Sure, that's one explanation. Another is that the church was attacked and your "decorated war hero" got himself killed in the crossfire when the sharecroppers were forced to fire back in self-defense in order to protect their wives and children.

And as he says this, Scipio glances over at Smiddy. The young deputy's eyes let us know: that's exactly what happened.

MILLER

Well, if that isn't just the most outrageous thing I've ever heard. You're making some pretty serious charges yourself, Judge. Do you have the evidence to prove them?

SCIPIO

I'm a defense attorney, remember? I wasn't under the impression that I have to prove anything.

Miller allows a faint smile and seems to acknowledge Scipio's point, then he leans forward, trying a gentler approach--

MILLER

Judge...I'll be the first to admit boys down here can get a little hot-blooded, but this is good Christian country. Why on earth would anyone want to go and attack a church?

SCIPIO

Because a union meeting was being held there. You know it. So do I. And so did the white planters whose interests it threatened.

And Miller's eyes suddenly slant to stab wounds. He stares at Scipio long and hard -- sensing this could be a problem.

MILLER

Judge, where are you going with this? Are you actually planning on making this argument in court? Because, if so, I'll have no choice but to motion for a delay so I can prepare a proper response...

(Nods out the window)

...and I can't guarantee how much longer those soldiers will be here to keep that mob at bay.

Scipio stares at Miller and the implication is clear: one way or another, those sharecroppers are getting death sentences.

SCIPIO

I don't think a prolonged trial is in anyone's best interest. I have two requests, though.

(Miller nods, "Go ahead.")

First, when the trial's over, I'd like the men transferred to Little Rock State Penitentiary.

MILLER
 (Nods, then)
 And the second?

SCIPIO
 That I be allowed to visit the men
 briefly before trial.

Miller stares at Scipio. This one, he clearly doesn't like. But he glances at his watch and carefully thinks it over.

MILLER
 And in return, I have your word
 when I walk into the courtroom, I
 won't see you at the defense table?

SCIPIO
 You do.

MILLER
 (To Smiddy)
 Take him to the jail. Five minutes.
 I suggest going around back.

Smiddy nods and motions to Scipio: "This way." Miller watches them both leave as the mob outside grows even louder...

EXT. COURTHOUSE (BACK ALLEY) -- MOMENTS LATER

Smiddy escorts Scipio over to the jail. On other side of the building, we can hear the mob rising to a fever pitch...

INT. JAIL -- MOMENTS LATER

Smiddy comes in with Scipio and motions: "Over there." Scipio takes a few steps and gasps, horrified by what he sees--

EIGHTY-SEVEN MEN crammed into a tiny cell with barely enough room to stand, ages ranging from eighteen to eighty. They're bloody and badly beaten. Some are barely alive. And most are wearing the same clothes they were arrested in last week.

Scipio steps up to the bars and takes in the awful sight. The level of brutality that's been inflicted on these men is damn near indescribable. They've been through absolute hell.

SCIPIO
 Robert? Robert?
 (then, to the men)
 I'm looking for Robert Hill.

The men all stare at Scipio, blankly. We wonder if they're even able to speak. And then, suddenly, there's a rustling near the back. And someone begins pushing forward...

ROBERT (O.S.)
Oh, Mr. Jones. Thank God.

Robert Hill comes into view, hunched over and barely able to stand. His face is a pulpy mess and barely recognizable. But his eyes are full of hope now that Scipio is here.

SCIPIO
(Horrorified)
Robert...what did they do to you?

ROBERT
Beat me and whipped me, stuck some kind of strangling drug up my nose. And then, oh God, Mr. Jones...they put me in the electric chair.

SCIPIO
Did they turn it on?

Robert nods and then, in tremendous pain, pulls back on his shirt; revealing gruesome burns all over his body...

SCIPIO (CONT'D)
They do this to all of you?

Everyone crammed in the cell quietly nods. Scipio glances at all their faces. And then he sees one he recognizes--

FRANK MOORE (25) looks like a walking corpse, but we see just enough of his face to recognize him as Mary's husband.

SCIPIO (CONT'D)
Frank?

Frank suddenly flinches at the sound of his name. He turns and stares at Scipio. And then, he quietly nods.

SCIPIO (CONT'D)
Your wife and son are safe. They'll be at the trial later.
(then, looking around)
Who are the twelve holdouts who are refusing to plead guilty?

One by one, twelve men slowly raise their hands. Among them is Frank Moore. The last, of course, is Robert Hill.

ROBERT
What are they charging us with?

SCIPIO
Murder. You know a white man was killed. Someone has to pay.

ROBERT

Mr. Jones, it was self-defense. It all happened so fast, bullets came in through the windows...

(then, distraught)

They killed...so many...of us--

SCIPIO

You'll never prove it.

ROBERT

What? Why?

SCIPIO

Because the victims are dead and the witnesses are all black.

(then, "Told you so.")

Remember what I said about the justice system being in chains?

ROBERT

Then what's the defense going to be, huh? What's the defense?

Scipio stares at Robert quietly, reluctant to say--

SCIPIO

There isn't going to be one.

ROBERT

What?

SCIPIO

There isn't going to be a defense.

Robert starts to come undone, frantic and afraid.

ROBERT

What are you talking about? We're innocent. You understand? Every last one of us! Half the men in here are veterans. We fought for our country, we did our job! You're a lawyer, goddamnit, you do yours!

Scipio pulls Robert up to the bars, suddenly angry--

SCIPIO

Where do you think you are? Huh? If word got out that an attorney from Little Rock was here, you'd be lynched. And so would I. So get this nonsense out of your head. I'm not here to defend you, Robert.

(MORE)

SCIPIO (CONT'D)

I'm here to get you out of this godforsaken town alive.

(Lets that sink in, then)

Now listen carefully. The trial will be quick, I doubt it'll even last a day. You'll all be found guilty and likely sentenced to hang, then remitted to Little Rock State Penitentiary to await your execution, which will probably be scheduled for later this month.

Robert begins to tremble, completely overwhelmed. The other men remain calm, sensing Scipio has more up his sleeve.

ROBERT

And then what?

SCIPIO

(Dramatic Beat)

And then we get to work.

And with that, Scipio lets go of Robert and charges out the door. We HOLD on all the men -- absolutely stunned.

INT. COURTHOUSE -- MOMENTS LATER

TOWNSPEOPLE pour into the courthouse, past SOLDIERS standing guard; shouting with hatred: "Hang 'em! Hang 'em!"

We HOLD on the mob and then PAN OVER to an empty hall. The BACK DOOR sits motionless. And then...it quietly opens.

Scipio slips inside and tiptoes down the hall, dashing up the BALCONY STAIRS, past a sign that reads: **COLORED SECTION**.

But as Scipio disappears, we PAN BACK over to the mob. People continue filing into court. We notice one in particular--

A YOUNG MAN (20s), sharply dressed, with focused and intense eyes. He's taken notice of Scipio, sensing he's an outsider.

INT. COURTROOM BALCONY (COLORED SECTION) -- MOMENTS LATER

Scipio finds the balcony full of women we met before. They've done their best to clean up and now hold their children close as a mob below howls for the death of their husbands...

Scipio scans the crowd and spots Mary with her son. He makes his way down the aisle and sits right beside her--

SCIPIO

I saw your husband. He's alive.

Mary flinches and manages a faint nod, then she motions down at the courtroom. We see she's trembling with rage.

MARY

That's the man who whipped me.

SCIPIO

Where?

Scipio turns and follows Mary's gaze. And his eyes suddenly darken as he realizes who she's staring at--

SCIPIO (CONT'D)

In the jury box?

(Mary nods, then)

Alright. Listen, when they bring Frank out, stay strong. Alright?

You may be in for a shock.

Mary suddenly looks at Scipio and we see fear in her eyes. And then all at once, the balcony gasps in horror--

Down below, the prisoners are being led into court, shackled in chains. Angry whites scream and curse, a few even spit.

Robert Hill, Frank Moore, and the ten others on trial are all seated at the defense table, next to a bored-looking ATTORNEY who couldn't care less about them.

The rest fill into the rows behind, where they're forced to endure an avalanche of abuse. Until finally, we hear--

BAILIFF (O.S.)

All rise!

Most people are already standing, but everyone else rises to their feet. JUDGE SIDNEY JACKSON (40) comes in and takes his seat at the bench, pounding his gavel until it gets quiet--

JUDGE JACKSON

Be seated, everyone.

(Everyone sits, then)

Regarding the case before us, it is my understanding seventy-five men have chosen to plead guilty. Those defendants will now rise.

Seventy-five men struggle to get to their feet, all of them in tremendous pain. Several have to be helped by guards.

JUDGE JACKSON (CONT'D)

The court accepts these pleas and sentences you all to twenty years confinement starting immediately.

Jackson pounds his gavel and chaos erupts once again. Wails from the balcony. The whites all scream, "No! Hang 'em!"

Scipio watches it all calmly, his eyes scan the crowd. And suddenly, he notices one person who's not screaming--

The young man who spotted him earlier. He's staring up into the balcony, looking right at Scipio. And nobody else.

Scipio holds the man's gaze, then glances back at the bench. Jackson keeps pounding his gavel. Finally, it gets quiet.

JUDGE JACKSON (CONT'D)

We will now proceed with the trial of the twelve remaining men. Mr. Miller, whenever you're ready.

MILLER

Thank you, your Honor.

Miller stands up to address the court. And we CUT TO:

TRIAL IN PROGRESS -- MINUTES LATER

JOHN JEFFERSON (30s, black) sits in the witness stand, his face swollen and disfigured. He's been badly beaten.

Miller approaches with Robert's infamous flyer: "**BATTLE FOR YOUR RIGHTS!**" Up in the balcony, Scipio closes his eyes.

MILLER (CONT'D)

What's the meaning of this?

JEFFERSON

Just means we need to fight for what's fair, that's all.

MILLER

Fight? But that's not what it says. It says battle. See? Right there. Battle for your rights. That would imply warfare, would it not?

JEFFERSON

(Hesitates)

I guess so.

MILLER

And that's what your leaders told you to do, isn't it? Start a war.

JEFFERSON

No sir, they just said we need to be ready to defend ourselves. '

(MORE)

JEFFERSON (CONT'D)
Said some of us might have to die
before it was all over.

MILLER
And that's why you all brought guns
that night. Because you thought the
people there had to die. What kind
of guns did you bring?

Jefferson sees a GUARD near the back make a "slashing" motion
across his throat. And we realize: this testimony is coerced.

JEFFERSON
Shotguns.

MILLER
Shotguns. Every man have one?

JEFFERSON
No, sir. Just the guards.

Miller nods and points to the twelve men on trial--

MILLER
Were these men all guards?

Jefferson stares at his friends, realizing he's about to doom
them all. A tear rolls down his cheek. Finally, he nods.

MILLER (CONT'D)
And what were y'all told to do with
these shotguns?

JEFFERSON
Just told to bring 'em. Said folks
were looking to break up the union.
That we should shoot anyone who
didn't know the password.

MILLER
And what was the password?

JEFFERSON
(Hesitates)
'We've just begun.'

The audience gasps as Miller steps in for the kill--

MILLER
Jimmy Tappan didn't know the
password, did he?

JEFFERSON
No, sir.

MILLER

And so they shot him?

JEFFERSON

Yes, sir.

Miller nods with delight and then grabs a stack of PAPERS off his table. He approaches the bench, addressing Jackson--

MILLER

Your Honor, we have seventy-five signed confessions from the men who pled guilty that support this testimony. But rather than subject Mrs. Tappan to a prolonged trial, the people ask they be entered into evidence and made available to the jury during their deliberations.

JUDGE JACKSON

(To Defense Attorney)

Any objections?

DEFENSE ATTORNEY

No, your honor.

JUDGE JACKSON

Cross-examination?

DEFENSE ATTORNEY

None, your Honor.

JUDGE JACKSON

The witness is excused.

Up in the balcony, Scipio's eyes suddenly narrow. He watches as Jefferson is led away in chains. And we CUT TO:

TRIAL IN PROGRESS -- MINUTES LATER

DR. STANLEY ELLIS (50s, white) sits in the witness stand. We PAN ACROSS the jury as they listen to his testimony--

ELLIS

I treated Jimmy Tappan for gunshot wound to the head. The shot severed his neck, blew away the right side of his face, and knocked out most of his teeth. The result was fatal. He died almost immediately.

MILLER

Were these injuries consistent with a shotgun blast, doctor?

ELLIS

Oh, yes. I'd say several shotgun blasts. Only weapon I can think of that can do that much damage.

MILLER

Shotguns like the ones seized from the defendants?

ELLIS

(Nods, then)

The very same.

Miller glances at Jackson: "Nothing further." And once again, no objection or cross from the defense. And we CUT TO:

TRIAL IN PROGRESS -- MINUTES LATER

SID STOAKS (64, white) sits in the witness stand. His pressed suit and starched shirt suggest he's a man of importance.

MILLER

Mr. Stoaks, how long have you been the mayor of Elaine?

STOAKS

Oh, gosh. Going on nine, ten years, now. Lived here my whole life, too.

MILLER

And in all that time, have you ever seen trouble like this?

STOAKS

Never. Elaine has always been a peaceful town, a family town, with folks living together side by side with mutual respect. 'Course, that all changed after the war.

MILLER

How so?

STOAKS

Tough to say. Nig-rahs, you know, they came back different. Uppity. Strident. Forgetting their place in the world. And making all kinds of absurd demands. Most of the ones I know are decent enough. But the war gave 'em a taste for violence, I think. And their simple minds and savage nature made 'em easy prey for a conman like Robert Hill.

MILLER

You led the investigation following the riot, did you not?

(Stoaks nods, "Yes, sir.")

And did you question the twelve men who are on trial here today?

(Stokes nods, again)

And what did you learn?

STOAKS

They confessed. Every last one. Said the union was just a front, the real purpose was to massacre all the whites. Even had a 'kill list' of planters they wanted to target. Imagine how heartbroken I was to see my own name on it.

Miller stares at Stoaks as the audience explodes with rage, then he turns to Jackson; shouting over the noise--

MILLER

The state rests, Your Honor.

The defense attorney doesn't even wait to be asked--

DEFENSE ATTORNEY

Defense rests too, your Honor.

Up in the balcony, Scipio shakes his head in disbelief. This isn't a trial, it's a crucifixion. He checks the time on his watch as Judge Jackson begins to instruct the jury...

SCIPIO

Eighty-four minutes. That has to be some kind of record.

(then, to Mary)

Does the courthouse have a phone?

MARY

In the lobby, but the lines have been down all week.

SCIPIO

I have a feeling they'll be up in time to announce the verdicts.

Scipio gets up and heads for the stairs. The women all glance at each other -- wondering what the hell he's doing.

INT. COURTHOUSE LOBBY -- MOMENTS LATER

Scipio approaches a PHONE BOOTH with a sign: **WHITES ONLY**. He picks up the receiver. Sure enough, the lines are working--

SCIPPIO (INTO PHONE)
Operator? Yes, get me Little Rock
072955, please.

Scipio glances over his shoulder to make sure nobody's there. Suddenly, he hears a *click*, followed by Louis's voice--

LOUIS (ON PHONE)
Hello?

REVEAL: Louis is in Scipio's office, organizing some files. A bottle of WHISKEY is on the desk. INTERCUT AS NEEDED:

SCIPPIO (INTO PHONE)
Hey, it's me. I'm afraid I don't
have much time. Did you get that
whiskey for the warden?

LOUIS (INTO PHONE)
Sure did.

SCIPPIO (INTO PHONE)
Good. We should be arriving on the
morning train tomorrow. Meet us at
the station, alright?

LOUIS (INTO PHONE)
You got it.

Scipio hangs up and clicks back over to the operator--

SCIPPIO (INTO PHONE)
Operator? Little Rock 090254.

Scipio leans against the booth as he waits for the call to connect. Suddenly, he senses MOTION behind him--

The young man has come out of the courtroom. He walks across the lobby and lights a cigarette, staring right at Scipio.

Scipio holds his gaze, refusing to be intimidated. And then he hears another *click*, followed by Lillie's voice--

LILLIE (ON PHONE)
Hello?

REVEAL: Lillie is at home. She looks tired and worried, like she didn't sleep all night. INTERCUT AS NEEDED:

SCIPPIO (INTO PHONE)
Hey, it's me.

LILLIE (INTO PHONE)
Hi. How's everything going?

SCIPIO (INTO PHONE)
 Good. We're just wrapping up some
 paperwork. Should be heading over
 to the train station in a few--

LILLIE (INTO PHONE)
 Scipio, stop. I know where you are.

Scipio is caught off guard. Finally, he says--

SCIPIO (INTO PHONE)
 I'm sorry I lied to you. I just
 ...didn't want you to worry.

LILLIE (INTO PHONE)
 Why are you doing this?

SCIPIO (INTO PHONE)
 (a moment, then)
 I'm not sure.

Scipio glances at the young man to make sure he's keeping a
 safe distance, then thinks a moment...and quietly says--

SCIPIO (INTO PHONE) (CONT'D)
 There's a woman in the courtroom
 with her son whose husband is on
 trial for murder. Young girl, not
 much older than Hazel. About the
 same age my mother would've been
 around the time she died.

And on the other end of the line, Lillie's demeanor suddenly
 shifts. No longer angry. She now seems to understand.

LILLIE (INTO PHONE)
 Is that the reason? Your mother?
 You're doing this for her?

SCIPIO (INTO PHONE)
 I don't know. Possibly. For her,
 for Emmanuel. Maybe even for me.

Lillie takes a deep breath. Finally, she nods--

LILLIE (INTO PHONE)
 Well, you get back safe. You hear?
 Otherwise, I'm going to be furious.

SCIPIO (INTO PHONE)
 Okay. I love you.

Scipio hangs up and steps out of the booth. He tips his hat
 to the young man...and strides back into the courtroom.

INT. COURTROOM BALCONY -- MOMENTS LATER

Scipio takes his seat beside Mary as the jury returns. Their deliberations, it appears, have already come to an end.

JUDGE JACKSON
Has the jury reached a verdict?

JURY FOREMAN
We have, your honor.

Jackson turns to the defendants, more like an executioner--

JUDGE JACKSON
The defendants will now rise.

Robert Hill and the twelve men labor to stand, pale-faced and afraid. They know what's coming. Every last one of them.

JUDGE JACKSON (CONT'D)
In the matter before this court,
how does the jury find?

FOREMAN
Guilty as charged.

The courtroom begins to churn with excitement. Jackson stares at the defendants and almost seems to smile--

JUDGE JACKSON
You have been found guilty by a jury of your choosing. The court accepts the recommendation of the district attorney that you be delivered to the state penitentiary in Little Rock, where you will be put to death by hanging on the twenty-seventh of October, 1919. May God have mercy on your souls.

Jackson pounds his gavel, but it's lost in an all the noise. Cheers from the whites. Sobs from the blacks. The soldiers step forward, trying to maintain order.

Up in the balcony, Scipio turns to Mary. He reaches into his pocket...and gives her all the MONEY in his wallet--

SCIPIO
Here, this is for you and the rest of the families. Get to Little Rock any way you can.

MARY
Then what are we supposed to do?

SCIPIO

Come find me.

Mary clutches the money, overwhelmed. Scipio glances at her son, then stands up...and stares down at the prisoners--

It's a stunning moment. Just think about it. Not long ago, he was talking about not taking any more murder clients.

Now he's got eighty-seven of them. Eighty-seven men he will spend the rest of the movie trying to set free.

And, by so doing, change American history forever.

Scipio makes eye contact with Robert Hill as he's led away in chains. He raises his arm with the same look he gave Emmanuel West. "It's okay. Just stay strong." And then--

Scipio charges out of the courtroom as MUSIC overtakes the scene, rising to a crescendo as we suddenly CUT TO:

ELAINE, ARKANSAS (LATE AFTERNOON) -- SERIES OF SHOTS:

The prisoners are led outside in a giant CHAIN GANG. A MOB is waiting to harass them all the way to the train station...

They throw ROCKS and shout invectives that, frankly, I'm embarrassed to write. Remember the scene in Schindler's List where the young girl screams, "Goodbye, Jews!" Well, this is just like that. There's a reason this place is known as the American Congo. And we're seeing it in full force.

Up on the courthouse roof, SOLDIERS train the MACHINE GUN on the crowd. Whether they're aimed at the mob or the condemned men, we can't be sure. But they watch with cold indifference as the prisoners are driven relentlessly out of town...

In the back alleys, we find Scipio following along; darting in and out of the shadows, careful to stay out of view.

EXT. TRAIN STATION -- SUNSET

The evening train has just arrived. The prisoners are loaded into cars as the mob howls at them from the street...

Scipio comes down the platform and boards the segregated car, sighing with relief as he ducks safely inside...

But through the window, Scipio glances back at the mob. And once again, he sees the young man staring in his direction while everyone else is screaming at the prisoners.

Scipio holds the man's gaze and, even at a distance, we feel unnerved. Scipio's been spotted, his cover's been blown.

INT. WARDEN'S OFFICE -- LATER

Dempsey watches from his office window as the men file into the prison. He shakes his head, then quietly says--

DEMPSEY

My God. What on earth have you
gotten yourself into?

Dempsey turns to face Scipio, now standing at the door; the bottle of whiskey tucked conspicuously under his arm.

SCIPIO

These men have families who'll be
arriving soon. I'd appreciate it if
you'd be generous with visitation
time, maybe let them exercise with
their children out in the yard.

DEMPSEY

Anything else?

Scipio steps closer and sets the whiskey on the desk--

SCIPIO

A shower and some fresh clothes.

Dempsey stares at Scipio -- these are all big asks. But he glances down at the whiskey bottle. And we CUT TO:

INT. PRISON SHOWERS -- LATER

Robert Hill, Frank Moore, and the rest of the prisoners limp into the showers. We see their naked bodies from head to toe.

Their injuries take our breath away. Broken bones. Snapped fingers. Gruesome third degree burns. And every single man has a tree on his back, scarred from brutal whippings.

A nearby GUARD nods for the WATER to be turned on. It hits the men with surprising force. Several of them fall down.

The rest brace against each other, fighting to stay up. Blood runs down their broken bodies and pools around the drain.

INT. PRISON -- LATER

The men limp into their cells, dressed in fresh clothes. The guards watch, stunned. The prison is suddenly full.

INT. PRISON CELL -- MOMENTS LATER

Robert and Frank are placed in the same cell. They watch the bars slam shut, then turn and limp over to the window--

And what they see is a very familiar view. The gallows in the yard, the city of Little Rock far beyond. And then--

Robert shifts his gaze and something catches his eye. He runs his fingers along the wall...and over Emmanuel West's name.

EXT. JONES HOUSE -- DUSK

Black children play in the street as twilight chases day. A familiar Model-T appears, pulling right up to the curb--

INSIDE THE CAR -- THAT MOMENT

Louis shuts off the engine and glances at his boss. Scipio sits quietly for a moment, exhausted and overwhelmed.

LOUIS

Boss?

Scipio doesn't answer or even seem to hear. He watches the children play down the street. Finally, he says--

SCIPIO

Call the courthouse in Phillips County and see if you can get the trial records sent over. And let McCullough's office know we'll be filing an appeal next week.

LOUIS

(Confused)

Next week? We've got over eighty clients to depose. Don't you want to motion for a stay?

SCIPIO

No. I want the hearing as soon as possible. Before the election, if we can. And tell Carl I need to see the governor. Right away.

Louis hesitates and then quietly nods, not sure what his boss is planning. Scipio opens the door and wearily climbs out--

INT. JONES HOUSE -- MOMENTS LATER

Scipio comes in and finds Lillie waiting in the LIVING ROOM. Like him, she looks like she hasn't slept in days.

LILLIE

How was your trip?

Scipio sets down his bag and steps lightly into the room. Lillie rises to meet him. He hesitates, then says--

SCIPIO
Remember how we talked about me not
taking any more murder clients?

LILLIE
(Nods, then)
How many this time?

SCIPIO
Eighty-seven.

Lillie's eyes go wide -- did she hear right?

LILLIE
I'm sorry, eighty-seven? Scipio...
tell me you know what you're doing.

SCIPIO
(a moment, then)
I sure as hell hope so.

INT. SCIPIO'S OFFICE -- DAY

Scipio sits at his desk, punching TYPEWRITER KEYS. The office
is cluttered with LEGAL BRIEFS and stacks of open BOOKS.

Louis comes in with a thick pile of PAPERS in his hands, on
top of which we should notice: a folded-up NEWSPAPER.

LOUIS
Got the court transcripts here, as
well as copies of the verdicts.

Scipio nods, "Put them over there." He keeps on typing. From
his urgent pace, we sense there isn't a moment to lose.

SCIPIO
I need you to pull all the case law
the state can use. From blacks on
juries to tortured confessions to
the limitations on states' rights.
Going back seventy years. You
understand? All of it.

LOUIS
I would've thought you'd have those
cases memorized by now.
(Scipio keeps working)
Boss, that's gonna take some time.

SCIPIO
I know. It's important.

Louis quietly nods and sets the newspaper on the desk--

LOUIS

Also, thought you should see this.

Scipio sighs and keeps working, not wanting to be disturbed. Finally, he glances over. And his typing suddenly stops.

Scipio picks up the newspaper. The front page shows him and the Elaine men at prison, under the headline: **NEGRO LAWYER SCIPIO JONES BRINGS ELAINE RIOTERS TO LITTLE ROCK!**

SCIPIO

What's the word on getting in to see the governor?

LOUIS

He's out campaigning. Carl says he should be back next week.

SCIPIO

I need to see him sooner.

LOUIS

I don't see how that's going to happen, unless you take a train out to rural Arkansas and find him.

SCIPIO

Fine. Get his schedule and buy me a ticket. Maybe in a day or two after we get everyone's depositions.

LOUIS

(Baffled)

Boss...you want to tell me what's going on? This seems crazy. You're doing months of work in a few short weeks. Why not motion for a stay?

SCIPIO

I already told you. No stays. Just do what I say, Louis. I don't have time to argue with you.

Louis stares at his boss, at a loss for words. Scipio turns back to his typewriter, just about to resume work when they suddenly hear a soft VOICE out in the lobby--

MARY (O.S.)

Hello...?

OUT IN THE LOBBY/RECEPTION AREA

Mary and her son stand timidly by the door. Scipio comes out of his office with Louis, smiling as he approaches--

SCIPIO

I'm glad you made it. You both look tired. Have you eaten?

Mary hesitates, then quietly nods. We sense there's something on her mind. She glances down at her son, then says--

MARY

There are more of us outside.

EXT. SCIPIO'S LAW OFFICE -- MOMENTS LATER

Scipio and Louis come outside with Mary and her son. There are hundreds of FAMILY MEMBERS filling the entire street.

Scipio scans the crowd, noting the fear in their eyes. And then he finally nods: "Alright, everyone. Follow me."

EXT. DUNBAR NEIGHBORHOOD -- EVENING

The Elaine families are being welcomed into homes throughout the black community. It's a stunning sight. Humbling, even.

We find Scipio at one house, introducing Mary and her son to Carl, the valet we met at McRae's party. He motions for them to go inside, where his WIFE is waiting to greet them.

SCIPIO

Thank you for doing this.

CARL

Of course, Mr. Jones. What was it you said to me? 'Happy to help.

Scipio smiles and then glances down the street, watching as the last few families get welcomed into homes. BEAT.

SCIPIO

I don't know if you've spoken to Louis, but I need to see Governor McRae. As soon as possible. Can you get me a copy of his campaign schedule? It's important.

CARL

Sure. I'll have it brought to your office tomorrow. But Mr. Jones, you should know...things are different now. He's been striking a much harsher tone ever since the trouble down in Elaine.

SCIPIO

How so?

Carl takes a deep breath, we see fear in his eyes--

CARL

'Talking about tougher sentencing, race laws, referring to himself as the 'law and order' candidate. And his opponent, Terral, is doing one better. He's threatening to march the Klan right into Little Rock.

SCIPIO

(Stunned)

You're kidding.

Carl shakes his head with a look that says: "I wish."

CARL

I don't know what's gonna happen with this election, Mr. Jones. I really don't. And to be honest, I'm more than a little scared.

Scipio stares at him and quietly nods. And then Carl suddenly "sees" something. Scipio turns and follows his gaze--

In the distance, a WHITE MAN is crossing the street. He looks completely out of place. We recognize him right away.

It's the same young man who spotted Scipio in Elaine.

INT. DINER -- NIGHT

The young man sits all alone in the diner, eating some food. He has a NEWSPAPER on the table with Scipio pictured on the front page, along with the rest of the Elaine prisoners.

The young man stares at their faces as he continues to eat, then he hears the door open...and looks up to see--

Scipio himself charging through the restaurant. He passes a 'WHITES ONLY' sign and sits down at the young man's table--

SCIPIO

Why are you following me?

The young man stares at Scipio, completely unfazed. He chews a bite of food and motions over to the COLORED SECTION--

YOUNG MAN

Shouldn't you be over there?

Scipio stares at the young man for a tense moment, then sits back and turns over his MUG. The OWNER (Earl, 50) comes over and reluctantly fills it up with coffee--

EARL

Judge, you know I'm happy to serve you, but if anyone else comes in, you're gonna have to move over to your side of the restaurant.

SCIPIO

Alright, Earl. Thanks.

Earl nods and quietly leaves. The young man waits until he's out of earshot, then turns back to Scipio, intrigued--

YOUNG MAN

Why do people call you 'Judge' when you're really an attorney?

SCIPIO

It's a long story.

YOUNG MAN

I'd love to hear it.

SCIPIO

First, tell me who you are. Why are you following me all across the state? How do you know anything about me at all?

The young man smiles and goes back to eating his food. Scipio leans forward, trying to figure out what his game is--

SCIPIO (CONT'D)

You're not a newspaper man. Even northern reporters don't waste time following Negroes around. And I can't imagine you mean me any harm, otherwise I never would've made it out of Elaine alive.

YOUNG MAN

What does that leave with you?

SCIPIO

(a moment, then)
Justice Department.

The young man suddenly laughs, nearly choking on his food--

YOUNG MAN

Justice Department? You honestly think the federal government gives a damn about what's happening in Arkansas? Or anywhere in the South, for that matter?

Scipio stares at the young man, genuinely baffled--

SCIPIO

I don't understand. Who are you?

YOUNG MAN

Someone who can help, Mr. Jones.

The young man finishes eating and pushes his plate away. He stares at Scipio long and hard, then quietly says--

YOUNG MAN (CONT'D)

You know, I was rather impressed with how you managed to get around Elaine, but I can do it better.

(then, a slight smile)

You see...I'm not sitting in the right section, either. But unlike you, I can get away with it.

Scipio's eyes suddenly narrow. He leans forward, peering at the young man. He has blonde hair and blue eyes. But if you look close enough, there's pigmentation in his skin--

SCIPIO

You're a Negro?

YOUNG MAN

(Nods, then)

A very light-skinned one, about a quarter on my father's side. Just enough to get me killed if anyone around here ever found out.

(a moment, then)

My name is Walter White. I work for an organization called the NAACP.

Scipio stares at White in disbelief. There were a number of scenarios he was imagining. But this was not one of them.

SCIPIO

I thought I knew everyone at the NAACP. You must be new.

WHITE

(Nods, again)

I was hired a few months ago after John Shillady was beaten in Texas and had to resign. I have a very specific skill set, as I'm sure you can imagine. The NAACP's putting it to good use. They got me traveling across the country, investigating lynchings and race riots.

SCIPIO

As a white man?

WHITE

That's right. Of course, "riot" is just a polite term for slaughter. I've been working overtime since the war ended. New York to Omaha, Charleston to Port Arthur. I've seen things most people wouldn't even believe. Veterans lynched in uniform, men burned alive while their trials were being held. I was actually deputized to kill Negroes in Alabama. In Georgia, I watched Mary Turner, nine-months pregnant, get strung-up by the heels so her baby could be sliced out of her stomach and brained against a tree.

(Lets that sink in, then)

It's been the worst stretch of racial violence in our nation's history, by far. Know what the press has taken to calling it? *The Red Summer*. Catchy, huh? I don't think we'll ever know just how many people have been killed, but it's well into the thousands. I was up in Chicago when I got the call to come here. From what I can gather, Elaine is the worst, yet.

White reaches into his bag and takes out a large FOLDER. He sets it on the table, sliding it over to Scipio--

WHITE (CONT'D)

My report to the NAACP. You're welcome to use it, if you like. My investigation shows roughly three-hundred Negroes were killed.

Scipio lets out a deep sigh, that's a horrifying number. He picks up the folder and begins flipping through the pages--

SCIPIO

What are you basing that on?

WHITE

The testimony of the men who did it. White people are something else. Buy 'em a few drinks, you won't believe how fast they start bragging. Especially when they think you're one of their own.

Scipio glances up from the folder, staring at White. And all at once, he seems to take note of the boy's youth--

 SCIPIO
How old are you?

 WHITE
Twenty-six.

 SCIPIO
You're playing a very dangerous
game, Mr. White.

 WHITE
Only if you get caught. Besides,
I'm not the only one.

Scipio stares at White with a faint smile. *Touche*. And then he closes the folder and slides it back across the table--

 SCIPIO
Unfortunately, in a court of law,
this is all hearsay. I couldn't use
it even if I wanted to.
 (then, pointedly)
You claim the NAACP can help the
men currently serving time for
murder? Tell me...how?

 WHITE
Well, for starters, we can get
their families some money. I
imagine you want them looking
presentable in court, yes? We're
also pushing an anti-lynching bill
through Congress that would almost
certainly help your cause. And
perhaps most importantly, we can
help you with the press.

White turns his NEWSPAPER around. It's the CHICAGO TRIBUNE.
The headline reads: **ARKANSAS NEGROES PLOTTED MASSACRE!**

 WHITE (CONT'D)
Even northern newspapers are buying
the official story. We can help
correct the lies. Or at least make
sure the truth gets out there. I
can have sympathetic stories
running in the Chicago papers in
days. New York will follow close
behind, then D.C. Who knows? Maybe
we can put some pressure on the
courts as you mount your appeal.

Scipio stares at White for a moment and quietly nods. This is all very good. But he knows nothing comes for free.

SCIPIO

And what would the NAACP like in return for this generosity?

WHITE

We'd like to be the public face of the case. We'd like our involvement known to the world and we'd like to use that exposure to help increase membership and fundraising.

SCIPIO

Sounds like you're more interested in publicity than justice.

WHITE

This is America, Mr. Jones. The two go hand-in-hand. You should know that better than anyone by now.

Scipio stares at White with a faint, curious smile. And all at once, we sense: his turf is being threatened.

SCIPIO

Does the NAACP want to just take the case and try it for me?

WHITE

Of course not.

SCIPIO

You just want the credit.

WHITE

(Annoyed)

We want to win. More importantly, we want to make sure a victory here can lead to victories elsewhere. I'm sure I don't have to tell you this has been the darkest period in the Negro's history since the end of the Civil War. Next month marks the three-hundredth anniversary of slave ships arriving off the coast of Virginia, I'd say this nonsense has gone on long enough, wouldn't you? America just got done fighting one war, now it's time to have another. The war to end Jim Crow, lynchings, school segregation, all of it, begins right now.

(MORE)

WHITE (CONT'D)
 But only if we win.
 (a tense moment, then)
 Do you want our help or not?

Scipio stares at White, the wheels turning in his mind. He takes a deep breath and then finally nods: "Yes, I do."

WHITE (CONT'D)
 Good. We'll get started right away.
 Look for national coverage in the
 next day or two.

And with that, White lays some money on the table and stands to leave. He takes a few steps, then stops and turns back--

WHITE (CONT'D)
 Tell me the story. Why do white
 folks all call you Judge Jones?

Scipio stares at White and we see hesitation in his eyes. For whatever reason, he's reluctant to tell this story--

SCIPIO
 A number of years ago, a municipal
 judge had to recuse himself from a
 case involving two Negro boys. No
 one was available, so he nominated
 me in his stead. The trial only
 lasted an afternoon, but it made
 quite the spectacle. A Negro judge
 presiding over two white attorneys
 and an all-white jury. It was a
 great honor and, ever since, I've
 been known as Judge Jones.

WHITE
 Nice story. But you know why people
really call you Judge, right?

SCIPIO
 Sure. It gives them the pretense of
 being respectful without having to
 call me Mr. Jones, a courtesy that
 would be unthinkable in polite
 southern society.

White smiles at Scipio and then nods: "That's right."

WHITE
 You're a pragmatic man. Smart, too.
 We'll make a good team.

And with that, White opens the door and leaves. Scipio slumps in his seat, thinking through a myriad of new complications.

EXT. PRISON YARD -- MORNING

The yard is filled with eighty-seven prisoners, their WIVES, and CHILDREN. The guards marvel at the sight. It looks more like a playground now than a maximum security prison.

Over by the wall, Scipio is crouched with Frank Moore. Robert and Louis are nearby. A large CROWD is gathered around them, listening intently to everything being said--

SCIPIO

Let's get back to your service. You said you were in the 82nd Airborn?

FRANK

Yes, sir. Parachuted into France, September, 1918. Joined the 369th Infantry. We was in Marne, Belleau Wood, and then finally the Argonne offensive. 'Mighta read about that one. Made all the papers.

SCIPIO

'Quite a year. Dangerous.

FRANK

Hell, not as dangerous as stepping off the train in Phillips County. I felt safer in the trenches than I ever did here in Arkansas. Can you believe that? God's honest truth.

Scipio nods as Mary comes into view, chasing her son across the yard. Somehow finding a way to laugh and have fun.

FRANK (CONT'D)

'Amazing how little ones can find joy even in a place like this.
(then, to Scipio)
Warden's been awfully generous with visitation time. Thank him for us.

Scipio nods and glances up at Dempsey's window. The warden is staring right at him, a glass of whiskey in his hand.

FRANK (CONT'D)

Anyway, on the way home, I met Robert here, all hopped up, talking about a union. Asked if I wanted to join. And I figured, why not?

SCIPIO

Really? After everything you'd been through? It's a lot to risk.

FRANK

Way I see it, Mr. Jones. You got to risk something in this life. You got to. Biggest risk of all would be to do nothing, let my son grow up in a world same as mine. That's a risk I wasn't willing to take.

Scipio stares at Frank and quietly nods, then he glances over at Robert, as if to say: "You recruited some brave people."

SCIPIO

I've seen reports suggesting up to three-hundred people were killed. Does that sound right to you?

FRANK

Honestly, I couldn't tell you. I was hiding out in the canebrakes for most of it. But the gunfire was nonstop and went on for three days. I wouldn't be at all surprised if that number of yours is low.

Scipio stares at Frank, horrified; then he lets out a deep sigh and slowly turns to address everyone in the crowd--

SCIPIO

How many people here know somebody personally who was killed?

And slowly, one by one, every single hand goes up. It's a sobering sight -- over a hundred hands in the air.

As they go back down, Mary comes over with her son. They sit down beside Frank. He puts his arms around them--

FRANK

I just thank God my family's okay. I thought the killing would be the worst, then I got arrested. 'Most awful week of my life. I wouldn't wish it on my enemies.

(Glances at Mary, then)

I can take a beating myself, but knowing my wife was being whipped in the next room while my boy was lost in the world. It's enough to break your spirit as well as your body. I don't blame John Jefferson for testifying against us.

(Nods at the crowd)

Or any of the others for signing those confessions.

Scipio nods and glances across the yard, where John Jefferson is sitting all by himself, looking haunted and guilt-ridden.

SCIPIO

We'll want to get depositions from John and everyone else recanting their testimony.

(then, to the crowd)

It's important that you explain in vivid detail the horror and abuse you endured. We're also going to need pictures of your injuries. And a tailor will be stopping by the prison next week to get you fitted for some new clothes.

Confused looks are suddenly exchanged in the crowd. One of those things is not like the others. New clothes, really?

FRANK

Mr. Jones, I'm afraid we don't have money for any of that.

SCIPIO

That's alright. The NAACP is involved, now. They'll be holding fundraisers to cover the cost.

MARY

(Confused)

The NAACP? What's that?

SCIPIO

A group organized in New York committed to Negro rights.

FRANK

Like a union?

Scipio looks back at Frank, now with a faint smile--

SCIPIO

In a sense, yes.

MARY

And then? After the clothes and pictures, what happens?

SCIPIO

We start by appealing the twelve death sentences to the Arkansas Supreme Court, alleging that your constitutional rights were violated and the original trial wasn't fair.

A nearby PRISONER speaks up, confused--

PRISONER
Just the twelve? There are nearly a
hundred men in here.

SCIPIO
(a moment, then)
I know. I'm working on it.

The prisoner hesitates and then quietly nods. Scipio turns back to Frank, who stares at him and shrugs--

FRANK
So we appeal the verdicts. What are
the chances we win?

SCIPIO
Not great. The state will rebuff
us. They'll likely succeed. But
they won't have it so easy this
time. This time, they'll have to
actually argue evidence and the
law. This time, they're going to be
met with a vigorous defense.

FRANK
(Smiles)
A vigorous defense?

Frank shakes his head and glances at his wife and son. He takes a deep breath and suddenly seems overwhelmed.

FRANK (CONT'D)
Mr. Jones, I've been fighting
battles ever since I was twelve
years old. 'Always on my own. I
think I speak for everyone when I
say thank you for this. We've had a
slew of attackers in our lives, but
I don't think any man in here has
ever had a defender before.

Scipio glances at the crowd, then Robert, Frank, Mary, and finally, their son. He takes a deep breath...and says--

SCIPIO
Well, now you have me.

EXT. PRISON -- SUNSET

Scipio tips his hat to a GUARD as he and Louis pass through the gate. The sun is setting behind them. They've been there all day. They walk to the car with a clear sense of urgency--

SCIPIO

Get the depositions to the printer and tell 'em we need them by early next week. Pay whatever they ask and just send me the bill.

Louis nods and hands Scipio a sheet of paper--

LOUIS

Got the governor's schedule. He's got a rally tonight in Clarksville. If we hurry to the station, you can make the evening train.

Scipio nods, "Good work" and then glances back at the prison. He sees Dempsey in a different window, still staring right at him. And still nursing a glass of whiskey.

SCIPIO

Louis...?

LOUIS

Don't even say it, I already know. More whiskey. I'm on it.

Scipio smiles as the two men climb into the Model-T, peeling away and driving off towards the sunset as we CUT TO:

EXT. CAMPAIGN RALLY -- NIGHT

McRae stands in front of a large AUDIENCE somewhere in rural Arkansas. BANNERS flutter above the crowd (Vote McRae!), but we don't get the sense these folks are very enthusiastic.

MCRAE

So remember to get to the polls! Drag your fathers and brothers and uncles, if you can. And don't buy into the Republican nonsense. This is still the party of the Old South, the party of law and order. And it will continue to be so after the November election! Thank you!

McRae waves as the crowd applauds. He lingers for a moment, then strides off stage with an air of confidence--

BACKSTAGE -- CONTINUOUS

McRae's smile vanishes the moment he's out of view. ADVISERS gather around him. They clearly don't have good news.

MCRAE (CONT'D)

What?

One of the advisers hands McRae a NEWSPAPER. The New York Times. McRae opens it up and sees a stunning headline--

NAACP ALLEGES TERROR IN ARKANSAS! NEGROES SLAUGHTERED FOR ORGANIZING UNION, ENTIRE FAMILIES FEARED MURDERED!

McRae stares at the paper with darkness in his eyes. And then he looks up...and sees Scipio standing down the corridor--

SCIPIO

I'm afraid those casualty estimates you were given were a little off.

McRae takes a deep breath and starts to approach, his eyes brimming with frustration and possibly a hint of rage.

MCRAE

I don't appreciate this, Judge. In case you haven't noticed, I'm in a street brawl here. My opponent's been handed a political gift with this nonsense. I'm sure you've heard about the little stunt he's planning with the Klan? Candidates up and down the ballot are enjoying a wave of nationalist support. You have any idea what it could mean for us if those hooded bastards show up in Little Rock?

McRae rolls the newspaper up tightly and slams it against a metal beam, seething with anger. He takes a deep breath.

MCRAE (CONT'D)

Couldn't you have left this alone? For once in your goddamn life? Do you have to take every case? Or did you do it just to spite me?

Scipio stares at McRae, his tone calm and reassuring--

SCIPIO

Governor, I came to see you tonight because I think I can help.

MCRAE

No, you came for the same reason you always do. And you're wasting your time. You know how I feel about pardons. The answer is no.

SCIPIO

I'm not asking for a pardon. I'm not even motioning for a stay.

(MORE)

SCIPIO (CONT'D)

What I would like is for you to get Chief Justice McCullough to hear our appeal next week.

McRae stares at Scipio, suddenly confused. He glances over at his advisors. This doesn't make sense to them, either.

MCRAE

I don't understand. You took a two hour train ride to come find me just so you could ask for less time for your clients?

SCIPIO

(Nods, then)

And I think J.S. Utley should represent the state.

And now McRae is really confused. He steps a bit closer, his question should be our own: what the hell is Scipio doing?

MCRAE

You want to square off against the Attorney General, arguably the best lawyer in the state? Scipio, am I missing something here? What's your angle in all this?

SCIPIO

Same as yours. Keep a monster out of the governor's mansion and the Klan out of Little Rock.

McRae stares at Scipio a moment, then shakes his head--

MCRAE

No, I don't buy it. You're not telling me something.

SCIPIO

(Hesitates)

Governor, we've been doing this a long time and you know the odds as well as I do. By having the process play out quickly, my clients will get their day in court and you'll appear tough on crime while also demonstrating a firm commitment to the rule of law. It's a win/win for everyone involved. But I need you to call McCullough to make it work.

McRae takes another deep breath and glances at his advisers. All of them have the same look: "It's a good deal. Take it."

MCRAE

I can't just tell the State Supreme Court and the Attorney General what cases to take. That's a violation of the separation of powers.

SCIPIO

Oh, Governor, come now. Justice may be blind, but you and I both know a lot happens behind its back.

McRae stares at Scipio with a faint smile, then quietly nods--

MCRAE

Alright, I'll call them.

SCIPIO

Do I have your word on that?

McRae answers by repeating his earlier line--

MCRAE

You have my word I'll do my best.

Scipio hesitates and then finally nods. It'll have to do, for now. He turns and starts to leave. McRae suddenly calls out--

MCRAE (CONT'D)

Scipio...?

(Holds up the newspaper)

Is this really true?

Scipio stares at the grim headline and quietly nods. He turns and walk away. McRae watches him vanish into the shadows.

INT. SCIPIO'S LAW OFFICE -- MORNING (DAYS LATER)

Scipio is at his desk, typing a BRIEF. From his furious pace, we sense he's been working nonstop for several days.

As the typing continues, we PAN ACROSS the room and reveal a disheveled mess. Stacks of open BOOKS and DEPOSITIONS on the tables, marked-up PAGES strewn across the floor...

Back at the desk, Scipio continues to work. As ink hits the page, we see a few key phrases: "DUE PROCESS," "NO BLACKS ON JURY," "TORTURE," and finally, "MURDER." And then--

Scipio hears a *knock* and suddenly stops. And all at once, the office is quiet. Scipio turns and sees Louis at the door--

LOUIS

McCullough's office just called.
Hearing's set for Friday.

(MORE)

LOUIS (CONT'D)

Utley's representing the state.
John Miller's sitting second chair.
Briefs are due by end of the day.
They said no exceptions.

Scipio stares at Louis for a moment and a faint smile pierces his cheeks. It is, after all, exactly what he wanted.

SCIPIO

Alright. We'll be ready.

And with that, Scipio goes right back to work. Louis stares at his boss -- still not sure what the hell he's doing.

INT. PRISON -- DAY (SERIES OF SHOTS):

A TAILOR measures the prisoners and their families for new clothes, calling out sizes for SUITS and DRESSES...

Out in the hallway, a team of SEAMSTRESSES manage RACKS of CLOTHES, bringing in desired items whenever they're called for and then quickly making adjustments.

Several GUARDS stand by, watching in utter disbelief. One of them leans over and whispers to his buddy--

GUARD

Who the hell do you suppose is
paying for all this?

The second guard shakes his head: "No idea." We HOLD on their bewildered faces. And then suddenly CUT TO:

NEARBY ROOM -- SAME TIME

Where a PHOTOGRAPHER is taking pictures of all the prisoners' injuries. We won't dwell on this, we've seen it already.

But as some of the women disrobe, the photographer lowers his CAMERA. And we can tell: he's horrified by what he's sees.

INT. GOVERNOR'S MANSION -- DINING ROOM -- EVENING

McRae sits at a large DINING TABLE, looking exhausted after a long trip. Carl comes over and serves him dinner as we hear a familiar voice in mid-conversation--

UTLEY (O.S.)

I reviewed the briefs Jones filed with the court and it should be pretty routine. Honestly, I don't understand his strategy. He's just rehashing the same arguments he's been making his whole career.

McRae looks up and we see J.S. Utley seated down the table. Sitting beside him is John Miller. Back for round two.

MCRAE

Really? Like what?

UTLEY

(Shrugs, "Who cares?")

Lack of due process, biased jury, inadequate representation. All matters that have been adjudicated through the years, easily rebuffed with the relevant case law.

(Starts to eat, then)

The one tricky part is going to be the torture. Jones is alleging the confessions were all coerced.

McRae glances over at Miller. More of a glare, really.

MCRAE

Were they?

MILLER

(Hesitates)

Of course not. I'll admit some of them were given the third degree, but that's understandable. They killed a soldier, for God's sake. Passions were running a bit high.

McRae stares at Miller and quietly nods. We sense he'd like to press further, but he's afraid he won't like the answer.

UTLEY

Supposedly, rumor has it all the families are in town and are going to be attending the hearing. Should make quite the spectacle. I wonder where they're even staying.

Over by the door, Carl suppresses a faint smile; as do other SERVANTS who we recognize from the Dunbar neighborhood.

MCRAE

Don't worry about the spectacle, just do your job. I need this wrapped up before the election. You understand? I can't stress just how important that is.

UTLEY

I take it that means your little state tour didn't go as planned?

MCRAE

Let's just say the race is closer than I'd like it to be.

UTLEY

I told you to go after the Klan's endorsement. Like John here, he's riding high. Not a care in the world. Nothing worse than getting out-niggered by your opponent.

(Off McRae's look)

Don't worry, we'll get you back in the polls. Should be a walk in the park. I've tussled with Judge Jones numerous times over the years. He's never won a case against me.

MCRAE

I know. That's what I don't understand. He specifically asked for you. Now why would he do that? No disrespect to Mr. Miller, but if I were in Jones' shoes, I'd much rather square off against him.

UTLEY

Hell, I don't know. Ego, most likely. Every lawyer has one, even a moralistic crusader like Scipio Africanus Jones.

(Chews some food, then)

Truth be told, he also has a score to settle and might be looking for revenge. I prosecuted his last case and sent his client to the gallows.

MCRAE

You mean Emmanuel West?

UTLEY

I don't know, probably. That name sounds familiar.

McRae stares at Utley and finally manages a nod. His guests continue to eat. But the governor doesn't touch his food.

INT. LAW LIBRARY -- NIGHT

An elegant library with endless SHELVES of BOOKS. LAWYERS and JUDGES are at various tables, quietly hard at work.

John Martineau sits near the back, reading and taking notes. He looks bored and desperate for a break. Suddenly, he hears a whispered commotion coming from across the room--

LIBRARIAN (O.S.)

Judge, come on now. I've explained this to you already. You're welcome to use the library, but not until all the white patrons are gone. Those are the rules. You know them as well as anyone.

Martineau looks up and his eyes suddenly narrow. Scipio is at the front desk, pleading with a LIBRARIAN (Male, 20s). We CUT ACROSS the room just as he replies--

SCIPIO

I understand, but I'm due in court tomorrow morning. Couldn't we make an exception this once?
(then, "I promise.")
I'll only be five minutes.

LIBRARIAN

Judge, I'm not going to argue. You can wait or come back tomorrow. I'm sorry, that's the best I can do.

And with that, the librarian folds his arms, expecting Scipio to leave. Instead, he hears a sharp voice at his back--

MARTINEAU (O.S.)

What seems to be the problem?

The librarian turns and sees Martineau coming over, his voice firm and unwavering. Everyone in the library looks up.

LIBRARIAN

No problem, Chancellor. I was just explaining to Judge Jones that he has to wait his turn. That's all.

Martineau stares at the librarian and offers a faint smile, but a look in his eye seems to say: "Go fuck yourself, kid."

MARTINEAU

Oh, Judge Jones is an old friend. We don't mind. Come on back, Sip. You can sit at my table.

Scipio nods and follows Martineau back to his table before the librarian (or anyone else) has a chance to object.

INT. LAW LIBRARY -- LATER

Scipio and Martineau laugh in mid-conversation. The table is covered with BOOKS and LEGAL BRIEFS. It's almost closing time and they've clearly been here for awhile.

MARTINEAU

What was the name of that lawyer you had to clerk for back when we were at district together?

SCIPIO

Jacob Trieber.

MARTINEAU

Trieber! God, what a hardass. His voice still gives me nightmares.

(then, mimicking)

Jones! Get in here! Right now!

Scipio laughs at the memory, then notices some LAWYERS across the room, packing to leave and glaring at him harshly.

SCIPIO

It was character building.

MARTINEAU

No, it wasn't. You got the toughest assignments, you had to work twice as hard. And in the evenings, we'd go out to dinner while you cleaned the bathrooms. It wasn't right.

(then, "I'm sorry.")

Don't think we didn't know.

Scipio stares at Martineau and quietly nods, "Thanks."

SCIPIO

Most people embody the prejudice of their time, John. What makes you so different?

MARTINEAU

Well...my father's Canadian.

SCIPIO

(Smiles, then)

I take it that means you won't be joining the Klan?

MARTINEAU

No, they rejected my membership. A couple of my clerks did, though. Got initiated up on the hillside, burning crosses and everything.

SCIPIO

(Hesitates)

Are the rumors true? They plan to march on Little Rock?

MARTINEAU

'Afraid so. Sip, if it gets bad, I hope you know you and your family can stay at my house.

SCIPIO

Thanks, John.

(Nods at the legal briefs)

So what do you think?

MARTINEAU

About the case? It's strong. Maybe the best I've ever seen. Those men are lucky to have you. Really.

Scipio stares at Martineau and senses he's holding back.

SCIPIO

What do you think?

MARTINEAU

Are you asking me as a friend or as a judge?

SCIPIO

I'm asking you as a friend who also happens to be a judge.

Martineau smiles and quietly nods. *Touche*. He takes a moment to gather his thoughts, then leans forward and says--

MARTINEAU

If the case was about jurisdiction, if it was some property dispute or civil forfeiture, I'd gladly rule in your favor. But in criminal court, I'd be bound by precedent. All the issues you raise, no blacks on the jury, lack of due process, inadequate representation, torture, it's all settled law as far as the state's concerned. All they'd have to do is cite the relevant cases, argue state's rights, and I'd be forced to uphold the convictions or else face a mistrial and possible disbarment, myself. I'd hate to do it, but...I'd rule against you.

Scipio stares at Martineau, absorbing his words. It's quite an admission. And it lets us know how bad the odds are.

SCIPIO

Well...I appreciate your honesty.

MARTINEAU

Can I ask you something?

(Scipio nods, "Sure.")

Why are you rushing into court like this? You could ask the governor for a stay. He's required to grant one if needed for an appeal.

SCIPIO

Because it doesn't matter.

MARTINEAU

Doesn't matter?

Scipio shakes his head, very matter-of-fact--

SCIPIO

Nope. Not even a little. Do you know how many murder cases I've brought to the Arkansas Supreme Court in my career? Nineteen. Guess how many of those I won? Zero. Because a stay is not a pardon, it's certainly not an acquittal, and all the time in the world is meaningless if your clients are already presumed guilty because of the color of their skin. They say the definition of insanity is doing the same thing over and over and expecting different results. But this time is different. I believe that an accelerated timeline could work in our favor.

MARTINEAU

Why?

SCIPIO

Because we have a governor running for re-election who wants to look tough on crime.

Martineau suddenly flinches, intrigued. Scipio checks to make sure nobody's listening, then leans closer...and says--

SCIPIO (CONT'D)

Do you remember back in '93 when I tried to sue the state to repeal the Grandfather Clause?

MARTINEAU

Sure. Everyone followed it. Big case. Made your name.

SCIPIO

Do you remember who the opposing counsel was?

MARTINEAU

Of course. A young J.S. Utley, future state Attorney General.

SCIPIO

(Nods, then)

He wanted the voting rolls purged in time for the next election. Do you remember what he did?

Martineau stares at Scipio and it suddenly dawns on him--

MARTINEAU

He demurred, argued even if the facts were true, it didn't change the law. The state agreed with him. You think he'd do that now?

SCIPIO

I do. And for the very same reason. He wants this wrapped up before the voters cast their ballots.

MARTINEAU

Any reason to believe the court won't rule again in his favor?

SCIPIO

None whatsoever. But this time, he won't be demurring to the facts of a civil lawsuit, but a criminal murder case. That would set quite a precedent. And I believe it'll open the door for us to be heard at the United States Supreme Court.

Martineau stares at Scipio and flinches, stunned. There's no way he could have possibly heard that right--

MARTINEAU

I'm sorry, did you say...the United States Supreme Court? Scipio, are you mad? Why would they--

Martineau trails off and we see a flash of realization in his eyes. He glances down at the table. And suddenly, he gets it.

MARTINEAU (CONT'D)

You're not defending your clients. You're putting the system on trial.

(MORE)

MARTINEAU (CONT'D)

You're cramming every argument you've ever made into one brief and setting a trap for the state, all with the hope that the federal government is ready to reclaim its authority in matters of criminal law. Scipio, my God. You'd make a helluva poker player.

Scipio manages a faint smile as Martineau sits back, still in a daze; taking a moment to think everything through.

MARTINEAU (CONT'D)

This is still a long shot. Over ten-thousand cases get submitted to the Supreme Court each year. They hear less than one percent of them. And even if they do hear the case, nobody ever accused those justices of being the Negro's best friend.

SCIPIO

I know, but we've never had a case like this before with so much legal malfeasance. It may be hopeless at the state level, but if I can get the case to Washington with the facts acknowledged to be true, I have to believe it'll give even the most ardent racist on the court pause. For the first time, they'll be forced to rule on the merits of a criminal case. And with Oliver Wendell Holmes on the bench, who knows? Maybe we can win.

Martineau stares at Scipio for a moment and quietly shakes his head. Stunned. Amazed. And beaming with respect.

MARTINEAU

Well, for whatever it's worth, Sip...I'm rooting for you.

Scipio smiles and we HOLD on the two men, now alone in the dark library...and possibly on the brink of history.

EXT. ARKANSAS SUPREME COURT -- MORNING

CROWDS pour into the COURTHOUSE as NEWSIES fill the street, selling their NEWSPAPERS and shouting the headline--

NEWSIE

Extra! Extra! Elaine Twelve appeal hearing today! Read all about it!

The newspapers sell fast as CITIZENS and REPORTERS head into court. We can already tell: it'll be standing room only.

INT. ARKANSAS SUPREME COURT -- MOMENTS LATER

Scipio enters with Louis and walks down the hall. They see Mary and her son up ahead, dressed in new clothes.

SCIPIO
(Smiles)
Don't you both look nice.

Mary smiles and Scipio glances down at the young boy. Dressed in a child's suit, he looks like he could be Scipio's son.

YOUNG BOY
Are you going to save my daddy?

Scipio stares at him for a moment, then quietly says--

SCIPIO
I'm going to do my best.
(then, to Mary)
I'll see you after, alright?

Mary nods again and then takes her son's hand. They turn and head up the balcony stairs. Scipio watches them disappear.

INT. COURTROOM BALCONY -- MOMENTS LATER

Lillie sits in the balcony, watching black families fill the seats. They're all dressed nicely, as if going to church.

Lillie suddenly flinches as Mary comes into view with her son. They sit down nearby her, not realizing who she is.

Lillie watches them carefully, marveling as Mary puts an arm around her boy. This young girl, still just a child herself. Not much older than Hazel. Just like Scipio said.

And suddenly, Lillie's whole face grows calm. We sense she knows who this woman is and what she means to her husband.

INT. COURTROOM -- MORNING

Scipio and Louis enter the packed courtroom and head down the aisle. They glance around the gallery and up at the balcony--

It's a stark contrast, with one thing in common: all eyes, white and black, are squarely on the two of them.

Scipio and Louis arrive at the defense table and find Robert and Frank sitting with the ten others sentenced to die. Just like their families, now dressed in new clothes.

SCIPIO
'Looking sharp, guys.

The men manage nervous smiles as Scipio sits down and takes a moment to get settled. He glances at Utley and Miller, seated across the aisle. Neither of them look happy to be here.

SCIPIO (CONT'D)
Mr. Attorney General, nice to see you again. Mr. Miller, safe trip up from Phillips County, I trust?

UTLEY
Let's cut the formalities, Judge. I have to say I'm disappointed. John here tells me you explicitly promised him that you wouldn't be trying this case.

SCIPIO
I said he wouldn't see me at the defense table in Phillips County. I never said anything about arguing the case on appeal.

MILLER
Sounds like a technicality to me.

SCIPIO
Mr. Miller, we're lawyers. We make our living on technicalities.

Miller stares at Scipio, seething with rage; about to respond when he's suddenly interrupted by a BAILIFF shouting--

BAILIFF (O.S.)
All rise!

And everyone stands as Ed McCullough and eight other JUSTICES shuffle into court. They take their seats up at the bench. We don't get the sense they're happy to be here, either.

MCCULLOUGH
Let's get this over with, shall we?
I'd like to start my weekend.
(Pounds his gavel, then)
Everyone be seated.

Everyone in the gallery and balcony sits down. McCullough stares at the packed house, marveling in disbelief--

MCCULLOUGH (CONT'D)
Are we here for an appeals hearing or the opening of some new show?
(MORE)

MCCULLOUGH (CONT'D)

(Some laughter, then)

Mr. Utley, pleasure to see you, as always. Mr. Miller, I believe this is your first time, yes?

Miller quickly stands up to address the court--

MILLER

Yes, Mr. Chief Justice. Honored to be here.

MCCULLOUGH

Honored to have you.

(then, to Scipio)

Judge Jones. You certainly need no introduction. Welcome back for the, what is it? Twentieth time?

Scipio hesitates and then nods, standing up to speak--

SCIPIO

Yes, your Honor. Thank you.

MCCULLOUGH

Let's see if you can win one, huh?

Scipio feigns a polite smile and sits back down. McCullough glances down at his case file. You could hear a pin drop.

MCCULLOUGH (CONT'D)

Alright, we have twelve men who are appealing their conviction for the murder of James Tappan, an American soldier who was killed during the Negro insurrection in Elaine this summer. A crime for which seventy-five other men pled guilty and are now serving twenty-year sentences.

McCullough scans the rest of the file, then casually shrugs. He glances up at Scipio, almost doing Utley's job for him--

MCCULLOUGH (CONT'D)

Most of these men admitted their crime. The rest got their day in court. They were given lawyers, the chance to confront witnesses, rebut evidence, present evidence of their own, and ultimately were convicted by a jury of their peers. What are we doing here, Judge? Why should any of these verdicts be tossed?

Scipio answers right away without bothering to stand up--

SCIPIO

Because the evidence presented in court was manufactured, my clients' confessions were all coerced, their attorney was practically working for the prosecution, and the trial that convicted them was about as fair as the one Christ received from Pilate and the Sanhedrin.

The audience suddenly gasps. Utley and Miller are stunned. The balls on this guy. Did he really just say that?

Up in the balcony, the black families glance at each other in disbelief. Frank's son leans over the railing. 'Quite a thing to see his father actually being defended.

Down at the defense table, Scipio waits for the murmuring to die down, then gathers some files and stands up to speak--

SCIPIO (CONT'D)

Mr. Chief Justice, members of the court, it is nearly impossible to summarize in the time allotted the grave injustice that has been dealt to my clients and their families, but I will do my best. These men are innocent, every single one, a fact that would've been easily arrived at had they been given an ounce of due process or anything resembling a fair trial. Allow me to first draw your attention to several jury irregularities. Before the violence in Phillips County had even subsided, these men were all shackled in chains and brought to a courtroom dominated by a mob, only to face trumped-up charges that had been made a few days prior without bothering to convene a grand jury.

UTLEY

(Stands up)
Objection, your Honor!

SCIPIO

It's customary for the appellants to present their appeal first before any rebuttals are made.

UTLEY

Please, Judge, let's not waste any more time than we already have.

(MORE)

UTLEY (CONT'D)

Jimmy Tappan's family has suffered enough. Does anything about this case seem "customary" to you?

(then, to McCullough)

Mr. Chief Justice, Judge Jones is attempting an appeal to emotion. I imagine it's all he can do when the law isn't on his side. His aim is to confuse the issue by citing a number of federal laws that have no application here. He just decried the lack of a grand jury. But *Hurtado v. California* determined that's not necessary in a state criminal proceeding.

SCIPIO

Not necessary, but still common practice when the defendants are white. It would seem my clients are held to a different standard, which is a clear violation of their right to due process. Furthermore, what is required by state law is for jury selection to be balanced and fair. Blacks outnumber whites in Phillips County by five-to-one. And yet somehow my clients wound up facing an all-white jury.

Utley approaches the bench with a DOCUMENT in hand. He's a good lawyer, too. And he was expecting this.

UTLEY

Your Honor, please see this sworn statement from the controller in Phillips County, stating on record and under oath that there were no Negroes in Phillips County at the time of this trial who qualified for jury service.

SCIPIO

There are more than thirty-three thousand Negroes living in Phillips County, five-thousand of whom are veterans. You're asking this court to believe that they were somehow qualified to serve in the military, but not on a regularly drawn jury?

UTLEY

Take it up with the controller, Judge. The rules were followed.

(MORE)

UTLEY (CONT'D)

I'd also remind you of *Strauder v. West Virginia*, which holds that racial balance on a jury is not a necessary requirement to ensure equal protection under the law. And even if it was, the time to raise this objection has long since passed. It should have been made during the initial trial and not here as an afterthought.

SCIPIO

Be that as it may, the jury was still biased. They were also uninformed. The judge never even bothered to explain that they could acquit the men if they were found to have acted in self-defense. As a result, they deliberated for less than ten minutes and even failed to specify on their verdict form whether the men were guilty of first or second degree murder.

Scipio holds up the verdict form as we hear more gasps in the audience. But Utley just shrugs, as if to say: "So what?"

UTLEY

I know of no law that requires a judge to make such instructions or a jury to deliberate a set amount of time. As for the verdicts, it would be quite simple to poll the jurors. Judge Jackson sentenced the men to die, so it stands to reason that the verdict was murder in the first degree. This is a formality and hardly rises to the level of gross injustice or irregularity that Judge Jones alleged in his opening statement.

SCIPIO

How about a trial lasting eighty-four minutes that convicts twelve men? Or an attorney who doesn't meet with his clients beforehand or petition for a change of venue when a lynch mob gathers outside the courthouse. Who fails to call a single witness or ask one question during cross-examination and who can't even be bothered to make an opening or closing statement.

(MORE)

SCIPIO (CONT'D)

Any of that seem irregular to you, Mr. Utley?

UTLEY

Not in the slightest, Judge. Show me a law anywhere that would even suggest this is a problem.

SCIPIO

Besides the sixth amendment to the United States Constitution?

UTLEY

Oh, for hell's sake. This is such a waste of time. The sixth amendment guarantees an individual's right to an attorney. Your clients got one. I'd also remind you that in *West v. Louisiana*, it was determined that that specific amendment doesn't apply to state courts. As for the rest, it's between your clients and their attorney. The fact that no questions were asked, or opening and closing statements made, does not necessarily mean that the trial was unfair. That's also settled law. *Maxwell v. Dow*.

(then, pointedly)

The judge ought to remember that case. He lost it, himself.

Scipio smiles at the dig and then glances over at the COURT REPORTER, furiously scribbling to write everything down.

SCIPIO

Let's talk about the evidence. Or lack thereof. During the trial, it was claimed a "kill list" had been found of white planters who were targeted to be killed. This list was never enter into evidence.

UTLEY

Irrelevant. The existence of it was confirmed by the testimony of Mayor Sid Stoaks, one of the most beloved members of his community.

SCIPIO

Who was never cross-examined. We'd respectfully ask that Mr. Stoaks be made available for the purpose of getting a sworn deposition.

UTLEY

Absolutely not. Mayor Stoaks is a busy man with great responsibility. There is no reason to suspect his original testimony was a lie and no purpose would be served forcing him to travel to Little Rock just so he can repeat everything he's already said. Again, the time for this has passed. If there was an objection to his testimony, it should have been made at the initial trial.

SCIPIO

That goes for Dr. Ellis, too?

Utley shakes his head and feigns exasperation--

UTLEY

And what possible objection could you have to Dr. Ellis' testimony?

SCIPIO

For starters, his medical report was never entered into evidence.

(Holds up a document)

I have it right here. Strange, nobody thought to ask about the angle of the blast that blew off that boy's face. On page three, it says it entered above the right ear and exited the left cheek--

MCCULLOUGH

Judge, with all due respect, how is this relevant to anything?

SCIPIO

It suggests Tappan was shot from behind, killed by his own men.

(Over audience murmurs)

Besides Dr. Ellis and Mayor Stoaks, the only testimony the state has to convict my clients belongs to John Jefferson, who is sitting in this courtroom today, ready to recant and bear witness, along with the seventy-five men who pled guilty, their families, and the scars on their bodies, that they were all subjected to horrific torture and forced to confess to false charges while countless other Negroes were being hunted down and slaughtered.

All at once, the courtroom is churning with excitement. Utley no longer has to feign outrage. He's genuinely pissed off--

UTLEY

Your Honor, this is outrageous. Rather than argue legitimate points of law, Judge Jones is resorting to slanderous and sensational charges. Countless Negroes killed? Where are the bodies? Where is the proof? He has no evidence except hearsay and the biased testimony of discredited Negroes, many of whom participated in the actual crime, themselves!

SCIPIO

The only crime my clients committed that night was breaking curfew so they could attend a meeting at their local church. And why were they there? Everyone in this room surely knows. They wanted to form a union, like many other Americans, all with the misguided, but earnest hope that they might be able to negotiate fairer pay from the very men who have held their families in bondage since the dark days of slavery. But as we all know, that negotiation never came. Instead, they were greeted by gunfire and an indiscriminate slaughter that continued for three merciless days.

(a moment, then)

Imagine the terror, the anguish, the horror these men must've felt. Just a few months prior, they'd been fighting Germans in Europe. Now they were hiding out in the backwoods of their homes, in swamps and canebrakes, many with their families at their side, cold and wet, gripped by unimaginable fear, and praying to God that they might be able to survive just long enough to be rounded up by the National Guard, only to be thrown into jail and face false murder charges after enduring the most horrific torture.

(Looks right at Miller)

They were beaten, whipped, choked. Some had their bones broken. Others were strapped for hours into the electric chair.

(MORE)

SCIPIO (CONT'D)

The current cooking their very flesh, leaving them with ghastly third degree burns. This continued for nearly a week. Until, finally, most of the men broke. Like anyone else would have if faced with that horrifying situation.

(a quiet moment, then)

A union. That's all they wanted. Was it really so much to ask? I ask you gentlemen on the bench, where is the justice in any of this?

Suddenly, the courtroom is deathly quiet. McCullough lets out a deep sigh and we can tell: Scipio's given him faint pause.

MCCULLOUGH

Mr. Miller.

Miller hesitates and then rises to his feet, like a child in class who desperately doesn't want to be called on--

MILLER

Yes, your Honor?

MCCULLOUGH

You were in Phillips County in the aftermath of this uprising. Did you see anything that would support the allegations Judge Jones is making?

Miller takes a deep breath and glances at Scipio. He may have a conscience deep down, but we won't be seeing it today--

MILLER

No, your Honor. My investigation showed that not one single Negro was killed without cause. I'd also remind the court the National Guard was there the whole time and their findings were the same as mine. Is Judge Jones going to besmirch the fine reputation of the United States Army by suggesting they're complicit in mass slaughter?

SCIPIO

I don't have to suggest anything. I have sworn testimony from people who were there. And unlike the state's witnesses, mine are here today, ready to swear under oath and tell the world about the horrors they experienced.

UTLEY

Mr. Chief Justice, is this really necessary?

MCCULLOUGH

Just how many witnesses do you plan on calling, Judge Jones?

SCIPIO

One-hundred twenty-six, your Honor.

There are gasps in the courtroom. McCullough glances over at Utley, as if to say: "Now this could be a problem."

UTLEY

One-hundred twenty-six? Do you know how long that's going to take?

SCIPIO

These men and women deserve to have their stories heard, your Honor.

(then, to Utley)

And I know of no statute, state, or federal law that limits the number of witnesses I can call.

UTLEY

This is so absurd. Your Honor, in the interest of saving time and considerable expense...the people are prepared to go ahead and issue a demurrer to this petition.

And there it is. The very thing Scipio had been banking on all along. He slowly turns and looks right at Utley--

SCIPIO

You realize that means the state is admitting the allegations are true.

Up in the balcony, Lillie leans forward with a faint smile on her face, suddenly cluing-in to what her husband is doing.

UTLEY

Thank you, Judge. I went to law school. I'm saying that it doesn't matter. Not in the eyes of the law. It is not the responsibility of the court to determine the facts of a case, that's a matter for the jury to decide. A legal process occurred in full accordance with the United States Constitution.

(MORE)

UTLEY (CONT'D)

That means the state's duty to these men has been satisfied. We'll demur to your petition and all of the testimony and depositions that are contained within.

SCIPIO

Even the claims of torture, murder, and a criminal trial dominated by a mob atmosphere?

UTLEY

All of it, Judge. You take every accusation in those depositions and treat them as fact and the state's response to you is: so what?

Scipio stares at Utley with a faint smile, the look of a man who knows he's about to put his opponent in checkmate.

SCIPIO

Well, in that case, I've got some photographs I'd like to enter into the record.

HEARING IN PROGRESS -- MOMENTS LATER

Scipio hands a thick stack of PHOTOGRAPHS to the judges and duplicate copies to Utley. It doesn't take long to see what they are: pictures of the prisoners' gruesome injuries.

Utley stops at one of a WOMAN whose back has been chewed from brutal whippings. He glances at Miller, whispering--

UTLEY

This is your idea of the third degree?

Miller holds Utley's gaze a moment and then suddenly looks away. We get the sense that he almost feels ashamed.

Up on the bench, the justices finish and pass the photos back to McCullough. He takes a deep breath and looks at Scipio--

MCCULLOUGH

Anything else, Judge?

SCIPIO

No, your Honor. With the state's demurrer, the appellants rest.

MCCULLOUGH

Alright, then. I think we can go ahead and issue a ruling, yes?

McCullough glances at his associate justices, who all quietly nod. That's right, they don't even bother to deliberate.

MCCULLOUGH (CONT'D)

It is impossible to deny this case contains some disturbing facts, alarming on their own and, taken together, enough to raise questions about whether the proceedings that convicted these men were reasonable and fair. That said, we must also remember that the familiar phrase *due process of law* does not mean a criminal trial must be conducted without error, as such a standard would be impossible to maintain. Rather, *due process of law* simply means that the rights of a prisoner shall not be taken arbitrarily, but according to the usual course of the law. Mr. Utley is correct when he states that it is ultimately up to the jury, and not the court, to determine facts in the case. It is the court's responsibility to make sure an appropriate legal process occurs. It is the judgment of this court that that standard has been met and, therefore, the appellants' appeal is hereby denied.

(then, to Scipio)

I take it you'll be petitioning the United States Supreme Court?

SCIPIO

Yes, your Honor. We ask for thirty days to perfect the appeal.

MCCULLOUGH

I'll give you five.

(then, a slight smile)

Wouldn't want to infringe on your clients' right to a swift and speedy trial, now would we?

SCIPIO

No, your Honor.

MCCULLOUGH

Good. That'll allow us to keep the executions as currently scheduled. Thank you, everyone.

(then, to Scipio)

And better luck next time, Judge.

McCullough pounds his gavel, it echoes like gunfire. The men and their families all flinch -- crestfallen and forlorn.

But Scipio stands firm and watches the justices file out of court. And we can tell: he got exactly what he wanted.

EXT. PRISON -- EVENING

Frank Hill, Robert Moore, and the ten other men shuffle back into their cells. The other prisoners watch them, as do all of the guards, some of whom even seem sympathetic.

Scipio goes over to Robert and Frank's cell as the door slams shut. They see him and come over, standing close to the bars.

SCIPIO

Try not to lose hope. This isn't over. There are still a few more cards left to play.

ROBERT

The United States Supreme Court?
Sounds like a long shot.

SCIPIO

It is, but the demurrer helps us. It means the state is acknowledging the facts of the case to be true. From this point forward, they'll have to argue it as such.

ROBERT

(Realizing)
Losing was part of the plan?

SCIPIO

(Nods, then)
Now the question is if a federal court is willing to intervene.

ROBERT

The execution is ten days from now. Should I be pessimistic?

SCIPIO

(a moment, then)
Pessimism is cowardice, remember?

Robert hesitates, then smiles. Scipio turns and walks away.

INT. GOVERNOR'S MANSION -- EVENING

McRae sits at his desk, deep in thought. Suddenly, the phone rings. The governor reluctantly picks it up--

MCRAE (INTO PHONE)

Hello?

MCCULLOUGH (ON PHONE)

It's me. I thought you should know everything's been handled.

REVEAL: McCullough is in his office, now dressed in a suit; a stiff drink in hand, bottle of whiskey on his desk. INTERCUT:

MCRAE (INTO PHONE)

Really, that fast?

MCCULLOUGH (INTO PHONE)

Yeah, it was pretty easy. Not sure what Jones was thinking, rushing into court like that. You'll have to ask him sometime. In my opinion, he did his clients a disservice.

MCRAE (INTO PHONE)

So the executions will be carried out then...as scheduled?

MCCULLOUGH (INTO PHONE)

You mean before the election? Yes. Jones will petition the Supreme Court, asking for expedited review, I'm sure. But that's a pipe dream. They've never intervened in a state criminal case. I don't see any reason they'd start now.

MCRAE (INTO PHONE)

Do you think it's true?

McCullough is caught off-guard, suddenly confused--

MCCULLOUGH (INTO PHONE)

Do I think *what's* true?

MCRAE (INTO PHONE)

'Hundreds of Negroes killed?

MCCULLOUGH (INTO PHONE)

Oh, doubtful. You know how it is with these things. Like the fella who catches a fish. Gets bigger every time he tells the story.

(Takes a drink, then)

Still...I'd be lying if I said the whole thing didn't give me pause. Those boys down in Phillips County really gave those niggers hell.

(MORE)

MCCULLOUGH (INTO PHONE) (CONT'D)
 Those pictures Jones took were
 tough to look at.
 (Takes another drink)
 By the way, the whiskey you sent me
 is fantastic. Where'd you get it?

McRae hesitates as we realize in an instant: Scipio Africanus Jones. Where the hell else would he have gotten it?

MCRAE (INTO PHONE)
 I'll have to check. I'm not sure.

MCCULLOUGH (INTO PHONE)
 Please do. And congratulations on
 the election, Governor.
 (then, with hubris)
 I'd say you've got it in the bag.

McRae nods and hangs up the phone. He lets out a deep sigh. We sense there's a great deal on the governor's mind.

INT. SCIPIO'S LAW OFFICE (SERIES OF SHOTS):

An EXTREME CLOSE-UP of Scipio's typewriter as INK begins to hit the page, spelling out one letter at a time:

PETITION TO THE UNITED STATES SUPREME COURT

What follows is a dramatic MONTAGE, set to MUSIC, similar to the list-writing scene in "Schindler's List." Scipio works around the clock, typing like a madman as Louis reads to him sections of case law and legal depositions...

We hear snippets of dialogue expressing key legal themes: NO BLACKS ON THE JURY, DUE PROCESS, INADEQUATE REPRESENTATION, MOB ATMOSPHERE, FALSE CONFESSIONS, TORTURE, MURDER.

Scipio keeping typing until his hands start to cramp. Louis takes over and works until he grows exhausted. Scipio kicks him out of the chair and resumes typing himself...

They work like this in tandem as the sun sets out the window and rises the next morning. Morning becomes noon, noon turns to evening. And then, finally, the sun sets once again...

Eventually, we find Louis asleep on the couch. Scipio sits at the desk, struggling to type the last few sentences...

We're close on the TYPEWRITER, watching "letter-by-letter" as Scipio concludes: "We humbly ask for relief, as is entitled under the United States Constitution."

Scipio takes a deep breath and sits back in his chair. And we realize all at once: he's finally finished. And then--

Scipio sees a strange light out the window. We might assume it's the sunrise. Except this light is flickering.

INT. SCIPIO'S LAW OFFICE -- ROOFTOP -- MOMENTS LATER

Scipio comes out onto the roof and leans against the railing, staring at distant FIRES burning on the hillside...

Scipio hesitates for a moment, then takes a deep breath. He walks across the roof to look from a different angle...

As he does, we see the fires come into shape. They're burning CROSSES. A KLAN rally is being held right outside the city.

LOUIS (O.S.)

Those what I think they are?

Scipio turns and sees Louis standing behind him. He takes a deep breath and nods, then glances back at the crosses--

SCIPIO

We don't have much time.

INT. SCIPIO'S LAW OFFICE -- DAWN

Scipio slips the BRIEF in a bag and hands it to Louis. We see the top line: **PETITION TO THE UNITED STATES SUPREME COURT.**

SCIPIO

If you hurry, you can still catch the morning train.

LOUIS

Which justice are we submitting to? Oliver Wendell Holmes?

SCIPIO

(Nods, then)

Look for the great big handlebar mustache. Can't miss him. Make sure you tell his clerk we're asking for expedited review.

Louis nods and charges out the door. We HOLD on Scipio as he takes a deep breath and suddenly sense: the die is now cast.

INT. SCIPIO'S OFFICE -- AFTERNOON

Scipio sits at his desk, staring at the TELEPHONE. He picks up the receiver, dials a number, and puts it to his ear--

SCIPIO (INTO PHONE)

Yes, hello. Scipio Jones calling for Walter White.

Scipio takes a deep breath and leans back in his chair. A few moments go by. And then we hear a familiar voice--

WHITE (ON PHONE)

Scipio.

REVEAL: Walter White is at his desk in New York, a flurry of activity behind him. They seem very busy. INTERCUT:

WHITE (CONT'D)

'Sorry I've been a little M-I-A, things have been moving fast. Our fundraising is way up, thanks in large part to you. And remember the anti-lynching bill I was talking about? We're presenting it to Congress early next week.

SCIPIO (INTO PHONE)

That's great. And no worries. I was just calling to check-in.

WHITE (INTO PHONE)

Everything okay? Need more money in the bank accounts?

SCIPIO (INTO PHONE)

The money's just fine. I wanted to give you an update. You know, we appeared at the Arkansas Supreme Court last week. Unfortunately, they upheld the verdicts.

WHITE (INTO PHONE)

Sorry to hear that. Can't say I'm surprised, though. What's next?

SCIPIO (INTO PHONE)

Louis is on his way to Washington now to file a petition with the United States Supreme Court.

White smiles and shakes his head, knowing the odds--

WHITE (INTO PHONE)

That's a long shot. Any reason to think they'll take the case?

SCIPIO (INTO PHONE)

Yes, in fact. The state of Arkansas demurred to our petition.

WHITE (INTO PHONE)

What does that mean?

SCIPIO (INTO PHONE)
They acknowledged the facts as we
allege them to be true.

WHITE (INTO PHONE)
You're kidding.

SCIPIO (INTO PHONE)
Nope. If you have any contacts at
the Supreme Court, maybe you could
put in a good word?

WHITE (INTO PHONE)
Yeah, sure. I'll have our founding
president Moorfield Storey make
some calls. He knows every justice
on the court. They all respect the
hell out of him.

SCIPIO (INTO PHONE)
I know. He's argued a few cases
there, hasn't he?

WHITE (INTO PHONE)
Four. Won all of 'em.

Scipio hesitates for a moment and quietly nods. And somehow,
we sense: this is the reason he was calling all along--

SCIPIO (INTO PHONE)
How's his case load these days?

WHITE (INTO PHONE)
He's eighty years old. He doesn't
take many cases anymore.

SCIPIO (INTO PHONE)
(a moment, then)
Would he consider taking this one?

White stops what he's doing and sits frozen in his chair, not
sure he heard right. Scipio continues off his silence--

SCIPIO (INTO PHONE) (CONT'D)
You said you wanted the NAACP to be
the public face of this case. Well,
here's your chance. If the United
States Supreme Court agrees to hear
the case, would Moorfield Storey be
willing to represent those men?

WHITE (INTO PHONE)
I mean, I can ask. But Scipio, are
you sure about this?

(MORE)

WHITE (INTO PHONE) (CONT'D)

I can only imagine what it would mean for you to argue a case before the highest court in the land. Especially given your history.

Scipio takes a deep breath and we can tell: he's not sure. In fact, he's heartbroken. But there are bigger things at stake.

SCIPIO (INTO PHONE)

Those men need all the help they can get. You and I both know they stand a better chance of winning with a white attorney representing them. If Moorfield Storey would be willing to take the case, I'd be honored to hand it over to him.

White takes a deep breath and we can tell what he's thinking: Scipio Africanus Jones' nobility is truly something else.

WHITE (INTO PHONE)

Alright. I'll ask him.

Scipio nods and hangs up the phone. He sits in back in his chair. And we sense: there's nothing to do now but wait.

INT. PRISON CELL -- AFTERNOON (NEXT DAY)

Robert and Frank pace around their cell. It's hard to even fathom what could possibly be going through their minds.

Robert goes to the bars and peers at the gallows in the yard, then takes a deep breath...and glances at Emmanuel's name.

EXT. LITTLE ROCK (DOWNTOWN) -- SAME TIME

Martineau approaches an empty NEWSSTAND, the owner nowhere in sight. He sets down a coin and takes a NEWSPAPER. The front page reads: **ELAINE PRISONERS AWAIT SUPREME COURT DECISION!**

Martineau stares at the headline. His eyes flicker a bit. And then he looks up...and notices something very strange--

Not just the newsstand is empty. The streets are vacant, too. Nobody else in sight. Shops and businesses are shuttered and closed. It almost feels like when Scipio visited Elaine.

Martineau checks his watch and suddenly seems confused. It's only 1:30. Where on earth could everyone possibly be?

EXT. TRAIN STATION -- THAT MOMENT

John Miller sits on a bench, waiting for his train. He seems quiet and deep in thought. And maybe, a little troubled.

Miller hears something in the distance, a low steady roar. He suddenly looks up. And what he sees stops him cold.

INT. MCCULLOUGH'S OFFICE -- THAT MOMENT

McCullough sits at his desk, filling out some forms. There's a knock at the door. His SECRETARY bursts into the room--

SECRETARY

Sir, have you looked outside?

McCullough senses the urgency in her voice and goes to the window. And all at once, the color drains from his face--

INT. UTLEY'S OFFICE -- THAT MOMENT

Utley is already at his window, stunned. Outside, we can hear the roar marching boots thundering past his office...

Utley turns to one of his CLERKS, standing at the door. It takes a moment to find his voice. But finally, he says--

UTLEY

Call the governor. Now.

INT. MCRAE'S OFFICE -- THAT MOMENT

McRae is startled by a ringing telephone. He picks it up--

MCRAE (INTO PHONE)

Hello?

McRae listens for a moment, then hangs up and charges across the room, opening a set of doors and stepping out onto--

EXT. GOVERNOR'S BALCONY -- CONTINUOUS

McRae leans against the railing, peering at something far in the distance. The low steady roar continues, unabated.

McRae suddenly bows his head, in both agony and despair. We suddenly sense he's a very frightened man. And we CUT TO:

DUNBAR NEIGHBORHOOD -- SERIES OF SHOTS:

BLACK PEOPLE walking down the street stop and run the other way. Anyone peering out a window quickly pulls the shades...

INT. JONES HOUSE -- THAT MOMENT

Scipio sits on the couch with the PHONE to his ear--

SCIPIO (INTO PHONE)

Still no word from the court?

REVEAL: Louis is calling from a PAYPHONE in WASHINGTON, DC. The Supreme Court visible behind him. INTERCUT:

LOUIS (INTO PHONE)
Not yet. Holmes' clerk told me to check back at the end of the day.

SCIPIO (INTO PHONE)
They know the execution is in less than forty-eight hours, right?

Across the room, Lillie hears the roar outside. She peers out the window and suddenly gasps, shocked by what she sees--

LILLIE
Scipio...?

But Scipio doesn't hear her. He's focused on the call. Lillie glances back outside. Her face suddenly grows panicked.

SCIPIO (INTO PHONE)
Tell them again. Time is running out. We need an answer now.

LOUIS (INTO PHONE)
Understood. I'll call you as soon as I have one.

Lillie turns from the window, her voice urgent--

LILLIE
Scipio!

Scipio looks up at his wife, suddenly alarmed. Lillie steps back from the window. And then he sees it, too.

SCIPIO
Get down!

Lillie drops to her knees as Scipio hangs up the phone. He charges across the room and throws open the front door. And what we see should turn our blood cold--

Thousands of KLANSMEN are pouring down the street, right past their house, dressed in full costume; a raging, pulsing river of hate marching unopposed throughout the city...

Scipio stands in the doorway, watching them pass by; refusing to be intimidated. But a clear look of fear in his eyes.

LITTLE ROCK -- SERIES OF SHOTS:

The Klansmen march through the black neighborhood and flood downtown, pouring through the heart of the city, ending at--

EXT. PRISON -- CONTINUOUS

The Klan barrels toward the prison as the GATES swing shut. We see movement on the roof, GUARDS taking position--

ON THE ROOF -- CONTINUOUS

Dempsey bursts outside and joins his armed guards, watching in disbelief as an army of Klansmen gathers at the prison.

It's a staggering sight, thousands of white robes huddled as one mass; filling the entire yard and chanting menacingly--

KLANSMEN

Hang those niggers! Hang those
niggers! Hang those niggers!

We HOLD on Dempsey and the guards. And then CUT TO:

INT. PRISON -- SERIES OF SHOTS:

The prisoners stand in their cells, peering through the bars; a look of horror on their faces as the chant continues...

Robert Hill and Frank Moore stare out at the mob, undoubtedly wondering if their execution is coming sooner than expected.

FRANK

Tell me again why it's safer for us
to be here than Phillips County.

Robert quietly shakes his head, unable to answer--

EXT. PRISON -- THAT MOMENT

WIDE SHOT: The mass of klansmen continue to scream up at the guards. Behind them, the sun begins to set. And we CUT TO:

INT. SCIPIO'S OFFICE -- NIGHT

Scipio sits at his desk, dazed. Outside, dusk has turned to night. The phone suddenly rings. Scipio picks it up.

SCIPIO (INTO PHONE)

Hello?

REVEAL: Louis calling again from Washington. INTERCUT:

LOUIS (INTO PHONE)

Hey, it's me. I caught Holmes'
clerk as he was leaving the office.

(Hesitates, then)

The court reached a decision, it'll
be announced tomorrow morning.

SCIPIO (INTO PHONE)
Just tell me it's good news.

Louis looks down for a moment and we realize: it isn't.

LOUIS (INTO PHONE)
Listen, boss...I don't know how to
say this, so I'm just going to say
it. They rejected the petition.

Scipio sits for a moment frozen in his seat. Like a man who's
been told he has cancer. It doesn't even seem to register.

SCIPIO (INTO PHONE)
They what?

LOUIS (INTO PHONE)
They won't hear the case. Said it
wasn't raised in a timely fashion.
They cited a number of precedents.
(then, reading)
Cruikshank, Hurtado, Plessy v.
Ferguson, Williams v. Mississippi,
Maxwell v. Dow. And finally--

SCIPIO (INTO PHONE)
Don't say it.

LOUIS (INTO PHONE)
Slaughterhouse v. Louisiana.

Scipio looks away and suddenly closes his eyes. That goddamn
case. He's been running into his entire life.

LOUIS (INTO PHONE) (CONT'D)
Boss, what do you want me to do?

SCIPIO (INTO PHONE)
I don't know. Just get back here.

Scipio abruptly hangs up the phone. Out the window, we see
more flickering light. Except this time, it's closer.

Scipio slowly stands up and opens the window. A faint breeze
carries the sound of distant chanting from the prison--

EXT. PRISON -- THAT MOMENT

The KLANSMEN are now lit by blazing fires. Large EFFIGIES of
the Elaine men and Scipio are burning bright in the darkness,
sending a sea of flaming embers into the night air...

We PAN ACROSS the white hoods, everyone now with raised fits;
chanting one word over and over, a thousand voices strong--

KLANSMEN

Blood! Blood! Blood! Blood!

Up on the roof, the guards grip their rifles tightly. Several have trembling hands. Dempsey shakes his head, marveling--

DEMPSEY

And they said the Klan was dead.

A nearby GUARD turns to Dempsey and replies--

GUARD

'Might be easier to just hand the prisoners over to 'em.

Dempsey gives the guard a long hard stare. But we can't tell if he's horrified...or maybe considering the suggestion.

Finally, Dempsey shifts his gaze to the Klansmen below, a mob intent on death; ready to burn the whole world to the ground.

INT. MARTINEAU'S OFFICE -- THAT MOMENT

Martineau stands at his window, the distant fires reflected in his eyes. He listens to the chanting, horrified.

EXT. PRISON -- THAT MOMENT

WIDE SHOT: We HOLD on the awful scene as effigies burn late into the night. Until finally, mercifully, we CUT TO:

INT. JONES HOUSE -- NEXT MORNING

Lillie is lying asleep in her bed. Sunlight comes in through the window and hits her face. Her eyes flutter open.

Lillie takes a deep breath and slowly sits up. But then her eyes suddenly narrow. Scipio's side of the bed is empty.

LILLIE

(Calling)

Scipio?

Lillie's call goes unanswered. She suddenly seems concerned, realizing all at once the house is empty. And we CUT TO:

INT. SCIPIO'S LAW OFFICE -- SAME TIME

Scipio sits on the couch, dressed in the same clothes. He's been there all night. He stares at his crowded wall, full of articles and photographs documenting his accomplishments.

But in this moment, Scipio looks at them with scorn. He feels like a failure. What has he accomplished, really?

Scipio hears footsteps coming down the hall. Louis appears in the doorway, exhausted after an all-night train ride.

SCIPIO

You look like a man who hasn't slept in days.

LOUIS

(Nods, then)

Now I know how you feel.

INT. PRISON -- MORNING

Dempsey sits at his desk, sipping a glass of whiskey. A GUARD comes into the office with a folded-up NEWSPAPER.

DEMPSEY

Those goddamn fools still outside in their silly white robes?

The guard quietly nods and sets the newspaper on the desk. A bold headline declares: **LAST HOPE GONE FOR ELAINE MEN! UNITED STATES SUPREME COURT DECLINES TO HEAR PETITION!**

DEMPSEY (CONT'D)

Well, look at that. Better start prepping the gallows. Looks like we're killing some folks tonight.

The guard stares at Dempsey and quietly nods. Suddenly, they hear a CAR engine outside. They glance out the window--

INT. MODEL-T DRIVING, PRISON -- THAT MOMENT

Scipio sits in the back as Louis drives towards the prison. Out the window, the klansmen suddenly come into view...

LOUIS

Want me to take you around back?

Scipio takes a deep breath, then defiantly says--

SCIPIO

I've refused to go through the back door my whole life. I'm not about to start now.

Louis nods and smiles with a hint of pride. He steps on the gas, accelerating towards the mass of white hoods--

EXT. PRISON -- THAT MOMENT

The klansmen step back as the car pulls up and stops. They watch in stunned disbelief as Scipio climbs out.

Scipio holds their gaze and then makes his way through the crowd, parting a sea of white hoods like Moses himself...

KLANSMAN

(Sneers)

'Goddamn nigger.

Scipio stops in his tracks and slowly turns around. He stares at the klansman...and notices the man's hand is shaking.

Scipio shifts his gaze, staring out at the crowd. And in this moment, something should be clear: in the light of day, these men are cowards. Every last one of them.

Scipio takes a deep breath and continues on his way, leaving the klansmen behind as he disappears inside the prison.

INT. PRISON -- DEMPSEY'S OFFICE -- MOMENTS LATER

Dempsey looks up as Scipio sets a bottle of WHISKEY on his desk. He doesn't waste any time. He opens it right away.

DEMPSEY

I don't know about you, Judge, but I'll sure be glad when this is all over, as much as I've enjoyed these regular visits of yours.

(Pours a drink, then)

I put the prisoners in the death house so they could be with their families. You're welcome to stay as long as you like. Just tell my men that I said it's okay.

Scipio stares at Dempsey and quietly nods, then he turns and leaves to have the most difficult conversation of his life.

EXT. PRISON YARD -- LATER

Scipio's footsteps crunch gravel as he walks across the yard. GUARDS patrolling the area stop and watch him pass by...

INT. DEATH HOUSE -- THAT MOMENT

Robert and Frank sit in silence with the other men and their families. Everyone nervous and on edge. Out the window, they see GUARDS beginning to adjust the NOOSE on the gallows...

FRANK

That can't be good.

Robert takes a deep breath and quietly nods. Suddenly, they hear a loud *banging*. A team of CARPENTERS is working across the yard, building something with plank wood--

FRANK (CONT'D)

Now what do you suppose that is?

Everyone shakes their heads, not sure they want to know. And then Robert turns...and sees Scipio at the door--

ROBERT

Mr. Jones!

Scipio waits for a GUARD to unlock the gate, then steps into the cell. Everyone gathers around him, excited and hopeful.

SCIPIO

Everyone alright?

ROBERT

They just moved us out here. Nobody will tell us anything. What's going on, Mr. Jones? What's happening?

Scipio stares at Robert, then glances around the room. He has no idea how to say this. So he just comes out and says it.

SCIPIO

The United States Supreme Court has declined to hear our appeal.

ROBERT

(Stunned)

What does that mean?

SCIPIO

(Hesitates)

It means the lower court's decision will stand. Your convictions have all been upheld, barring some last minute intervention.

Suddenly, you could hear a pin drop in the room. The families begin to tremble as it dawns on them what this means.

FRANK

And the executions?

Scipio glances over at Frank, it kills him to say this--

SCIPIO

Carried out as scheduled.

ROBERT

But...that's a few hours from now.

SCIPIO

I know. I'm sorry.

Robert stares at Scipio, at a loss. We hear grief-stricken cries throughout the room. And then, worst of all--

YOUNG BOY (O.S.)
No! They can't kill my daddy! They
can't! They can't!

Scipio slowly turns and glances across the room. He sees Mary cradling her young son. The boy is staring right at him--

YOUNG BOY (CONT'D)
Tell them! Tell them they can't!

Scipio stares at the boy and then walks across the room. He kneels down so he can look the child right in the eye--

SCIPIO
I know you're scared. Remember when
you were lost in the woods? You
were probably scared then, too. You
probably thought you'd never see
your mom or dad again.
(Nods at Mary & Frank)
But look, there they are.

Scipio takes a deep breath and reaches into his pocket. He takes out Emmanuel's medal, offering it as a gift--

SCIPIO (CONT'D)
Don't give up on me, yet.

The young boy stares at Scipio and quietly nods. He reaches out and takes the medal. His crying stops for a moment.

Scipio rises to his feet and glances around the room, then he heads for the door, passing Robert along the way--

SCIPIO (CONT'D)
I'll be back in a few hours.

Robert nods and Scipio is suddenly gone. The bars slam shut once again, leaving the prisoners and their families alone.

Everyone stands frozen, in deep silence and barely able to breath. They hear the *banging* noise once again.

FRANK
I think I know what those boys are
building outside.
(a moment, then)
Our coffins.

REVEAL: The carpenters step back and, sure enough, we see twelve pinewood COFFINS stacked in the prison yard.

EXT. GOVERNOR'S MANSION -- EVENING

Carl opens the door and finds Scipio standing on the porch. The valet shakes his head, holding up his hands--

CARL

Please, Mr. Jones. I'm not supposed to let you in here.

But Scipio charges right past him and into the house--

INT. MCRAE'S OFFICE -- MOMENTS LATER

McRae is pacing around the room with a PHONE to his ear. Out the window, we can see fires burning at the prison.

MCRAE (INTO PHONE)

Jim, there has to be something in the state constitution that allows an election to be delayed. Just find me something we can use and get back to me. No excuses.

As McRae hangs up, the door opens behind him. He turns and sees Scipio in his office. His eyes suddenly narrow--

MCRAE (CONT'D)

Carl! Carl!
(then, to Scipio)
I have nothing to say to you.

McRae charges to the door and peers into the hall, frustrated to find Carl nowhere in sight. He heads back to his desk...

MCRAE (CONT'D)

You know, you've got some nerve showing your face here. Thanks to you, I might lose the election.
(Nods out the window)
You brought the Ku Klux Klan right into Little Rock!

SCIPIO

You think they weren't already here? Governor, please. They just decided to put hoods on.

McRae scoffs and shuffles some papers around his desk, hoping that Scipio will just leave. Instead, he steps closer.

SCIPIO (CONT'D)

Governor, I don't like being here anymore than you do. But I'm out of time. I need your help.

MCRAE

I should've known. You're all the same. You know that? Every last one of you. We had a deal, remember? I said I'd get you a quick hearing with McCullough and, in return, you wouldn't ask for a pardon. But that wasn't good enough, was it? No, you always want more.

SCIPIO

Forget a pardon. Just give me some time. Issue a stay. Please.

MCRAE

On what grounds?! You took the case to the United States Supreme Court and they ruled against you! What on earth do you want me to do now?

SCIPIO

The right thing.

MCRAE

(Stunned)

The right thing?

SCIPIO

Yes. The right thing. For once in your life. You never know, it might end up being a winning strategy.

McRae stares at Scipio with exasperation and disbelief, then he comes around the desk, like a tiger about to attack--

MCRAE

Yeah? How's it worked for you? Thirty years of doing the right thing and what has it gotten you? You know, if it'd been up to you, we'd have been co-counsel during the segregation trials. We would've lost, I'd never become governor, and the Dunbar neighborhood you and every black professional likes to call home would be nothing but a fantasy. This is your problem, Scipio. Always has been. You let the perfect be the enemy of the good. You're a purist. Strident and unrealistic. Like Icarus, himself. You shoot for the stars and then feign moral outrage when you come crashing back to Earth.

(MORE)

MCRAE (CONT'D)

The right thing? I'm the governor of a major state. It's easy for you to climb on a soap box. For me, it's a little more complicated.

SCIPIO

Is it? Or is that just the excuse? Governor, lives are at stake. Those men all have families and children. You've seen the evidence, you know they're innocent. You knew Emmanuel West was, too. Doesn't any of that weigh on you?

McRae stares at Scipio for a long, hard beat. And then coldly repeats the same line he gave him back at his party--

MCRAE

They had their day in court. The jury didn't agree. Sometimes the law just has to take its course. That's how it goes.

SCIPIO

You gave me your word.

MCRAE

I did no such thing. I told you I'd do my best. And I have. Which is a hell of a lot more than I can say for you. There will be no pardons for the Elaine men. Now, please, get the hell out of my office.

Scipio takes a deep breath, then turns and leaves. And the moment he's gone, the governor looks down -- ashamed.

INT. JONES HOUSE -- EVENING

Scipio sits at a desk in his house, talking on the phone. The grim look on his face tells us the call isn't going well--

SCIPIO

I understand, Senator. But if you could just call the governor and--
(Listens a moment, then)
No, I understand. Yes, sir. Thank you for your time.

Scipio hangs up and sits quietly, in a daze. This is really going to happen, isn't it? Those men are going to die.

Scipio startles as the phone rings again. He catches his breath and picks up the receiver, placing it to his ear--

SCIPPIO (INTO PHONE) (CONT'D)
Hello?

 WHITE (ON PHONE)
I hear that misery loves company.
Thought I'd call to commiserate.

REVEAL: Walter White calling from NAACP HEADQUARTERS in New York, a sympathetic but sad smile on his face. INTERCUT:

 SCIPPIO (INTO PHONE)
I don't suppose you have any cards
to play with our governor?

 WHITE (INTO PHONE)
No, afraid not. All of our chips
are going to have to be played in
Tulsa, now. We just got word that
the black neighborhood there was
burned to the ground.

 SCIPPIO (INTO PHONE)
Why?

 WHITE (INTO PHONE)
Details are still coming in, but
I'm sure it'll be like the others.
One more in a long list. The Red
Summer continues.

 SCIPPIO (INTO PHONE)
 (a moment, then)
But it's fall, now.

 WHITE (INTO PHONE)
Yeah, well, the way this country's
going, looks like we're going to
make a year out of it.

Scipio shakes his head with a sad, fearful sigh--

 SCIPPIO (INTO PHONE)
We might be next, I'm afraid.
 (a moment, then)
What about the anti-lynching bill
you were putting before Congress?

 WHITE (INTO PHONE)
Dead. Senate Democrats filibustered
it. The silver lining is that our
membership has doubled, but that's
little consolation for the men who
are about to lose their lives.
 (a moment, then)
 (MORE)

WHITE (INTO PHONE) (CONT'D)
 If it makes you feel any better,
 Moorfield Storey was excited about
 the case. We took a look at the
 brief. You did a hell of a job.

Scipio manages a faint smile, but it's salt in the wound.

WHITE (INTO PHONE) (CONT'D)
 Hey, buck up. This won't be the
 last time black men are killed in
 pursuit of justice. The fight goes
 on, the war goes on.
 (then, pointedly)
 There will be other cases, Scipio.

Scipio takes a deep breath and quietly nods. But he doesn't want to hear that. This is the case. There is no other.

SCIPIO (INTO PHONE)
 Thanks for the call.

Scipio hangs up and sits quietly for a moment. And then, in a fit of rage, he knocks everything on his desk to the floor.

INT. NAACP OFFICES (NEW YORK) -- SAME TIME

White hangs up the phone and glances across the room. And we suddenly reveal that he's not the only one there--

MOORFIELD STOREY (78) is standing by the window, arms folded and almost in silhouette. He stares at White and asks--

STOREY
 Think he'll be able to let this go?

White stares at Storey for a moment and then glances down at the phone. And we can tell: he's really not sure.

INT. PRISON -- SAME TIME

Robert, Frank, and the families all sit in silence, listening to the terrible sound of hammers building their coffins...

ROBERT
 God in heaven, I'm sorry. I'm so
 sorry I got you all into this.

Everyone stares at Robert, not sure what to say. And then Frank charges to the window and shouts to the carpenters--

FRANK
 Hey! Just thought you should know
 you're wasting your time building
 those coffins!

The carpenters stare at him, confused. Frank glances back at the families. And believe it or not, he really said this--

FRANK (CONT'D)

Mr. Jones is not going to let us die.

INT. JONES HOUSE -- SAME TIME

Scipio is cleaning up the mess he just made. As he picks up a book, he hears a familiar voice at the door--

LILLIE (O.S.)

You should be in bed.

Scipio turns and sees Lillie, looking beautiful and calm. She comes over and smiles, gently caressing his face--

LILLIE (CONT'D)

I told you before, I wish you wouldn't keep these hours.

Scipio stares at her and manages a faint smile, but his mind is consumed with darkness. He suddenly blurts out--

SCIPIO

Do you ever wish you'd married somebody else?

LILLIE

(Stunned)

What?

Scipio takes a deep breath, almost at the point of tears. He sits down and looks up at her. It all comes pouring out--

SCIPIO

I don't know what life will be like for us after this. The Klan is back in Little Rock. McRae may lose the election. We might have to sell the house. I don't know if I'll even be able to work. I'm so sorry. It's all my fault. I should've listened to you. I'm such a fool. I wagered everything on a miracle.

LILLIE

(a moment, then)

But your whole life is a miracle.

And Scipio suddenly flinches as that comment lands. Lillie leans over him, her voice rising to a ferocious resolve--

LILLIE (CONT'D)

I fell in love with you because I could see in your eyes the will to make the impossible happen. And now, because of you, there is a black middle class in this city, the likes of which exists nowhere else in the South. There is a young girl at college whose grandparents were slaves. And there are twelve men fighting for their lives who otherwise would already be dead. So when you call yourself a fool and a failure, I have no idea what in God's name you could possibly mean.

(a moment, then)

Sell the house if you have to. It's only bricks and boards. Empty our bank accounts, too. Just promise me you'll do one thing in return.

SCIPIO

What's that?

LILLIE

(Dramatic Beat)

Win.

And on that defiant note, Lillie turns and walks out of the room; leaving Scipio with a renewed sense of purpose.

INT. PRISON -- SAME TIME

Dempsey pours himself another drink and lights a cigar. He goes to the open window and peers outside, watching as his men continue to work prepping the gallows...

GUARD

Just about ready, Warden!

Dempsey nods and then gulps down his drink. He glances down at his watch. It's getting to be about time.

INT. JONES HOUSE -- SAME TIME

Scipio is still cleaning his office. Only now, after Lillie's speech, we sense the wheels in his mind are turning.

Scipio leans over and picks up a book entitled: **ENGLISH LAW**. His eyes suddenly narrow. He sits at his desk. And we begin to hear FLASHBACK VOICEOVERS, starting with Robert Hill--

ROBERT (V.O.)

So what happened?

SCIPPIO (V.O.)
Slaughterhouse vs. Louisiana.

ROBERT (V.O.)
A jurisdiction case under the guise
of 14th Amendment? That's absurd.

SCIPPIO (V.O.)
I agree. So did the Supreme Court.
They ruled against the butchers in
a 5-4 decision, stating that while
citizens are entitled to certain
rights under the constitution, it
is up to the individual states to
guarantee those rights.

Scipio begins to flip through the book. And as he frantically
turns pages, we hear Martineau's voice from earlier--

MARTINEAU (V.O.)
If the case was about jurisdiction,
if it was some property dispute or
civil forfeiture, I'd gladly rule
in your favor. But in criminal
court, I'd be bound by precedent.

Scipio keeps turning pages as we hear Robert again--

ROBERT (V.O.)
If one case can change history,
doesn't it stand to reason another
could change it back?

Scipio smiles faintly and we hear his voice a final time--

SCIPPIO (V.O.)
Doubtful. Once established, legal
precedents are almost impossible to
overturn. This is bedrock principle
dating clear back to English Law.

Scipio suddenly stops, a flash of inspiration in his eyes. He
takes a deep breath, then grabs the phone and dials--

SCIPPIO (INTO PHONE)
Louis, get over here right away.

Scipio hangs up and threads paper into his typewriter. We PAN
OVER to the book, revealing a page that reads: **HABEAS CORPUS.**

INT. JONES HOUSE -- KITCHEN -- LATER

Lillie is at the counter, making coffee. She suddenly hears
the TYPEWRITER upstairs and goes to investigate...

INT. JONES HOUSE -- OFFICE -- CONTINUOUS

Scipio is punching keys as fast as he possibly can. Lillie comes in and leans over him, reading out loud--

LILLIE
Writ of Habeas Corpus?
(then, confused)
Scipio...what is this?

Scipio rips the page from the typewriter and looks up--

SCIPIO
A miracle, I hope.

Suddenly, a car honks outside. Scipio grabs his coat. Lillie watches him charge out the door -- beaming with pride.

INT. DEMPSEY'S OFFICE -- SAME TIME

Dempsey pours another drink and gulps it down. He suddenly hears a knock at the door. A GUARD pokes his head in--

GUARD
Warden? It's midnight.

DEMPSEY
(Checks his watch)
So it is. Alright, let's go.

INT. MARTINEAU'S HOME -- MOMENTS LATER

Martineau stumbles disoriented through his house, having just been awoken. Someone is knocking urgently on his front door--

SCIPIO (O.S.)
John...! It's me! Open up!

MARTINEAU
Scipio? Hold on a moment...

Martineau unlocks his door. Scipio bursts inside--

SCIPIO
Thank God you're home. I need your help. Or just a signature will do.

Scipio hands Martineau the order. Martineau seems confused--

MARTINEAU
Habeas Corpus...?
(then, realizing)
Scipio, tell me you're not actually suggesting what I think you are.

INT. PRISON -- SAME TIME

The families scream as GUARDS come into the cell and start pulling the prisoners away from their children...

GUARD

Time's up! C'mon, let's go.

Robert Hill is hauled outside along with other men. The guard finally reaches Frank. His son grabs his leg, tightly.

YOUNG BOY

Don't hurt my daddy!

The guard rips the boy away and practically hurls him to the floor. But Mary is there to catch him. They sob together as Frank and the other men are led out to the gallows...

INT. MARTINEAU'S OFFICE -- SAME TIME

Scipio and Martineau are in the midst of a heated debate--

MARTINEAU

Scipio, you're asking for something that is a violation of my mandate as a chancery court judge.

SCIPIO

English Law, upon which our entire legal system is based, states that if a prisoner is held unjustly and without cause, then the state loses jurisdiction over his body. Habeas Corpus. It supersedes everything.

MARTINEAU

No, it doesn't. Because that is not the way this country has chosen to interpret that law. No prisoner has ever been granted relief citing habeas corpus and for good reason.

SCIPIO

John, I don't have time to argue. You told me that if I could make the case about jurisdiction, you'd help me. I need you to prove that you're a man of your word.

MARTINEAU

I could be disbarred for this. We both could. Do you understand?
(then, almost shouting)
I could lose my job.

SCIPIO

So get a different one. I'm so sick of hearing that excuse. Get a job that allows you to look at yourself in the mirror every morning. You're a good man, John. I have to believe there are more important things for you to be doing than overseeing property disputes.

MARTINEAU

(Overwhelmed)

Scipio...this isn't even legal.

Scipio stares at Martineau and gives him the simple truth--

SCIPIO

We're not talking about what's legal. We're talking about right and wrong.

Martineau stares at Scipio and lets out a deep sigh. Scipio offers him a pen. Martineau hesitates...and then takes it.

EXT. MARTINEAU'S HOME -- MOMENTS LATER

Scipio bursts out of the house with the signed order in hand, jumping into the car as Louis peels away from the curb...

EXT. PRISON YARD -- SAME TIME

Dempsey and the guards watch as the prisoners are led across the yard. The families stand nearby, sobbing. Some of them fall to their knees. Others have to be restrained.

Robert climbs the stairs first and gets positioned over the trap door. The noose is slipped around his neck...

Frank watches with steely resolve, then glances at his wife and son. The look in his eyes says: "I love you so much."

Mary nods in return and then we PAN DOWN to her son, staring at his father...and clutching Emmanuel West's medal.

EXT. MODEL-T DRIVING, PRISON -- THAT MOMENT

Louis has the pedal to the floor, going as fast as they can. The prison comes into view, along with a mass of klansmen...

LOUIS

Want to go around back this once?

SCIPIO

Goddamn right I do.

EXT. PRISON (BACK ENTRANCE) -- CONTINUOUS

Louis pulls up and Scipio jumps out of the car, racing past a GUARD who recognizes him and quickly lets him through--

GUARD
Better hurry, Judge. They've
already started.

EXT. PRISON YARD -- THAT MOMENT

A GUARD on the platform tightens the noose around Robert's neck. He gasps and chokes. Just like Emmanuel West did.

GUARD
(To Robert)
Any last words?

Robert starts to hyperventilate, completely overwhelmed. The guard doesn't wait. He grabs the lever, about to pull--

SCIPIO (O.S.)
Stop!

Everyone turns as Scipio appears. He takes a deep breath and walks over to Dempsey, holding up Martineau's order--

SCIPIO (CONT'D)
I have a signed order halting the
execution of these men.

There are gasps of relief from the families, incredulity from the guards. Frank glances at his son: "See? I told you."

GUARD
(Stunned)
A signed order? From who?

SCIPIO
John Martineau.

GUARD
Martineau? He's a chancery court
judge. He has no jurisdiction!

SCIPIO
He begs to differ. So do I.

Dempsey stares at Scipio and finally snatches the order from his hands. He begins to read it in quiet disbelief--

DEMPSEY
Habeas Corpus? What the hell?
(then, reading further)
(MORE)

DEMPSEY (CONT'D)

Warden Dempsey is hereby ordered to appear in court and show cause for the imprisonment of--of--

Dempsey's voice trails off as he suddenly realizes what this is. He looks up at Scipio and almost seems betrayed.

DEMPSEY (CONT'D)

You're charging me with a crime? Have you lost your mind? You're the one who brought these prisoners to me in the first place!

GUARD

That order will be tossed out. This is all just a big stunt. I don't know about you, Warden, but I say we go ahead with the execution.

SCIPIO

That would be a mistake. Every man in here would be held in contempt of court for ignoring a judge's orders, not to mention face possible murder charges for the deaths of twelve innocent men.

Everyone stares at Scipio, absolutely floored. One of the guards suddenly snaps, snarling as he says--

GUARD

Who does this nigger think he is?

Something about the way he says it sucks the oxygen out of the room. Scipio slowly turns and looks right at him--

SCIPIO

How about I haul your ass into court Monday morning, we can find out together?

DEMPSEY

(Shouting)

Enough!

Everyone looks at Dempsey. The warden shakes his head. And then he takes in the extraordinary scene around him--

One prisoner already on the scaffolding with a rope around his neck, the others being restrained with their families, a sea of KLANSMEN right outside the prison gates...

And Scipio Africanus Jones, a man he's known for over thirty years. Now itching for a fight and no longer a friend.

DEMPSEY (CONT'D)

Well, well, Judge Jones. I always wondered when you were going to start burning your bridges.

(then, to the guards)

Put 'em back in their cells.

The guards all moan in protest. Scipio lets out a deep sigh, watching with relief as the prisoners are led away...

Dempsey stares at Scipio, seething with rage. In this moment, we sense: things will never be the same between them again.

DEMPSEY (CONT'D)

I guess I'll see you in court on Monday. Until then, get the hell out of my prison. Right now.

Scipio nods and slowly turns to leave. The families stare at him, gratefully. Frank Moore's son has tears in his eyes.

But the guards now view Scipio as an enemy, we can see it in their eyes. It's a much different walk than before. There are no farewells, no lit cigars, no talk of family or friends.

Just a bunch of stone cold stares as the Negro lawyer passes through the gates and stumbles wearily into the night.

INT. MCRAE'S OFFICE -- MORNING

McRae slams a NEWSPAPER down on his desk, staring at the front page. He can't believe it. The headline declares:

CHANCERY JUDGE JOHN MARTINEAU TEMPORARILY HALTS EXECUTION OF ELAINE PRISONERS WITH HABEAS CORPUS PETITION!

McRae pushes the paper away and sits back in his chair. And a look in his eye lets us know: his fate might be sealed.

INT. ARKANSAS SUPREME COURT -- MORNING

If you thought the last hearing was crowded, this is another level. Every seat is filled. CROWDS stand in the back.

Scipio and Martineau sit at the appellants' table, Utley and Dempsey across the aisle; McCullough and the other judges up at the bench, staring out in stunned disbelief.

MCCULLOUGH

Well, Judge Jones, you've certainly turned this into quite the little circus, haven't you?

Scipio doesn't wait for censure, he rises to his feet--

SCIPIO

Your Honor, my clients have been deprived of their rights and are about to be deprived of their very lives in clear violation of the United States Constitution.

Utley feigns disbelief as Scipio goes to the podium with a book in hand, entitled: **UNITED STATES STATUTES AT LARGE**.

As Scipio turns to a marked page, the door behind him cracks open. And Governor McRae slips quietly into the courtroom.

SCIPIO (CONT'D)

I draw this court's attention to the Habeas Corpus Act of 1867, which states that courts shall have the power to grant writs of habeas corpus in any cases where any person has been restrained of his or her liberty without due process.

UTLEY

Within their jurisdiction.

SCIPIO

Your Honor, this statute predates every precedent that was cited in denying my clients' appeal, the facts of which, I'd remind this court, the state of Arkansas has acknowledged to be true.

Utley can't take it anymore, he leaps to his feet--

UTLEY

Your Honor--

SCIPIO

We're doing the interrupting thing again, huh?

UTLEY

The very statute Jones cites specifically states that judges must act within their jurisdiction. Chancellor Martineau violated his, both ethically and legally. This is a delay tactic, nothing more. Judge Jones is attempting to substitute habeas corpus for a writ of error, all on a wing and a prayer so that his clients might avoid meeting the wrong end of the hangman's noose.

(MORE)

UTLEY (CONT'D)

I refer the court back to our initial demurrer. This is a federal statute. It has no application in state court. We ask that you not only quash the petition, but also sanction both Judge Jones and Chancellor Martineau for taking such an action. These are turbulent times, with tensions running high and the future of Arkansas possibly at stake. It would seem these men are perfectly happy to throw the whole system into disarray for their own selfish purposes. It's unacceptable. And it can not stand.

McCullough sighs and looks out into the crowd. He sees McRae near the back. The two men lock eyes for a moment.

MCCULLOUGH

The court agrees.

SCIPIO

Your Honor--

MCCULLOUGH

Judge Jones, I've heard about as much from you as I can stand, so do us all a favor and just stop. The actions undertaken by both you and Chancellor Martineau were entirely inappropriate. The ruling of this court is unanimous. The chancery court is without jurisdiction. The habeas corpus petition is quashed, and Judge Jones and Chancellor Martineau shall be referred to the Arkansas Bar Association for ethics sanctioning, as well.

McCullough raises his gavel. But Scipio isn't done--

SCIPIO

Permission to petition the United States Supreme Court, your Honor.

MCCULLOUGH

For a habeas corpus petition?

SCIPIO

Yes, your Honor, as is our right under the U.S. Constitution.

McCullough glances at his associate justices, then--

MCCULLOUGH

And if we refuse?

SCIPIO

Then I'd urge the court to be prepared to show cause, or else get ready to face ethics violations and possible sanctioning, themselves.

McCullough stares at Scipio, then glances back at McRae. The governor's face is grim. Knowing what this could mean.

MCCULLOUGH

Congratulations, Judge. You bought your clients a few extra weeks. And all it cost was your reputation and possibly your law license.

(As he raises his gavel)

The court grants five days to appeal the United States Supreme Court. The execution shall be rescheduled for November 15th...

(then, glancing at McRae)

...after which, I'm sure many of us will be in need of a long vacation.

McCullough pounds his gavel. The crowd begins to leave. McRae lowers his head in the back, sensing his goose may be cooked.

Scipio gives Martineau a look: "Thank you." Then he shoots a look to the balcony, where he sees Mary with her son.

Scipio gives them a firm nod, then charges out of court; fast and with great urgency. There isn't a moment to lose.

INT. SCIPIO'S OFFICE -- EVENING

Scipio puts the habeas corpus petition in the same messenger bag as before and hands it to Louis, quietly remarking--

SCIPIO

'Sorry to keep sending you on these long overnight trips.

LOUIS

That's alright. We submitting to Holmes again?

SCIPIO

Yes. And Louis?

(a moment, then)

Tell him we're counting on him.

Louis stares at Scipio and nods, then turns and leaves.

INT. PRISON -- AFTERNOON

A GUARD stands at the gate, watching Dempsey climb out of his car. The yard is now empty. The klansmen have all gone.

GUARD
How'd the hearing go?

DEMPSEY
How do you think?

The guard smiles at Dempsey, motioning to the yard--

GUARD
Where do you suppose everyone went?

DEMPSEY
(a moment, then)
Where else? To vote.

EXT. LITTLE ROCK (SERIES OF SHOTS):

WHITE PEOPLE throughout the city line up at various POLLING STATIONS to cast their BALLOTS, all of them stone-faced and resolute. And back to wearing normal clothes.

Across the street, disenfranchised BLACKS watch, weary and afraid. Wondering what the future could possibly hold.

But as we PAN ACROSS their faces, we should see something in their eyes. Fear, yes. But also defiance, as well.

INT. DINER -- MORNING (DAYS LATER)

Scipio sits in the same diner where he met Walter White, now seated in the colored section. And this time, it's crowded.

Earl comes over and, once again, fills Scipio's cup up with COFFEE. Scipio notices that his hand is trembling--

SCIPIO
Thanks, Earl.

Earl nods and then walks away, leaving us to wonder if he was the klansman who called Scipio a nigger back at the prison.

Scipio shakes it off and glances down at his NEWSPAPER. He unfolds the front page, revealing a bold headline--

UPSET AT THE POLLS! TERRAL BEATS MCRAE! NEW GOVERNOR PROMISES SWIFT EXECUTION OF ELAINE RIOTERS AFTER TAKING OFFICE!

Scipio takes a deep breath, his eyes flicker a bit. He stares at the newspaper quietly. And then he looks up--

Scipio sees black people in the diner all giving him the same defiant look: "Enough of this shit. Let's keep fighting."

Scipio holds their gaze and firmly nods. The moment lingers and stretches. And then we hear a familiar voice--

WHITE (O.S.)
McRae lost, huh?

Scipio turns and sees Walter White approaching his table. He looks out of place in the colored section of the diner--

SCIPIO
Yep. After all that, it wasn't even close. Everyone endorsed by the Klan got swept into office.
(a moment, then)
You on your way somewhere?

White nods and takes a seat at Scipio's table.

WHITE
Yeah, Tulsa. Remember? Got a few hours before my next train, thought I'd see how you're doing. When you weren't at your office, I figured I'd take a chance and come here.

SCIPIO
Is Tulsa as bad as they say?

White gives Scipio a grim look and nods: "Worse."

WHITE
An entire black community leveled to the ground. Even firebombed it with planes. Somewhere between two and three hundred Negroes killed. Might be worse than Elaine when all the bodies are finally counted.

SCIPIO
Why?

WHITE
Supposedly a Negro bell boy tripped and bumped into a white woman.

SCIPIO
(Stunned)
That's it?

WHITE
That's it. Don't look so surprised.

Scipio stares at White, not sure what to say. He glances down at the newspaper once again. And finally, he says--

SCIPIO

It's been such a horrible year.

WHITE

Yeah. And just think, it isn't even Christmas. There are some dark days for the Negro ahead, I'm afraid.

Scipio stares at White and quietly nods. And then he notices black people in the diner staring at White with suspicion--

SCIPIO

Is it hard straddling two worlds?

WHITE

(Shrugs, "I dunno.")

At times, I guess. When I was a boy growing up in Atlanta, the census bureau listed me as white. I could live my whole life that way, if I wanted. No one would be the wiser.

SCIPIO

So why don't you?

WHITE

I imagine for the same reason you don't practice law up north.

Scipio stares at White and quietly nods. And we sense, in this moment, that the two men understand each other.

SCIPIO

I should get back to the office.
I'm expecting a call from Louis.

White suddenly seems confused, he nods across the diner--

WHITE

Isn't that him right there?

Scipio turns and is shocked to see Louis coming into the diner. He races towards their table. Urgent. Excited.

SCIPIO

What are you doing here?

Louis has to catch his breath. Finally, he says--

LOUIS

I took the train through the night.

Louis smiles and then offers Scipio the envelope--

LOUIS (CONT'D)
So I could give you this myself.

Scipio stares at Louis, stunned. He tears open the envelope. The look on his face tells us everything we need to know.

WHITE
What does it say?

Scipio hands White the envelope, already standing to leave--

SCIPIO
Call Storey.

And without another word, Scipio charges out the door. White quickly reads the letter...and then looks up in disbelief.

INT. GOVERNOR'S MANSION -- AFTERNOON

Carl opens the door and suddenly smiles. This time, he gladly steps aside so that Scipio can come into the house--

The two men share a glance, then Scipio heads down the hall. As he approaches McRae's office, we start to hear screaming--

UTLEY (O.S.)
That goddamn Scipio Africanus Jones has played us all for fools! He is taking this case all the way to the United States Supreme Court!

The screaming gets louder as Scipio draws near. All the black servants smile, with a look that says: "Holy shit, dude."

UTLEY (O.S.) (CONT'D)
Governor, with respect, something has to be done! We can't just sit back and allow that nigger lawyer to embarrasses our great state!

Scipio comes down a familiar hallway and gently opens the door, stepping lightly into Governor McRae's office--

INT. MCRAE'S OFFICE -- CONTINUOUS

McRae is sitting at his desk, talking to Utley and Miller. He sees Scipio right away. Utley and Miller do not.

UTLEY (CONT'D)
It isn't enough to sanction him or even have him disbarred. That black bastard should be rotting in jail!

McRae smiles and motions over Utley's shoulder. He and Miller turn and suddenly freeze, seeing Scipio at the door.

MCRAE

I'm not sure what you expect me to do, Mr. Utley. I suggest you take the matter up with my successor.

Utley stares at McRae and then storms out of the room. Miller follows close behind. They both pass Scipio by the door--

SCIPIO

See you in Washington.

The door slams shut and Scipio and McRae are suddenly alone. A heavy silence between them. And an elephant in the room.

MCRAE

A habeas corpus petition and the United States Supreme Court has actually agreed to hear it.

(then, marveling)

I'm not sure what to say.

SCIPIO

(Smiles, then)

How are you doing, Governor?

McRae takes a deep breath and swivels in his chair, glancing around the office he'll soon be forced to leave.

MCRAE

I don't think it's really sunk in, yet. How do you handle it?

SCIPIO

Handle what?

MCRAE

Losing when you should've won.

Scipio stares at McRae with a faint, curious smile. Is that a dig? A mea culpa? An olive branch? Or possibly all three?

SCIPIO

I try to tell myself there's peace in losing...as long as you believe you've done the right thing.

MCRAE

Well, I hope that gives you some comfort when Terral takes over. Things are about to get a whole lot worse for you and your people.

SCIPIO

Well, won't be the first time. If history's taught us anything, it's that sometimes things have to get worse before they can get better.

McRae stares up at Scipio, not sure what to say. Scipio pulls a piece of PAPER out his bag...and sets it on the desk--

MCRAE

(Confused)

What's this?

SCIPIO

A pardon for the men serving time for the Elaine riot.

MCRAE

You're joking, right? Why would I sign this? Their fate is in the hands of the Supreme Court now.

SCIPIO

Only the ones convicted of murder. There are seventy-five other men imprisoned on lesser charges. And you know as well as I do it makes no sense keeping them locked up if twelve of their co-defendants go free. If one of them is innocent, surely they all are.

(McRae starts to object)

Governor, you have nothing to lose. If the Supreme Court rules in our favor, you're covered. If not, it's a moot point. Now that you're out of politics, you're the freest man in Arkansas. You can climb on that soap box with the rest of us. Your situation is no longer complicated.

Scipio slides the paper closer and offers McRae a pen. The governor hesitates and we wonder: is he considering it?

MCRAE

Scipio, even if I wanted to, I simply don't have the authority to pardon these men.

SCIPIO

That's not true. You're still the governor of Arkansas. You are literally the only man in the state who does have that authority.

MCRAE

That doesn't make it right. For my entire career, I've maintained that the executive has no business interfering with the judiciary. This has been a bedrock principle. What would my legacy be if I went back on it now, at this late hour?

Scipio stares at McRae and quietly shakes his head, marveling at how -- even now -- this man can keep equivocating.

SCIPIO

Legacy? Governor, a hundred years from now, no one will care whether you practiced judicial consistency. They'll care whether you stood on the side of justice. They'll care about the decision you made here and now. So I'd advise you to think very carefully before making it.

MCRAE

I don't think you should be doing this to yourself, Scipio.

SCIPIO

Why not?

MCRAE

Because we both know you're not going to win. The Supreme Court is split 6-2 on ideological grounds. Four of the justices are known as the 'Horsemen of the Apocalypse.' Two are even rumored to be members of the Klan. In the entire history of this country, no state prisoner has ever been granted relief by a federal court on the grounds that the trial wasn't fair. You're going up against more than a hundred years of historical precedent with nothing but justice on your side and you're going to lose, just like you did with all the others.

(Softens a bit, then)

Look, the fight you've mounted on behalf of these men has been nothing short of inspiring. But you know as well as I do that it was hopeless from the beginning.

(then, his final answer)

I can't sign this. I'm sorry.

Scipio nods and takes back the piece of paper. He turns and starts to roam quietly through the office...

SCIPIO

"Scipio, you have my word I'll do my best." Isn't that what you'd always say, the qualifier you'd use? How many times, Governor, have you asked me to be patient through the years? Next term, you'd say. "Just give me a little more time." Well, here we are. Time's finally up. So I'd appreciate an honest answer. You were never really going to help me. Were you?

McRae stares at Scipio for a terrible moment. He has too much respect for him to lie now. So he quietly says--

MCRAE

No. I wasn't.

Scipio smiles faintly and seems to appreciate the candor. He turns and wanders over to McRae's vast library of books--

SCIPIO

That's what I thought. I remember when you first ran for office, I told Negroes they should vote for you. The few that still could, that is. They were skeptical, of course. But I assured them their fears were unfounded. Tom McRae may not be one of us, I said, but he is a man of his word. You'll see.

(a moment, then)

We fought a lot of battles over the years, Governor, but I want you to know that I always respected you. Your devotion to your family, your progressive outlook on social issues...your love of history.

Scipio arrives at a BOOKSHELF and runs his fingers along the spines, stopping at the one McRae offered to him earlier--

SCIPIO (CONT'D)

If you could meet one person out of the past, who would it be?

MCRAE

(Shrugs)

I don't know. Julius Caesar, perhaps. Maybe Robert E. Lee.

SCIPPIO

Know who I'd pick? My mother.

McRae flinches and, all at once, the room feels heavy. Scipio turns and comes back over, sitting quietly on the couch--

SCIPPIO (CONT'D)

There's not much I know about her for certain. I don't have a picture of her or any real memory of what she looked like. She was born a slave. She spent her entire life in chains. Even bringing me into the world was forced upon her, as you probably gathered from my light skin. Her only real act of freedom was giving me a name. The woman couldn't read or write. And yet, somehow, she'd heard of a Roman general long ago who'd conquered the African continent. She could have named me anything. She chose to name me after him. I often wonder if maybe she was trying to leave me a message the only way she knew how. Somewhere along the way, towards the end of the Civil War, she died. And I was on my own.

(then, growing emotional)

I think about her often. Every time I see a mother walking down the street with a child, I wonder: who was she? Deep down. What were her hopes? What were her dreams? What were her expectations? What kind of life did she imagine for her son? What would she say if she could peer into the future and see him practicing law and arguing a case all the way to the United States Supreme Court? Would she dare to imagine such a thing were even possible? These are questions I'll never have the answer to. I don't even know where she's buried. Somewhere deep in the Mississippi Delta, I imagine. Along with so many other Negroes, slaughtered senselessly through the years, now forgotten, just as my mother and the Elaine victims soon will be.

(then, his voice rising)

Governor, all I know of my mother is the name that she gave me.

(MORE)

SCIPIO (CONT'D)

But, in a way, I suppose, that's everything. Isn't it?

Scipio rises from his chair and suddenly seems ten feet tall. He casts a long dark shadow over McRae's entire desk--

SCIPIO (CONT'D)

You're going to sign this piece of paper. For me. For her. For them. And this time, by God, you are going to keep your word.

MCRAE

(Hesitates)

Scipio--

SCIPIO

Goddamnit. Are you really going to make me win each of these cases on appeal? Because I'll do it. And so help me God, I will drag you into the trenches kicking and screaming. I will subpoena you at every trial and litigate your legacy into the ground. In every courthouse across the state, they will hear of your administration's failings. I will etch them in stone so your children and grandchildren can all learn about how one of the greatest massacres of innocents our country has ever seen happened on your watch. And you stood by and did nothing about it.

McRae stares up at Scipio. Stunned. Angry. Afraid.

MCRAE

You son of a bitch. Who the hell do you think you are?

Scipio heads for the door. McRae leaps to his feet--

MCRAE (CONT'D)

Judge Jones! Scipio...

But Scipio already has one foot out into the hallway. McRae raises his voice and shouts, firm and unwavering--

MCRAE (CONT'D)

Mister Jones!

And Scipio stops dead in his tracks and slowly turns around. McRae stares at him for a long time, then quietly says--

MCRAE (CONT'D)

Alright. If the Supreme Court rules
in your favor, I'll sign the order.
(a moment, then)
I give you my word.

Scipio stares at McRae, then nods and leaves. We HOLD on the former governor -- a haunted, bewildered look on his face.

INT. JONES HOUSE -- EVENING

Scipio finishes packing and zips his bag shut. He turns and sees Lillie at the door, also with a suitcase in hand.

LILLIE

This time, I'm coming with you.

Scipio stares at her and quietly nods. There's not going to be any discussion. Nor would he even want one.

EXT. UNION STATION (LITTLE ROCK) -- NIGHT

Scipio and Lillie hop on a TRAIN as it leaves the station...

INT. TRAIN (COLORED CAR) -- MOMENTS LATER

Scipio and Lillie find empty seats and settle in for a long night as the train chugs east towards the nation's capitol...

INT. TRAIN (COLORED CAR) -- MORNING

Scipio is dead asleep against the window. Sunlight hits his face. Lillie nudges him awake and motions: "Look."

Scipio sits up and glances outside. And we suddenly see the UNITED STATES CAPITOL BUILDING reflected in the glass.

EXT. TRAIN STATION -- MOMENTS LATER

Scipio and Lillie come down the platform stairs. Walter White is there waiting for them, along with Moorfield Storey--

WHITE

Scipio Africanus Jones, allow me to
introduce the NAACP's founding
president, Moorfield Storey..

Scipio shakes Storey's hand, motioning to Lillie--

SCIPIO

My wife, Lillie.

STOREY

Pleasure to meet you both.

Lillie stares at Storey with a warm smile, nodding: "You, as well." Scipio turns to White, rubbing his unshaven face--

SCIPIO

Is there a place where I can get cleaned up?

WHITE

Of course. Let's head on over to our office. This way.

Scipio nods and he and Lillie follow White and Storey over to a waiting car, climbing inside as we suddenly CUT TO:

EXT. NAACP OFFICES -- LATER

A prominent building on PENNSYLVANIA AVENUE with the famous **A MAN WAS LYNCHED TODAY** BANNER hanging in the window...

INT. HOTEL ROOM -- LATE MORNING

Scipio comes out of the bathroom having shaved and changed his suit. He takes a few steps, we see the entire room--

Lillie is sitting at a table with Walter White. Storey is over by the window, reading through Scipio's brief.

The pages tremble slightly in his arthritic hands. But his eyes are focused and his mind seems sharp and clear.

Storey turns the last page and takes a deep breath. He looks out the window...and then turns to face Scipio--

STOREY

This is beautiful work.

SCIPIO

I hope you don't mind, I left my name on the brief.

STOREY

Not at all. You wrote it. And truth be told, you should be arguing this case before the Court.

Scipio quietly nods. It's true, he should be. But if this is still a source of resentment, he does a good job hiding it.

SCIPIO

I'm honored to have you represent us. Your work as an abolitionist, founding the NAACP...nobody in the past fifty years has done more for Negroes in America.

Storey stares at Scipio a moment, then quietly smiles--

STOREY

Oh, I can think of one.
 (Motions to the door)
 Shall we?

EXT. PENNSYLVANIA AVENUE -- MOMENTS LATER

Scipio, Lillie, White, and Storey come outside and walk down Pennsylvania Avenue to the United States Supreme Court. It's a stunning sequence -- bold and dramatic.

Think about Wyatt Earp and his brothers marching towards the OK Corral. This is just as thrilling, with higher stakes.

EXT. SUPREME COURT -- CONTINUOUS

Scipio, White, Storey, and Lillie climb the iconic steps of the United States Supreme Court and disappear inside...

INT. SUPREME COURT -- MOMENTS LATER

Scipio and Lillie sit near the back as people file into the courtroom. Grand and majestic. It almost inspires awe.

White and Storey are up front at the appellants' table. Utley and Miller are across the aisle. They watch with reverence as eight SUPREME COURT JUSTICES enter the courtroom--

WILLIAM HOWARD TAFT (62) takes the center seat, impossible to miss at almost three-hundred pounds. And sitting right beside him is nothing short of an American legend--

OLIVER WENDELL HOLMES (78) is something to behold, regal and handsome in old age. Even if you don't know him, his thick handlebar mustache should seem familiar and iconic. This is, after all, the greatest jurist in American history.

Scipio glances over his shoulder as the proceedings start. We sense he's waiting for someone else. And then--

The door softly opens and Hazel appears. She glides down the aisle, looking sophisticated and serene. And we might recall the promise she made earlier to her father. ("I'll go to the Supreme Court when you argue a case there.")

Scipio smiles as Hazel takes the empty seat right beside him, slipping off her coat and then softly whispering--

HAZEL

'Sorry I'm late, my class ran long.

Scipio beams at his daughter, still the light of his life.

SCIPIO

That's alright. I'm just glad you could make it.

Hazel smiles and Scipio puts his arm around her. They glance over at the podium. We see Storey's argument in progress--

STOREY

Mr. Chief Justice, the simple fact is that no man on the jury could have voted for acquittal. Large mobs dominated the proceedings. Had any of the defendant's actually been found not guilty, it is almost certain they would have never been allowed to escape with their lives.

TAFT

And it is your contention, Mr. Storey, that the circumstances surrounding these trials are such as to render them invalid and that this court is obligated to grant relief to these prisoners under a petition of habeas corpus?

STOREY

Yes, Your Honor. It is.

TAFT

You are no doubt aware that this is a legal request that has never been granted before, yes?

STOREY

Yes, Your Honor. But as we will show, never has a case come before this court that involves such widespread abuse of the law.

(Glances at Utley, then)

We have a whole community inflamed against the defendants, prepared to lynch them, refraining from doing so only because of the presence of the National Guard. We have trials lasting barely an hour, defense attorneys failing to properly represent their clients, refusing to call any witnesses or ask a single question during cross-examination. We have false stories printed in newspapers, witnesses tortured and compelled on pain of death to give fabricated testimony.

(MORE)

STOREY (CONT'D)

We have a mass of evidence which clearly shows, if evidence can show anything, that the defendants never had a fair trial and in fact were innocent and in danger of their lives, that two or three hundred of them were probably killed, and as if that weren't bad enough, we now have an incoming governor, rumored to be a member of the Ku Klux Klan, who has publicly sworn to kill these men the moment he comes into power. These facts are acknowledged as true by the state. They don't contest a single one. And still they say these men must die.

Utley can't take it anymore. He leaps to his feet--

UTLEY

Your Honor, I object! These are outrageous allegations. I'd like it noted for the record that the state of Arkansas denies every one!

But Taft holds up his hand, cutting Utley off. And then, with his other hand, Taft holds up Scipio's brief--

TAFT

But Mr. Utley, you demurred to the petition, thereby acknowledging the allegations to be true.

And hushed murmurs ripple throughout the room. Near the back, Hazel turns and glances at her dad -- beaming with pride.

UTLEY

(Stammering)

Your Honor...the appellants are trying to deceive the court. Their aim is to substitute habeas corpus for a writ of error, which this court has previously denied!

TAFT

I understand and we'll hear that argument shortly, when it's your turn to speak. But for now, your objection is overruled.

(then, sharply)

Sit down, Mr. Utley.

Utley slumps in his chair and glares back at Scipio. From his seat up on the bench, Oliver Wendell Holmes takes notice.

TAFT (CONT'D)
Continue, Counselor.

STOREY
(Nods, then)

The evidence on which these men were convicted was manufactured and clearly shows the proceedings to be nothing short of judicial murder. If these decisions are permitted to stand, the rights of Negroes across this country will continue to be denied, just as they have been for the past hundred years. This court can not bring back the countless dead, but it can open the prison gates and let the innocent go free. The state of Arkansas will of course argue we lack precedent and proper jurisdiction, but with all due respect, we contend that a case such as this is the whole reason habeas corpus exists. In the name of God and justice and all that is right, we humbly ask for relief, as is entitled under the United States Constitution. Thank you.

The justices nod and watch Storey sit down. Holmes glances down at the brief. Suddenly, he notices Scipio's name.

Holmes looks out into the crowd and spots three black people near the back. He stares at Scipio -- quietly intrigued.

EXT. SUPREME COURT -- AFTERNOON

Scipio exits the courtroom with Lillie and Hazel. They walk down the marble steps and see Utley and Miller at the bottom.

UTLEY & MILLER
Judge Jones.

Scipio smiles and puts his arm around his wife and continues on his way. Miller watches them go and suddenly calls out--

MILLER
Whatever the court decides, Sip, I just want you to know...I always knew the evidence was shaky. My heart goes out to those poor men and their families. Truly.

Scipio stops and slowly turns around. He stares at Miller from a distance...and then comes a little closer--

SCIPIO

You know, Mr. Miller, I've had a lot of disappointments over the years, but I think the biggest one of all is knowing that men like you think that's good enough.

(then, a polite smile)

You have a nice day.

Scipio walks away with his family, leaving Miller stunned.

INT. NAACP OFFICES -- AFTERNOON

Scipio sits with Lillie, Hazel, White, and Storey around at a large conference table, talking in mid-conversation--

STOREY

I think that went about as well as we could've hoped. Now it's just a question of whether some of the more prejudiced justices will break and vote with the progressives.

LILLIE

What do you suppose the chances of that are?

STOREY

(Smiles, then)

If you're asking me to wager on another man's bigotry, I'm afraid you're not going to like the odds that I give you.

(a quiet moment, then)

Still...this is a tremendous case. You did incredible work, Mr. Jones. The demurrer really puts them in a tight spot. Let's try not to get our hopes up, but I'd say the longer it takes for them to reach a decision, the better the odds are it'll be in our favor.

SCIPIO

It's hard not to get excited. If we win, with this case and this court, we will have changed history.

WHITE

(To Scipio)

You planning on sticking around?

Scipio takes a deep breath, looking at Lillie and Hazel. They glance back at White and seem to nod as one family--

SCIPIO

I don't want to go back to Arkansas until a decision's been reached.

Storey and White glance at each other and nod, as well--

WHITE

Neither do we.

INT. CONFERENCE ROOM -- LATER

A dark, windowless room with a small TABLE and eight wooden CHAIRS. Nothing about it suggests any importance. But then--

The door swings open and William Howard Taft comes lumbering into the room, followed by Oliver Wendell Holmes and the six remaining Supreme Court Justices--

It's not necessary to know their names, but here they are for reference: WILLIAM DEVANTER (60), LOUIS BRANDEIS (60), GEORGE SUTHERLAND (67), JAMES MCREYNOLDS (67), JOSEPH MCKENNA (76), and PIERCE BUTLER (63). They gather around the table and take their seats, now dressed in SUITS instead of robes. Each man holds a stack of LEGAL BRIEFS, with Scipio's at the top.

TAFT

So...what do we make of this Moore versus Dempsey business?

BRANDEIS

(Hesitates, then)

Fascinating case, I must say. I gotta hand it to Storey. 'Didn't think the old man had it in him.

MCKENNA

Storey's just the messenger. The brief's written by someone else.

SUTHERLAND

(Reading)

Scipio Africanus Jones? Anyone know who the hell this is?

The justices all shake their heads, except for Holmes. He stares quietly at Scipio's name. We sense he knows.

MCREYNOLDS

I agree it's a compelling argument, but the state of Arkansas is right. The appellants are just trying to substitute habeas corpus for a writ of error. And all so they can free a bunch of damn murderous niggers.

(MORE)

MCREYNOLDS (CONT'D)

It smacks of desperation more than anything else.

BUTLER

I worry about the precedent this would be setting. The United States Supreme Court has never set aside a criminal verdict on the grounds that the trial was unfair. That's the state's responsibility. 'Been that way for over a hundred years.

DEVANTER

I agree. We'd be opening an avenue for every criminal in the country to petition the federal government. Could you imagine? Our legal system would be turned upside down. It'd be absolute bedlam.

The justices all nod and murmur in agreement. It would seem the decision's been made. But then Holmes speaks up--

HOLMES

There's a flip side to that coin, you know?

TAFT

What do you mean?

Holmes takes a moment to gather his thoughts, then he leans forward; glancing at every justice around the table--

HOLMES

What I mean...is that the facts in this case are horrifying and the state of Arkansas has acknowledged them to be true. If we can't intervene in this case, when can we? We might as well strike habeas corpus from the constitution. Why does it even exist at all?

TAFT

(Stunned)

You think we should rule in favor of the appellants?

Holmes holds Taft's gaze for a long moment, then glances down at the brief. Staring at Scipio's name, he quietly says--

HOLMES

I think this country has been at a crossroads for a very long time.

(MORE)

HOLMES (CONT'D)

The question before us now is...
which way do we want to go?

The justices glance at each other and settle back in their chairs. We sense they're about to have a long conversation.

INT. HOTEL ROOM (WASHINGTON, D.C.) -- MORNING

Scipio wakes up looking rested and refreshed. He checks on Lillie, then sees Hazel standing at their bedside--

HAZEL

How'd you sleep?
(Scipio nods, "Well.")
Good. Get dressed. There's
something I want to show you.

EXT. WASHINGTON D.C. -- LATER

Scipio walks along the Potomac with Lillie and Hazel. The water runs calm and peaceful. It's a beautiful morning.

Up ahead, a massive plot of ground is under construction, a series of new (but iconic) buildings marred by scaffolding...

HAZEL

Recognize any of those buildings?
(Scipio shakes his head)
It's part of a new project. They're
calling it the "National Mall."

Hazel suddenly pulls her father in a new direction. Lillie follows them up a set of STAIRS that look very familiar...

SCIPIO

Hazel...what is this?

HAZEL

(Smiles, then)
History being made.

They reach the top of the stairs and see a WOMAN (50, white) welcoming visitors with BROCHURES. She turns and sees Scipio, Lillie, and Hazel. She hesitates for just a moment.

WOMAN

Well, hello there. Welcome to the
new memorial.

SCIPIO

New memorial?

The woman nods with a smile and then hands Scipio a brochure. Hazel tugs on his arm, with a look that says: "This way."

Scipio and Lillie follow Hazel through a peristyle of FLUTED COLUMNS. Their footsteps echo as they enter a large chamber.

And in an instant, we realize where they are--

The iconic statue of ABRAHAM LINCOLN comes into view. Boldly, but without fanfare; like he's been there all along, towering over everyone and everything in quiet contemplation.

Scipio steps closer, noting the inscription: *In this temple, as in the hearts of the people for whom he saved the union, the memory of Abraham Lincoln is enshrined forever.*

Scipio takes a deep breath and steps back, standing with his wife and daughter. All three of them looking up in awe.

How to possibly describe this moment? A former slave, having just presented a case to the United States Supreme Court, is staring up at the man who gave him his freedom, with his wife and daughter standing quietly beside him.

Scipio's eyes well with emotion, overwhelmed by it all. He glances around at the other families nearby and sees a few MOTHERS who are there with their young CHILDREN...

Scipio makes eye contact with one young boy and offers him a bittersweet smile. The moment lingers. And then we hear--

LANDEAU (O.S.)

Excuse me...Mr. Jones?

Scipio turns and sees LLOYD LANDEAU (20s, white) standing behind him. He stares at Scipio, clearly nervous--

LANDEAU (CONT'D)

I'm sorry, but...are you Scipio Africanus Jones?

Scipio quietly nods. Landeau steps closer--

LANDEAU (CONT'D)

Your partners said I might find you walking along the mall. I clerk for Justice Holmes. If you wouldn't mind coming with me...he'd like to have a word with you.

Scipio stares at Landeau, stunned. Lillie and Hazel both look amazed, wondering: "What could this possibly mean?"

INT. SUPREME COURT -- HALLWAY -- LATER

Scipio follows Landeau down a crowded hallway. PEOPLE dash by at a quick pace, all racing towards the courtroom...

Scipio takes a breath. Eyes focused, but unsure. Something big is happening. There's a sense of urgency in the air.

INT. HOLMES' CHAMBERS -- MOMENTS LATER

Landeau opens the door and motions: "Go in." Scipio hesitates a moment...and then steps into the judge's chambers.

CLERK

Justice Holmes will be right in.

Scipio nods and watches the door shut. Suddenly, he's all alone. In a state of absolute bewilderment.

Scipio finally turns and begins to roam around the room, just like Robert Hill did back in Little Rock; except now Scipio's the one who's staring at everything in wonder--

It's a beautiful office. Much like Scipio's, but on a grander scale. Vaulted ceilings. Crowded BOOKSHELVES. PICTURES of PRESIDENTS and DIGNITARIES on the walls. Framed NEWSPAPER CLIPPINGS chronicle Holmes' remarkable life and career while PHOTOGRAPHS show the man himself, all through the ages--

They seem to go back in time, to a much different era. From sitting on the United States Supreme Court to arguing before the Massachusetts Bar; ending with a faded DAGUERRETYPE of a handsome twenty-year-old boy, dressed in a freshly-pressed UNION UNIFORM at the dawn of the Civil War.

Scipio takes it all in with reverence and awe. He arrives at a large STANDING DESK made of dark cherry wood, stacked high with LEGAL BRIEFS. His is on the very top.

Scipio smiles with a just a hint of pride, then he glances up at the MANTEL behind the desk, where a pair of crossed SWORDS from different eras are mounted on display...

HOLMES (O.S.)

The one on the left belonged to my great-grandfather. He fought in the American Revolution.

Scipio turns and nearly gasps. So do we. Standing before him is none other than Oliver Wendell Holmes, dressed once again in his black robe. Looking like an American legend.

SCIPIO

And the one on the right?

HOLMES

That one was mine. I was a first lieutenant in Grant's army.

(Nods at daguerreotype)

(MORE)

HOLMES (CONT'D)

Not a bad looking fellow, eh?
(Scipio nods, then)
Have a seat, Mr. Jones.

Scipio nods and heads nervously to the couch. Holmes grabs the legal brief off his desk and follows right behind him...

SCIPIO

I heard a story once that you shouted for President Lincoln to duck just before Fort Stevens was attacked. Is that true?

HOLMES

It's true that I shouted. Whether he heard me is another matter.
(As they both sit)
What did you think of the memorial?

SCIPIO

'Fitting tribute to a great man.

HOLMES

I agree. I find it difficult to think about those times. I grow melancholy remembering everyone we lost. Six-hundred-thousand. It's difficult to comprehend. And now, in Europe, untold millions killed. As regular as clockwork, one generation to the next. Every civilization rests on the death of men. I wonder, what do we owe them? Will history forgive us for all the ways we've let them down?

SCIPIO

I often find myself wondering the same thing, sir.

Holmes stares at Scipio and nods. And we sense, despite their differences, these two men are very much kindred spirits.

HOLMES

I'm glad my clerk was able to find you. I was very interested to meet the man who wrote this.

Holmes holds up the brief. Scipio smiles with nervousness in his eyes. Still not sure exactly what he's doing here.

SCIPIO

If you don't mind my asking, sir
...how did you know who I was?

HOLMES

Oh, it wasn't hard. I saw you in the courtroom, the only black man in the crowd. And I imagine the last white man to be named Scipio Africanus probably died about two-thousand years ago.

(then, a slight smile)

If you don't mind my asking, where did you go to law school?

SCIPIO

I didn't. I'm self-taught.

HOLMES

(Stunned)

You don't say.

Holmes shakes his head in quiet disbelief, then glances down at Scipio's brief; flipping through the pages--

HOLMES (CONT'D)

Eighty-seven verdicts, linked on appeal. Allegations of torture, forced confessions, murder, all confirmed by the state's demurrer. Presented under the umbrella of a habeas corpus petition. 'Quite a piece of lawyering, Mr. Jones. It's probably best you didn't go to law school. They would've stripped you of such audacious thinking.

Scipio manages a faint smile, but there's sadness in his eyes. He senses a "however" coming. And here it is--

HOLMES (CONT'D)

Of course, granting this petition would require us to overturn past precedent and this court is bound by *stare decisis*. Added to which, the order was signed by a judge in chancery court who clearly lacked jurisdiction. I'm sure you can appreciate the difficult position this put us in as we deliberated--

Holmes looks up, suddenly caught off guard. Scipio is staring at the ground, tears beginning to pool in his eyes.

HOLMES (CONT'D)

My good man. What's wrong?

Scipio takes a deep breath, his voice shaking--

SCIPIO

What's wrong? Well, from all the excitement outside, I gather that the court has already reached its decision. And I can only think of one reason you'd invite me into your chambers. And that's so you can brace me for bad news.

Scipio works up the courage to look up at Holmes. And the justice's stoic eyes seem to confirm his suspicion.

SCIPIO (CONT'D)

If you only knew what this case meant to me. And to those men.
(a quiet moment, then)
Was the decision even close? Did we move the needle at all?

Holmes stares at Scipio a moment, then quietly says--

HOLMES

Six to two.

Scipio flinches as if hit by a truck. Six-to-two. Exactly the decision they'd expected. But then Holmes adds--

HOLMES (CONT'D)

In your favor.

And Scipio looks up in stunned disbelief. Holmes scoots a bit closer, a slight smile beginning to lift up his mustache.

HOLMES (CONT'D)

I invited you into my chambers so I could offer my congratulations. The decision is six to two in favor of the appellants. I'm going to be delivering the majority opinion...
(Holds up the brief)
...and since you were the one who wrote the argument, I thought you should be the first to know.
(Shakes Scipio's hand)
Congratulations, Mr. Jones. Your boys are free.

Holmes stands up and leaves Scipio stunned. MUSIC begins to FADE UP that will carry over for the rest of the movie...

INT. SUPREME COURT -- HALLWAY -- MOMENTS LATER

Scipio stumbles down the hallway, dazed. He turns a corner and sees White and Storey up ahead -- utterly bewildered.

STOREY

(Calling)

Scipio, where have you been? The court's reached a decision!

Scipio stands frozen, unable to speak. But he doesn't have to. A REPORTER shouts from inside the courtroom--

REPORTER (O.S.)

Justice Holmes is going to read the majority opinion!

And in that moment, they know -- everyone knows -- they've won. American history is about to change forever.

Scipio stares at Storey and White as the news begins to sink in. And then, slowly but surely, he starts to back away...

White makes a move to chase after him, but Storey grabs his arm, with a look that quietly says: "Just let him go."

And so they both stand completely still, watching as Scipio disappears around the corner, then they slowly turn and go into the courtroom to hear the monumental decision...

AROUND THE CORNER

Scipio charges towards the door. The MUSIC continues to rise steadily, over which we hear Holmes begin to read--

HOLMES (O.S.)

We are a nation of laws, meant to secure to each citizen their basic inalienable rights, among the most cherished of which is the right to due process. For seventy years, this responsibility has fallen to the states. This is established legal precedent, something this court takes very seriously. And, at first glance, it would appear that interference through habeas corpus ought not to be allowed...

We CUT AWAY from Scipio and back inside the courtroom. Holmes looks out into the crowd. We sense another "however" coming--

HOLMES (CONT'D)

However, whatever disagreement there may be as to the scope of the phrase *due process of law*, there can be no doubt that it embraces the fundamental concept of a fair trial.

(MORE)

HOLMES (CONT'D)

And a writ of habeas corpus commands us to look deeper, into the very tissue of the structure, and ascertain whether the trials were more than empty shells. Was basic fairness afforded? Have the prisoners been unjustly deprived of their lives and liberty?

White and Storey both look braced for impact. The MUSIC rises even more as we CUT BACK to Scipio out in the hallway...

HOLMES (O.S.) (CONT'D)

It does not seem sufficient to us to allow a United States judge, citing mere jurisdiction, to escape responsibility for examining the facts when, if true, they would render the trial completely void...

Scipio charges outside into the blinding light of day. We watch from high above as he makes his way down the marble staircase, heading back into the city...

HOLMES (O.S.) (CONT'D)

It is our duty now and always to declare lynch law as little valid when practiced by a regularly drawn jury as it is when administered by a mob intent on death...

Scipio reaches the bottom and gets absorbed by the crowd. We CUT BACK to the courtroom as Holmes dramatically concludes--

HOLMES (CONT'D)

If the case indeed is that the whole proceeding is just a mask, with counsel, jury, and judge swept away to a fatal end by the tides of public passion, and state courts fail to correct the wrong, then there is nothing to prevent this court from securing to these petitioners their constitutional rights.

(then, as MUSIC swells)

It is so ordered.

Holmes pounds his gavel. And we suddenly CUT TO:

EXT. SUPREME COURT -- THAT MOMENT

Scipio is hunched over, sobbing in catharsis. He has never looked so strong. And yet, so completely vulnerable.

Scipio takes a deep breath and stands up. Throngs of PEOPLE pass by, unaware of who he is or what he's just done.

The following words appear:

Scipio Africanus Jones' victory at the United States Supreme Court is considered a landmark case and a turning point in American legal history. In addition to striking the first blow against Jim Crow society in the South, *Moore v. Dempsey* laid the groundwork for a decades long legal struggle that would ultimately culminate with *Brown v. Board of Education* and the Civil Rights Movement of the 1960s.

These words fade, replaced by:

In later years, the Supreme Court would cite *Moore v. Dempsey* as precedent and rule that lack of adequate representation, false testimony, the exclusion of blacks from juries, and torture all constitute violations of an individual's right to due process, rendering verdicts in such trials invalid.

These words fade, replaced by:

To date, federal courts have granted relief to hundreds of death row prisoners filing habeas corpus petitions, among them most notably Rubin "Hurricane" Carter in 1985.

As these words fade, Scipio walks back towards the mall. He sees Lillie and Hazel in the distance. And we CUT TO:

EXT. / INT. PRISON (LITTLE ROCK) -- DAY

All eighty-seven prisoners are released from jail. It's a staggering sight. They come storming through the gates and embrace their families, celebrating in the yard...

In the crowd, we find Frank Moore with Mary and their son. He hugs them both tightly. The following words appear:

True to his word, Thomas McRae ordered the rest of the Elaine prisoners released after the Supreme Court's decision. It was his final act as Governor of Arkansas.

As these words fade, GUARDS begin to escort the men and their families onto waiting BUSES. The following words appear:

Fearing for their safety, Scipio Africanus Jones arranged for the prisoners and their families to be transported by private busses north to Chicago. What ultimately became of them is unknown. They never returned to Phillips County again.

As the busses drive away, we find Robert Hill staring quietly out the window. He sees twelve unused COFFINS stacked against the prison wall, now discarded and starting to rot...

Robert takes a deep breath and steadies his gaze. The busses pull through the gates, barreling towards freedom...

Back in the yard, Dempsey and the guards watch as the busses drive away, a look of bewilderment on all of their faces...

Inside the prison, we find the cells are now empty. We watch through the bars as the last bus vanishes over the horizon.

And then we PAN OVER to Emmanuel West's name, carved forever into the prison wall. We HOLD for a moment. And then CUT TO:

INT. SUPREME COURT -- BACK TO PRESENT MOMENT

Holmes, Taft, and the other justices stand up and shuffle out of the courtroom. Storey and White find themselves bombarded by REPORTERS shouting all kinds of questions...

But we don't hear them. The MUSIC is still going strong. We PUSH IN on Storey. The following words appear:

Moorfield Storey continued to serve as the founding president of the NAACP until his death in 1929. He was eulogized across the nation as a fierce champion of civil rights.

We PAN OVER to Walter White. The following words appear:

Walter White led the NAACP for nearly a quarter century after Storey's death. During this time, the organization quadrupled in size. He continued to put himself at risk by posing as a white man, investigating more than 40 separate lynchings and peonage cases throughout his long career.

These words fade, replaced by:

When he died in 1955, White was known as 'Mr. NAACP,' having lived just long enough to witness the historic victory over school segregation in *Brown v. Board of Education*.

We HOLD on White a moment longer. And then CUT TO:

INT. MILLER'S OFFICE -- DAY

John Miller sits all alone in his office, his face dark and brooding as the following words appear:

John Miller was elected to the United States Congress in 1930, serving until 1943 when Franklin Roosevelt appointed him as a federal judge in the western district of Arkansas. He was one of several justices to oversee the infamous *Little Rock Nine* case and fought vehemently to prolong school segregation after *Brown v. Board of Education*.

These words fade, replaced by:

In a 1976 interview, an aging and somewhat regretful John Miller candidly admitted that the Elaine "riot" had been a massacre and the ensuing trials and convictions based on testimony obtained through torture. He concluded by stating: "Never was a greater fraud perpetrated on a group of people."

We HOLD on Miller a moment longer. And then CUT TO:

INT. MARTINEAU'S OFFICE -- DAY

John Martineau sits alone in his office. But unlike Miller, we see triumph in his eyes. The following words appear:

Faced with widespread criticism and public outrage after the Elaine case, John Martineau retired from chancery court and turned his attention to politics instead. Running on an "anti-Klan" platform in the following election, he defeated Thomas J. Terral to become to 28th Governor of Arkansas.

We HOLD on Martineau a moment longer. And then CUT TO:

INT. LAUNDRY -- DAY

A LAUNDRESS stares at bags filled with white klan hoods. We see fear in her eyes as the following words appear:

The Ku Klux Klan continued to dominate southern politics for decades while extending its influence to the national stage. By the mid-1950s; however, the Klan was in disarray, plagued by scandals, internal disputes, and public outrage resulting in a sharp decline in membership over the following years.

Today, despite maintaining a presence in more than 22 states, the Ku Klux Klan has fewer than 5,000 members. The NAACP has more than half a million worldwide.

We HOLD on the laundress as these words fade, then CUT TO:

EXT. ELAINE, ARKANSAS -- PRESENT DAY

Once prominent buildings crumble in disrepair. There isn't a single person anywhere around. The following words appear:

Elaine, Arkansas saw its economy collapse after the massacre as black families continued to flee to the North. Today, it is practically a ghost town, despite sitting on some of the richest topsoil anywhere in the world.

We HOLD on the abandoned town. And then CUT TO:

EXT. PHILLIPS COUNTY -- DAY

An ocean of cotton abloom in flowers of red, white, and pink. As far as the eye can see. The following words appear:

The final death toll in Elaine has never been determined. Most historians estimate between 300 and 1,000 black people were murdered, including many women and children. No white man was ever charged in connection with these deaths.

These words fade, replaced by:

Sharecroppers in Phillips County never gave up on their dream of forming a union. In 1934, faced with similar threats of violence and intimidation, they created the Southern Tenant Farmer's Association. It quickly grew to over 31,000 members. Today, it is known as the United Farm Workers of America.

We HOLD on the beautiful cotton fields. And then CUT TO:

EXT. WASHINGTON MALL -- DAY

We're back with Scipio, sitting on a bench with Lillie and Hazel; staring at the Lincoln Memorial in the distance...

Scipio glances over at Hazel and, in this moment, he seems deeply fulfilled. We might recall how earlier in the movie, he wished he could've given her a better world.

Now, they're here. And finally, he has.

And what Scipio once wished for his mother, we now wish for him: that he somehow be able to peer into the future and see all the things that will happen here, on this very spot, all because of him. The following words appear:

Scipio Africanus Jones continued to wage vigorous legal and civil rights battles for the remainder of his life. He passed away in 1943 at the age of 79. His funeral was held at the largest church in downtown Little Rock and attended by over a thousand people, including several hundred white friends.

These words fade, replaced by--

At the time of his death, Scipio was preparing one last case with a young protege who had been sent to him by the NAACP.

That man's name was Thurgood Marshall. He would go on to win the trial and eventually become the first African American to sit on the United States Supreme Court.

As these words fade, we PUSH IN on Scipio until only his eyes fill the FRAME. We linger just long enough to believe that he can see these things. And much, much more.

CUT TO BLACK:

THE END