

THE TRIAL OF THE CHICAGO 7

Written by

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FADE IN:

1 LYNDON JOHNSON addresses a television camera (FILE FOOTAGE) 1

LYNDON JOHNSON

I have today ordered to Vietnam the Air Mobile Division and certain other forces which will raise our fighting strength from 75,000 to 125,000 almost immediately. This will make it necessary to increase our active fighting forces by raising the monthly draft from 17,000 to 35,000 per month.

MUSIC crashes in that will take us through the prologue--a nation coming off the rails.

2 INT. LOTTERY DRAWING - DAY (FILE FOOTAGE) 2

A few well-scrubbed young men from the Youth Draft Advisory Committee stand over a goldfish bowl containing capsules. One of the young men pulls a capsule and reads it as if someone's won something--

YOUNG MAN

June 3rd. All those whose birthday falls on June 3rd--

3 INT./EXT MAILBOXES - DAY/NIGHT 3

We see a SERIES OF TIGHT SHOTS of different kinds of mailboxes being opened--rural, suburban, apartment building, etc., all of it under--

REPORTER #1 (V.O.)

President Johnson announced new monthly draft totals increasing to 35,000 per month--

REPORTER #2 (V.O.)

43,000 per month--

REPORTER #3 (V.O.)

51,000 per month--

REPORTER #4 (V.O.)

382,386 men between the ages of 18 and 24 have now been called to duty.



9 INT. LOTTERY DRAWING - DAY (FILE FOOTAGE)

9

YOUNG MAN  
April 22nd. All those whose  
birthday falls on April 22nd--

The MUSIC CONTINUES--

10 INT. CAMPUS AUDITORIUM - NIGHT

10

RENNIE  
We were there.

RENNIE DAVIS, mid-20's, wearing a short-sleeved white shirt and tie, is speaking to a standing room only crowd of students. In contrast to the cliché of the times, most of the students are fairly conservatively dressed. On the movie screen is footage of a Vietnamese village--

RENNIE (CONT'D)  
We didn't see Vietnamese soldiers.  
What we saw were population  
centers. Schoolhouses, pagodas,  
women and children.

Suddenly the movie screen fills with huge explosions of yellow, black and searing white.

RENNIE (CONT'D)  
And that's American napalm. The  
women and children were burned  
alive. Tom?

TOM HAYDEN steps out from the darkness. He's 30, handsome and serious.

TOM  
The Democratic Party is going to  
nominate Hubert Humphrey next month  
in Chicago.

We ID the two men with a chyron--

**Tom Hayden      Rennie Davis**

**Leaders of the Students for a Democratic Society (SDS)**

TOM (CONT'D)

When it comes to the war, when it comes to social justice, there's simply not enough of a difference between Hubert Humphrey and Richard Nixon to make a difference.

APPLAUSE--

TOM (CONT'D)

And so we're going to Chicago.

The APPLAUSE BUILDS--

TOM (CONT'D)

Young people by busloads will go to Chicago to show our solidarity and our disgust and most importantly--

11

**UNDERGROUND CLUB - NIGHT**

11

ABBIE

--to get laid by someone you just met.

The place is seedy and packed with people and smoke.

JERRY

536,000 of us sent to a country not one of these bumper sticker patriots in Washington could find on a map with a motherfuckin' map!

We ID the two men with a chyron--

**Abbie Hoffman          Jerry Rubin**

**Leaders of the Youth International Party (Yippies)**

ABBIE

We're goin' to Chicago. Anyone who stays in the park, sings Woody Guthrie, they're gonna be fine. But the cops are gonna be a half-inch from losin' their fuckin' minds 'cause Daley's gonna wind 'em up to make sure of it. We're goin' to Chicago peacefully. We're going peacefully, but if we're met there with violence, you better believe we're gonna meet that violence with-

-

DAVE

Non-violence. Always non-violence  
and that's without exception.

DAVE, 55, who looks like (and is) a Boy Scout Troop leader, is talking to his wife and young son as he loads a suitcase and some material for making placards into an old station wagon.

We ID the man with a chyron--

**David Dellinger**

**Leader of the Mobilization to End the War in Vietnam (The Mobe)**

SON

What if the police start hitting  
you?

DAVE

Why would the police start hitting  
me?

SON

What if they do?

DAVE

I'll duck.

MRS. DELLINGER

David. He watches the news.

DAVE

Why?

MRS. DELLINGER

You taught him to!

DAVE

Guys. I've organized a hundred  
protests. This one isn't going to  
be any different in that it almost  
certainly won't work. The police--

MRS. DELLINGER

I'm not worried about the police.  
And I'm not worried about Hayden  
and Rennie Davis. I'm worried about  
Hoffman and Rubin.

DAVE

It's the Democratic National Convention, honey, every camera in America is gonna be pointed at it and Daley isn't gonna let his city become a theater of war. And Hoffman and Rubin are geniuses...in their own special way.

MRS. DELLINGER

Oh Jesus--

DAVE

(re the SON)

He's got a Scout meeting tonight at 7.

SON

Dad--

DAVE

If the police try to arrest me I'll do what I always do and what I've taught you to do, which is what?

(beat)

Which is what? Tell me, bud.

SON

Very calmly and very politely--

13

**INT. BLACK PANTHER HEADQUARTERS - NIGHT**

13

BOBBY

Fuck the motherfuckers up.

BOBBY, 32, is talking to his girlfriend, SONDRA, and getting ready to leave. We'll get a tour of Panther headquarters-- printing presses, maps, guns, body guards and women, a few of them white.

BOBBY (CONT'D)

They leave us alone and everything's cool. They tangle, disrupt, intimidate, they play it fast and loose with the First Amendment--

SONDRA

Robert--

BOBBY

--they start breaking heads, then no, we will not be on our way.

We ID BOBBY with a chyron--

**Bobby Seale**

**National Chairman of the Black Panther Party**

SONDRA

You can't give this speech in Chicago.

BOBBY

Fred Hampton wants me there.

SONDRA

Let Fred give the speech.

BOBBY

Between Hayden and Hoffman there could be five-thousand people. It'd be nice to talk to five-thousand people.

SONDRA

Not while you're in trouble in Connecticut.

BOBBY

Yes while I'm in trouble in--I'm the head of the Black Panthers, Sondra, when the hell am I not gonna be in trouble?!

SONDRA

You're gonna be in a lot more of it if you stand up and say "Fry the pigs"!

BOBBY

"If they attack you", you're taking it out of context.

SONDRA

So will every white person in America, cops won't give a shit about context and you don't have enough protection in Chicago!

BOBBY

There's no place to be right now but in it.

SONDRA

But fry the pigs?

BOBBY

"IF THEY--

SONDRA

Dr. King--

BOBBY

--is dead! He has a dream? Well now he has a fuckin' bullet in his head. Martin's dead. Malcolm's dead. Medgar's dead. Bobby's dead. Jesus is dead. They tried it peaceful. We're gonna try something else.

(pause)

Sondra, I'll be there for four hours, that's it.

SONDRA takes a pistol from a rack--

SONDRA

You at least gonna take one of these?

BOBBY

If I knew how to use that I wouldn't need to make speeches.

14 **CLOSE ON A TYPEWRITER**

14

We see shards of an FBI confidential memo being banged out--

*--Bureau letter of 5/10/68 instructed all offices to submit detailed analysis of potential counter-intelligence action against New Left organizations and Key Activists--*

15 **INT. COLLEGE CLASSROOM - DAY**

15

JERRY's demonstrating to the students--

JERRY

It's named after the Russian Commissar Vyacheslav Mikhailovich Molotov. You start with a glass bottle.

16 **CLOSE ON TYPEWRITER**

16

*--believe that the non-conformism in dress and speech, neglect of personal cleanliness--*









SCHULTZ wasn't sure what she just said or if she was even talking to him...

SCHULTZ  
(pause)  
Pardon me?

SECRETARY  
(pointing)  
They're changing the picture.

Sure enough, when SCHULTZ looks at what the secretary is talking about he sees a workman swapping out a large framed photo on the wall of Lyndon Johnson with one of Richard Nixon.

SCHULTZ nods.

The office door opens and HOWARD, a high-level Justice Department deputy steps out.

HOWARD  
Tom.

FORAN  
Howard.

HOWARD  
You flew in alright?

FORAN  
Sure.

HOWARD  
Richard Schultz?

SCHULTZ  
Yes sir.

HOWARD  
Howard Ackerman, Special Advisor to  
the Attorney General.

SCHULTZ  
Pleased to meet you.

HOWARD  
Were you told what this is about?

SCHULTZ  
No sir. Just to meet Mr. Foran at  
O'Hare this morning, that we were  
flying to Washington and that we  
were meeting Mr. Mitchell.

HOWARD

Good.

(noticing)

They're finally changing the  
goddamn picture. C'mon in.

They follow HOWARD into--

37

**INT. JOHN MITCHELL'S OFFICE - CONTINUOUS**

37

JOHN MITCHELL is standing behind his desk, lighting a  
cigarette.

MITCHELL

As a matter of courtesy and  
tradition, when we elect a new  
president, the outgoing cabinet  
members resign to spare the new  
president the unpleasantness of  
firing them. You know when  
President Nixon received Ramsey  
Clark's formal letter of  
resignation?

SCHULTZ

No, sir.

MITCHELL

About an hour before I was  
confirmed. That was to embarrass  
me. I don't know, I think it was  
more embarrassing for Ramsey Clark.  
I'm John Mitchell.

FORAN

Thomas Foran, Mr. Attorney General,  
and this is Richard Schultz.

MITCHELL

Richard, Chicago was more fucked up  
than any ten things I've ever seen  
in my life.

SCHULTZ

Sir?

HOWARD

The convention. The riots.

SCHULTZ

Yes sir.

MITCHELL  
Johnny Walker okay with everybody?

FORAN  
Thank you.

MITCHELL  
Richard?

SCHULTZ  
Nothing for me, thank you.

MITCHELL  
We don't know how Humphrey's people  
could've been that stupid--allow  
their guy to get nominated under  
armed guard.

(to SCHULTZ)  
You think that's what lost him the  
election?

SCHULTZ  
Sir?

MITCHELL  
Son, are you nervous?

SCHULTZ  
No sir.

MITCHELL  
Why the fuck not?  
(beat)  
I'm kidding. Don't believe  
everything you've heard about me.  
Ramsey Clark gives me the finger on  
the way out the door. I'm asking if  
you think Chicago is why Humphrey  
lost the election.

SCHULTZ  
No sir, I think the Republicans ran  
a better candidate.

MITCHELL  
That's for damn sure.

HOWARD  
And Daley didn't help his party  
either but Humphrey's people and  
Daley didn't break the law so  
that's someone else's table.

SCHULTZ

Well as a matter of fact, sir, we don't believe any federal laws were broken last summer. Mr. Foran had our office run a thorough investigation. Plenty of trespassing, destruction of public property, lewd behavior I suppose, but--

MITCHELL starts laughing. So does HOWARD. So SCHULTZ stops talking for a brief moment before--

SCHULTZ (CONT'D)

...nothing rising to the level of--

MITCHELL

Do you think you and your boss are in the Attorney General's office because I want you to seek an indictment for violating a federal trespassing law?

SCHULTZ

Sir, our office wasn't aware the Justice Department wanted to seek any indictments at all.

MITCHELL

We do.

SCHULTZ

Ramsey Clark was dead set against bringing federal--

MITCHELL

Ramsey Clark doesn't run the Justice Department anymore, did you hear about that? And Mr. Johnson's back home in Texas.

SCHULTZ

Of course, sir.

MITCHELL

One hour before my confirmation hearing gaveled, that's when he resigned. What a prick.

SCHULTZ

It was unprofessional, sir.

MITCHELL

Unprofessional, it was unpatriotic. And I'll tell you what else--it was impolite. There's such a thing as manners. I want to bring back manners, how 'bout that. The America I grew up in. Will you help me, Mr. Schultz? 'Cause I asked Mr. Foran who was the best prosecutor in his office and he said you.

SCHULTZ

Thank you.

HOWARD tosses SCHULTZ a file--

HOWARD

Section 2101 of Title 18.

MITCHELL

*That's* the federal law that was broken.

SCHULTZ

That's the Rap Brown law.

HOWARD

Conspiracy to Cross State Lines in Order to Incite Violence. It comes with a ten-year maximum and we want all ten.

SCHULTZ

For whom, sir?

HOWARD tosses SCHULTZ another file--

HOWARD

The all-star team.

SCHULTZ looks at the top page in the file--

SCHULTZ

Abbie Hoffman, Jerry Rubin, Tom Hayden, Rennie Davis, Dave Dellinger, Lee Weiner, John Froines...and Bobby Seale?

MITCHELL

I call them the schoolboys, and when I do, everyone here knows who I'm talking about. Petulant and dangerous.

(MORE)

MITCHELL (CONT'D)

And we've watched for a decade while these rebels without a job who've never bothered to get their hands dirty fighting the enemy tell us how to prosecute a war. The decade's over, the grown-ups are back and I deem these shitty little fairies to be a threat to national security so they're gonna spend their 30's in a federal facility. Real time.

FORAN

You're lead prosecutor, Richard. You understand why I couldn't tell you until we got here.

SCHULTZ

Sure. Yes sir.

There's an awkward silence...

HOWARD

Richard, you're being given the ball, are you ready to do this?

SCHULTZ

You pay me for my opinion.

MITCHELL

What?

SCHULTZ

I said, sir, you pay me for my opinion?

MITCHELL

Where did you learn that, in class? I pay you to win.

SCHULTZ

I'm not sure we can get a good indictment on conspiracy.

MITCHELL

Why not?

SCHULTZ

For one thing, some of these people had never met each other.

MITCHELL

Telephones.

SCHULTZ

Mr. Attorney General, the Rap Brown law was created by southern whites in Congress to limit the free speech of black activists.

(beat)

Civil Rights activists who were coming in from the--

MITCHELL

*I know why it was--why the fuck is he teaching--*It doesn't matter to why the law was passed, it matters what it can do.

SCHULTZ

We're not sure what it can do because no one's ever been charged with it.

FORAN

That makes it exciting, it's virgin land. Undeveloped real estate.

MITCHELL

It's a law and they broke it.

SCHULTZ

Of course.

MITCHELL

Is there a problem?

SCHULTZ

No sir.

MITCHELL

Say what you want to say since apparently I'm paying you for your wisdom. Gimme my money's worth.

SCHULTZ

There will be people who'll see this as the Justice Department restraining free speech and there will be people who'll see these men as martyrs.

MITCHELL

Are any of those people in this room?

SCHULTZ

(beat)

No sir.

MITCHELL

You're 33 and you're about to be named lead prosecutor in the most important trial in your lifetime after having been hand-picked by the Attorney General, I'm about to do it right now. But before I do, let me ask you, how do you see them?

SCHULTZ

(beat)

Personally or in terms of--

MITCHELL

Personally.

SCHULTZ

I see them as vulgar, anti-establishment, anti-social and unpragmatic, but none of those things are indictable.

MITCHELL

Then imagine how impressed I'll be when you get an indictment.

SCHULTZ

And there's the bigger question.

MITCHELL

Which is?

SCHULTZ

Who started the riot? Was it the protestors or was it the police?

MITCHELL

The police don't start riots.

SCHULTZ

They'll have witnesses who'll say they started this one.

MITCHELL

And you'll dismantle them. And you'll win. Because, Mr. Schultz, that's what's expected of you.

SCHULTZ

(beat)

Yes sir.

38 **INT. MITCHELL'S OUTER-OFFICE - DAY**

38

As SCHULTZ and FORAN step out and the door closes behind them.

FORAN

(quietly)

You didn't show a lot of gratitude in there.

SCHULTZ

(quietly)

On top of everything else, we're giving them exactly what they want-- a stage and an audience.

FORAN

You really think it's going to be a big audience?

And we HEAR a CROWD start to chant--faint at first but then growing in volume--

CROWD (V.O.)

*The whole world is watching! The whole world is watching! The whole world is watching!...*

SCHULTZ closes his eyes for a moment and shakes his head slightly at the cluelessness of Foran's question.

SCHULTZ

Yes sir, I do.

And SCHULTZ exits first as we

CUT TO:

39 **EXT. COURTHOUSE - DAY**

39

We see the source of the chanting--a massive crowd being held back by rope lines and police officers. While most of the crowd is shouting its support of the defendants, a healthy number are making it clear they find the defendants' hair too long and politics too left and are urging them to go live someplace else.

We whip-pan to different signs: "Free the Chicago 7"; "Out of Vietnam Now!"; "What About White Civil Rights?"; "Love It Or Leave It!", etc.

A40

**INT. COURTHOUSE ROTUNDA - SAME TIME**

A40

A couple of POLICE OFFICERS escort ABBIE and JERRY through the front doors and through the rotunda. Press and photographers are being held back by a velvet rope as flashbulbs spray--

ABBIE

You alright?

JERRY

I was until I saw this.

ABBIE

Most of them are on our side.

Someone from the crowd shouts out--

CROWD MEMBER

(shouting)

We love you, Abbie!

ABBIE turns to flash the guy a peace sign when the guy throws an egg at him. Incredibly, JERRY grabs the egg out of the air without breaking it as the POLICE OFFICERS head into the crowd to find the guy who threw it.

ABBIE

Jesus Christ. How did you do that?

JERRY

Experience.

JERRY stands there a moment...

ABBIE

You don't know what to do with the egg now, do you.

JERRY

No.

They head through the rotunda as we--

CUT TO:

40

## INT. COURTHOUSE CORRIDOR - DAY

40

The corridor's lined with press. The elevator dings and the doors open as WILLIAM KUNSTLER and LEONARD WEINGLASS step off. KUNSTLER is a ruffled man in his 40's and WEINGLASS is quieter though no less a legal mind.

The reporters immediately start shouting questions.

KUNSTLER

Hang on, quiet down please. I want you all to meet a new addition to the defense team, this is Leonard Weinglass, one of this country's most talented First Amendment litigators.

REPORTER (SY)

Bill, can you tell us--

KUNSTLER

(quieting the others)  
Go ahead, Sy.

SY

Can you tell us the status of Charles Garry?

KUNSTLER

Charles Garry is still in the hospital and you should contact his office for information. Marjorie.

MARJORIE

Does that mean you're representing Bobby Seale today?

KUNSTLER

It's very important that it be understood that for his own protection, I am not acting as Bobby Seale's attorney today. One more. Jack.

JACK

Bill, I was told that it was Hayden who wanted to bring Mr. Weinglass in. That Hayden has concerns about your seriousness.

KUNSTLER

Well--

WEINGLASS

This is William Kunstler. You want to find out how serious he is, meet him at a witness stand.

KUNSTLER

Thank you, ladies and gentlemen.

KUNSTLER and WEINGLASS head into--

41

**INT. COURTROOM - CONTINUOUS**

41

The gallery is packed with diehard supporters of the defendants as well as a full press section in the back. There's more than the usual amount of security and we'll notice a half-dozen MARSHALS wearing blue blazers and badges.

DAVID DELLINGER is talking to the WIFE and SON we met earlier.

SCHULTZ, FORAN and an ASSISTANT are talking at the prosecutor's table.

We move down and find JOHN FROINES and LEE WEINER already at the defense table. FROINES and WEINER are Rosencrantz and Guildenstern and are never separated.

FROINES

Weiner.

WEINER

Yeah.

FROINES

I get why they're trying to smoke Abbie and Jerry and Hayden, even Rennie and Dellinger, but for the life of me I can't figure out what the two of us are doing here.

WEINER

I feel exactly the same way. But this is the Academy Awards of protest and as far as I'm concerned it's an honor just to be nominated.

We move down the defense table where TOM is sitting next to RENNIE. TOM points to a piece of paper in front of RENNIE...

TOM

What is that?

RENNIE

I've been keeping a list every day.  
Americans who've been killed since  
the day we were arrested.

TOM

Why?

RENNIE

With the trial starting it might  
get easy to forget who this is  
about.

TOM nods a little.

KUNSTLER and WEINGLASS takes their seats at the defense table  
next to TOM and RENNIE.

KUNSTLER

Fellas.

RENNIE

Good morning.

WEINGLASS

Good morning.

TOM

Good morning.

KUNSTLER

(quietly to TOM)

I just got a question about my  
seriousness. Whatever's going on  
between you and Abbie, keep it out  
of this building.

TOM

I just feel like this is gearing up  
to be--

A heavy door on the side of the courtroom opens with a bang  
and BOBBY SEALE, handcuffed and in prison coveralls, is  
brought in by two MARSHALS.

A group of 8 or so African-Americans sitting together in  
front, along with FRED HAMPTON--21, handsome and a steady  
leader.

KUNSTLER moves so he can talk to both BOBBY and FRED  
privately.

KUNSTLER

Fred.

FRED

Bill.

KUNSTLER kneels down next to BOBBY--

KUNSTLER

(quietly)

Did you have breakfast this morning?

BOBBY

(pause)

What?

KUNSTLER

Did you have breakfast?

BOBBY

I did.

KUNSTLER

What'd you have?

FRED

What are you doing?

KUNSTLER

I'm talking to him about breakfast because that's the only thing I'm allowed to talk to him about.

FRED

That's right.

KUNSTLER

Bobby--

FRED

We have instructions from our lawyer.

KUNSTLER

If you need me I'm sitting right there. You just look at me and say, "I need you".

FRED

We don't need you.

BOBBY

You two gonna be like this?

KUNSTLER

(to BOBBY, re: the African-Americans in the gallery)  
They shouldn't sit together. The jury's not gonna like that look.

BOBBY

This isn't my jury. And if they don't like the look, they can--

FRED

No, he's right.  
(to the group)  
Spread out, okay? In pairs.

KUNSTLER

And Fred?

KUNSTLER makes a subtle gesture to his head to indicate that they should take off their berets.

BOBBY

No, they're dressed just fine.

FRED

It's alright.  
(to the group)  
Take your very scary hats off.  
(back to KUNSTLER)  
Don't mess us up.

KUNSTLER

Alright, good pep talk.

KUNSTLER goes back to his seat just as ABBIE and JERRY are sitting down.

ABBIE

You see the crowd out there?

JERRY

I have an egg.

KUNSTLER

Get rid of that.

JERRY

You don't think I want to?

ABBIE

It's like we're, you know, whatshisname, we just met him.

JERRY

Yeah.

ABBIE

(beat)

What is his name?

JERRY

Who?

ABBIE

The drummer. The greatest drummer ever.

JERRY

Gene Krupa?

ABBIE

No, I'm talkin' about--Gene Krupa?--  
I'm talkin' about the drummer for  
Cream, we just met him last night.

JERRY

Ginger Baker.

ABBIE

Thank you. The crowd outside is so  
big it's as if we're Ginger Baker,  
is what I was trying to say.

KUNSTLER

Are you stoned?

ABBIE

Yeah. You?

KUNSTLER goes back to his seat and settles in. Then he turns  
to TOM--

KUNSTLER

(quietly)

You remember what I said.

TOM

Okay, and you remember to keep us  
out of prison.

KUNSTLER

A lot of good advice this morning.

The heavy wooden door behind the bench opens--

BAILIFF

All rise!

--and JUDGE HOFFMAN takes his place at the bench. It's not entirely clear whether HOFFMAN is a bad judge, in the tank for the prosecution, experiencing early senility or a combination of all three.

BAILIFF (CONT'D)

Hear yea, hear yea. September 26, 1969, 10 o'clock A.M. All persons having business before the United States District Court of Northern Illinois, Southern District, Eastern Division draw near and they shall be heard. Judge Julius Hoffman presiding. God save the United States of America and this Honorable Court.

JUDGE HOFFMAN

Mr. Marshal, bring in our jury.

The jury is led in as JUDGE HOFFMAN continues...

JUDGE HOFFMAN (CONT'D)

As I look out into the gallery I see we have a full house. Some of you started forming a line early this morning. I'll caution you that this isn't a sporting event. Let the record show that we've been joined by our twelve jurors and four alternates. Mrs. Winter, please call the case.

MRS. WINTER

69 CR 180, United States of America vs. David Dellinger, Rennard C. Davis, Thomas Hayden, Abbott Hoffman, Jerry C. Rubin, Lee Weiner, John R. Froines and Bobby G. Seale for trial.

JUDGE HOFFMAN

Are the People ready to make opening arguments?

SCHULTZ

(standing)

We are, Your Honor.

**TITLE:**

**Trial Day 1**

BOBBY stands--

BOBBY

I don't have my lawyer here.

JUDGE HOFFMAN

It's not your turn to speak.

BOBBY

My trial's begun without my lawyer.

JUDGE HOFFMAN

Please sit. Mr. Schultz?

SCHULTZ takes a moment and begins--

SCHULTZ

Good morning, my name is Richard Schultz and I'm an Assistant U.S. Attorney for the Southern District of Illinois. Seated at my table is my boss, U.S. Attorney Thomas Foran. I guess you could say I'm seated at *his* table. At the defense table are the eight defendants represented by their lawyers, William Kunstler and Leonard Weinglass. The defendants would tell you they represent three different groups. They would tell you that one group--

JUDGE HOFFMAN

Excuse me.

SCHULTZ

Yes sir.

JUDGE HOFFMAN

I'd like to clarify something for the jurors. There are two Hoffmans in this courtroom. The defendant, Abbie Hoffman, and myself, Judge Julius Hoffman.

There's an awkward silence...is he done?

SCHULTZ

Thank you, sir.

JUDGE HOFFMAN

I didn't want there to be confusion on the matter.

ABBIE

Man, I don't think there's much chance they're going to mix us up.

The gallery LAUGHS a little...

JUDGE HOFFMAN

You will address this Court as Judge or Your Honor and you will not address this Court until--you will not address this Court.

TOM is dying a little but stays cool.

SCHULTZ

The defendants would tell you they represent three different groups.

JUDGE HOFFMAN

And the record should reflect that defendant Hoffman and I aren't related.

ABBIE

Father no!

JUDGE HOFFMAN

Mr. Hoffman, are you familiar with contempt of court?

ABBIE

It's practically a religion for me, sir.

The gallery LAUGHS and TOM adjusts in his chair.

SCHULTZ

(pause)  
Your Honor?

JUDGE HOFFMAN

Continue.

SCHULTZ

Rennie Davis and Tom Hayden are the leaders of the SDS--Students for a Democratic Society. Hayden and Davis brought their people to Chicago for the purpose of causing violence in the streets in order to disrupt the Democratic Convention. You know the Youth International Party as the Yippies. Their leaders are Abbie Hoffman and Jerry Rubin.

(MORE)

SCHULTZ (CONT'D)

Bobby Seale is the leader of the Black Panther Party. The defendants would tell you these are three distinct groups, but they're all--

BOBBY

(standing)

Excuse me.

JUDGE HOFFMAN

Yes?

BOBBY

May I speak?

JUDGE HOFFMAN

No sir.

BOBBY

He just said my name.

JUDGE HOFFMAN

You're a defendant in this case, you're likely to hear your name.

BOBBY

I have a right to counsel and His Honor knows that.

JUDGE HOFFMAN

Don't tell the Court what it does and doesn't know. Be seated.

BOBBY sits.

JUDGE HOFFMAN (CONT'D)

Mr. Schultz.

SCHULTZ

...the radical left, that's all. They're the radical left in different costumes. The eight defendants had a plan. A plan among two or more people is a conspiracy. The defendants crossed state lines to execute their plan, that's why we're in federal court. The plan was to incite a riot. And there's one thing you already know. They succeeded.

JUDGE HOFFMAN

Excuse me. Have we identified the other defendants for the record? Mr. Weener?

WEINER

Weiner.

JUDGE HOFFMAN

Mr. Froines and Mr. Dillinger?

DAVE

Dellinger.

JUDGE HOFFMAN

(pause)

What is going on here?

SCHULTZ

You're Honor, you're referring to the defendant Dellinger.

JUDGE HOFFMAN

Derringer.

SCHULTZ

Dellinger, sir.

JUDGE HOFFMAN

Note the prosecution was referring to the defendant Derringer, not Dellinger.

KUNSTLER

It is Dellinger, Your Honor.

JUDGE HOFFMAN

Can we straighten this out?

ABBIE

Dillinger was a bank robber, Derringer is a gun, he's David Dellinger and the judge and I aren't related.

FORAN

Your Honor, I'd like to caution the Court that this kind of disruption and display of disrespect will be a continuing tactic for defense.

KUNSTLER

Sir, it's not a tactic. At the moment, the defendants are the only ones on record as knowing their own names.

JUDGE HOFFMAN

Be seated, Mr. Schultz.  
(correcting himself)  
Mr. Kunstler.

BOBBY

(standing)  
I object to being characterized as a member of this group.

JUDGE HOFFMAN

Who is your lawyer?

BOBBY

Charles R. Garry.

JUDGE HOFFMAN

Is Mr. Garry here today?

BOBBY

No he's not.

KUNSTLER

Your Honor--

JUDGE HOFFMAN

Are you representing Mr. Seale?

KUNSTLER

No sir.

FRED HAMPTON leans forward and whispers something to BOBBY...

JUDGE HOFFMAN

Then sit. Mr. Schultz, forgive me, have you concluded your opening statement?

SCHULTZ

Yes, Your Honor.

BOBBY

My lawyer, Charles Garry, is in a hospital in Oakland having undergone gallbladder surgery.

JUDGE HOFFMAN

Mr. Kunstler, you're sitting right next to the man, just represent him. It's the same case.

KUNSTLER

The fact that there's a lawyer near Mr. Seale doesn't satisfy the requirements of due process.

BOBBY

I have a right--

KUNSTLER

(putting his hand up to BOBBY)

A motion was made for postponement due to Mr. Garry's medical condition. I was there. Your Honor denied that motion and therefore Mr. Seale is here without legal representation.

JUDGE HOFFMAN

I don't care for your general tone, Mr. Kunstler.

KUNSTLER

I meant no disrespect to the Court, sir. I'm trying to be clear that I can't muddy Mr. Seale's grounds for appeal by appearing to speak as his lawyer.

JUDGE HOFFMAN

I don't ask you to compromise Mr. Seale's position, sir, but I will not permit him to address the jury with his very competent lawyer seated--

Out of nowhere--

JERRY

Jesus Christ, for the fourth time, he's not Bobby's lawyer!

This was TOM's nightmare.

JUDGE HOFFMAN

You're Mr. Rubin?

JERRY

Yes sir.

JUDGE HOFFMAN  
Don't ever do that again.

BOBBY  
Your Honor, I'm not with these  
guys. I never even met most of them  
until--

JUDGE HOFFMAN  
We'll have order.

BOBBY  
--the indictment.

JUDGE HOFFMAN  
We will have order.

BOBBY  
There are eight of us and there are  
signs out there that say "Free the  
Chicago 7"--I'm not with them.

JUDGE HOFFMAN  
Mr. Marshal, will you seat Mr.  
Seale?

We see a WHITE MARSHAL whisper to a BLACK MARSHAL in the back  
of the courtroom--the BLACK MARSHAL heads down the aisle  
toward Bobby as Bobby continues--

BOBBY  
You're saying it's a conspiracy. I  
never met most of them until the  
indictment. Speaking frankly, the  
U.S. Attorney wanted a Negro  
defendant to scare the jury. I was  
thrown in to make the group look  
scarier. I came to Chicago, I gave  
a speech, I had a chicken pot pie,  
went to the airport and flew back  
to Oakland and that's why they call  
the eight of us the Chicago--  
(to the MARSHAL)  
--get your hands off me.

JUDGE HOFFMAN  
Charge Mr. Seale with one count of  
Contempt of Court.

Off of TOM's barely-hidden frustration we

CUT TO:

42

**INT. DEFENSE CONFERENCE ROOM - DAY**

42

This is the room where the defendants will meet privately with their lawyers during recesses. There's a carton of deli sandwiches on the table and some cokes.

The defendants and lawyers are filing in. TOM's the last one in and he slams the door behind himself, which gets everyone's attention.

TOM

We have to make a decision right now--a decision I just assumed we'd already made four months ago when trial prep began. Are we using this trial to defend ourselves against very serious charges that could land us in prison for 10 years or are we using it to say a pointless fuck you to the establishment?

JERRY

Fuck you.

TOM

That's what I was afraid--Wait, I don't know if you were saying "fuck you" or answering the question.

ABBIE

I was also confused.

JERRY

If we leave here without saying anything about why we came in the first place, it'll be heartbreaking.

TOM

If the jury finds us guilty we're not gonna be leaving here at all. And the only thing we need to say about why we came is that it wasn't to incite violence.

DAVE

I'm with Jerry.

TOM

(beat)  
Why?

DAVE

The trial shouldn't be about us.

TOM

I would love it if it wasn't about us but it definitely is. John? Lee?

FROINES

Yeah.

WEINER

Yes sir.

TOM

Do you guys want to say anything?

WEINER

Does anyone think our judge might be crazy?

TOM

The judge isn't our problem.

FROINES

Give it time 'cause I think he's gonna be.

TOM

I'm talking about us. Abbie, you can't talk back to the judge. And Jerry--Jesus.

ABBIE

(finally speaking up)

Did you get a haircut just for court?

TOM

(pause)

I did.

ABBIE

You did. You got a haircut for the judge. That's--I can't even--that is so foreign to me.

TOM

So's soap.

ABBIE

Zing.

TOM

Let me explain something--it took you two less than five minutes to make us look exactly like what Schultz is trying to make us look like.

JERRY

I don't have a problem with what we look like.

ABBIE

Jerry likes what we look like. John? Lee?

FROINES

Yeah.

WEINER

I always feel like I'm ten-pounds too heavy, but yeah.

ABBIE

Dave?

DAVE

I don't like when we fight.

ABBIE

Rennie?

RENNIE

Tom should be heard.

ABBIE

And he was. But when we walked in here this morning they were chanting that the whole world is watching. This is it, we're on. This is what revolution's gonna look like. Real revolution. Cultural revolution.

TOM

Why did you come here?

ABBIE

I got an invitation from a grand jury.

TOM

Last summer. Why did you come to the convention?

ABBIE  
To end the war.

TOM  
Guys, before you tether yourselves to this man, just know that the very last thing he wants is for the war to end.

DAVE  
Hang on--

TOM  
I don't have time for cultural revolution. It distracts from actual revolution.

KUNSTLER  
Alright, did everybody get everything off their chests?

The door opens and FRED HAMPTON comes in--

FRED  
(to KUNSTLER)  
*What in the name of hell was that?!*

KUNSTLER  
Evidently not.

FRED  
You stood up and spoke for Bobby.

KUNSTLER  
I made it very clear I'm not his lawyer.

FRED  
I'd like to sit in on these meetings.

KUNSTLER  
You can't.

FRED  
I think I will anyway.

KUNSTLER  
Fred--

FRED  
Bobby's life is at stake and you guys are playin' to the crowd?

TOM

Thank you.

FRED

Shut up. The white guys are in a furnished room while Bobby's in a holding cell.

KUNSTLER

The white guys are free on bail. Bobby's locked up 'cause he's under arrest in Connecticut for killing a cop, it's not like he refused to give up his seat on a bus.

WEINGLASS

You have to convince him to let Bill and me represent him, just for today at least.

KUNSTLER

The judge is--

JERRY

Fuckin' nuts.

KUNSTLER

--a little hostile, and I'm sure Garry didn't anticipate that.

FRED

(pause)

He's innocent in Connecticut.

KUNSTLER

Alright.

FRED

He's never killed anyone. It's important you all know that.

KUNSTLER

You have to try to convince him.

FRED

I can't.

KUNSTLER

Try.

FRED

I have!

(beat)

He needs to do it his way.

KUNSTLER  
Keep trying, alright?

FRED nods.

A MARSHAL sticks his head in the door--

MARSHAL  
We're back.

The MARSHAL exits.

KUNSTLER  
Let's go. Abbie, Jerry, unless  
you're asked a direct question,  
shut your mouths while we're in  
that room.

ABBIE  
(barely audible)  
This is a political trial.

KUNSTLER  
What?

ABBIE  
This is a political trial. That was  
already decided for us. Ignoring  
that reality is just...weird to me.

KUNSTLER  
There are civil trials and there  
are criminal trials. There's no  
such thing as a political trial.

ABBIE  
(beat--smiles)  
Okay.

ABBIE heads out with everyone else. WEINGLASS stops TOM for a moment...

WEINGLASS  
Abbie's smarter than you think he  
is.

TOM  
Cows are smarter than I think he  
is.

They walk out the door as we

CUT TO:

43           **INT. COURTROOM - DAY**

43

DAVID STAHL is on the stand.

                                  STAHL  
S-T-A-H-L.

**TITLE:**

**Trial Day 3**

                                  SCHULTZ  
What is your occupation?

                                  STAHL  
I am the mayor's administrative  
officer.

                                  SCHULTZ  
Calling your attention to March  
26th, 1968, did you have a meeting  
on that day?

                                  STAHL  
Yes.

                                  SCHULTZ  
With whom?

44           **INT. STAHL'S OFFICE - DAY**

44

As ABBIE and JERRY step in.

                                  STAHL  
Mr. Hoffman, Mr. Rubin is it?

                                  ABBIE  
Abbie and Jerry's fine.

CUT BACK TO:

45           **INT. COURTROOM - DAY**

45

                                  SCHULTZ  
What was said at the meeting?

STAHL

I was told that the Youth International Party would be holding a Festival of Life in Grant Park during the Democratic National Convention, that there would be thousands of young people attending and that there would be rock bands playing in the park.

46           **INT. STAHL'S OFFICE - DAY**

46

JERRY

Music will be performed.

STAHL

Rock music?

JERRY

I would think.

CUT BACK TO:

47           **INT. COURTROOM - DAY**

47

STAHL

They also said there would be public fornication.

SCHULTZ

Say that again, sir?

48           **INT. STAHL'S OFFICE - DAY**

48

JERRY

Public fornication.

STAHL

You're asking for a parks permit for public--

JERRY

Yeah.

ABBIE

And rock music.

STAHL

No. Of course not.

ABBIE  
What if it was R&B?

CUT BACK TO:

49 INT. COURTROOM - DAY

49

SCHULTZ  
Did you issue the permits?

STAHL  
I did not.

SCHULTZ  
And what if anything did Abbie Hoffman say when you denied the request for the permits?

50 INT. STAHL'S OFFICE - DAY

50

ABBIE  
Mr. Stahl, you need to understand something. There's going to be a Festival of Life in Grant Park and it will be held during the convention. Bands will play rock music. There will be public fornication, likely some of it with the wives and mistresses of delegates. Psychedelic long-haired leftists will consort with dope users. And we're going to insist that the next President of the United States stop sending our friends to be slaughtered. These things are going to happen whether you give us the permit or not.

STAHL looks at them for a long moment...

STAHL  
The hotel rooms will be filled with delegates. Where will people sleep?

ABBIE  
Some people will sleep in tents. Others will live frivolously.

STAHL  
How many people are coming here?

JERRY

A lot.

STAHL

What's alot? A thousand? Two-thousand?

JERRY

Ten-thousand.

STAHL

Jesus Christ.

ABBIE

Right?

CUT BACK TO:

51           **INT. COURTROOM - DAY**

51

SCHULTZ

Did Abbie Hoffman add something at the end of that meeting?

STAHL

Yes.

SCHULTZ

What did he say?

STAHL

He said--

52           **INT. STAHL'S OFFICE - DAY**

52

ABBIE

Or you could gimme a hundred grand and I could call the whole thing off.

CUT BACK TO:

53           **INT. COURTROOM - DAY**

53

SCHULTZ

Thank you.

JUDGE HOFFMAN

Mr. Feinglass?



57           **INT. COURTROOM - DAY**

57

WEINGLASS

There were two more meetings with Tom and Rennie--on the 10th and 12th of August--and there was one more meeting with David Dellinger on the 26th.

STAHL

I can't be sure of the dates.

WEINGLASS

I can be sure, they're recorded in the log at City Hall.

STAHL

Okay.

WEINGLASS

And at each meeting, a request was made for a permit to demonstrate in Grant Park during the convention.

58           **INT. STAHL'S OFFICE - DAY**

58

DAVE

Mr. Stahl, we intend a peaceful demonstration. We're not interested in violence or disturbing the delegates.

CUT BACK TO:

59           **INT. COURTROOM - DAY**

59

WEINGLASS

And at each meeting the request for permits was denied.

60           **INT. STAHL'S OFFICE - DAY**

60

TOM and RENNIE are meeting with STAHL--

STAHL

I'll tell you the same thing I told Mr. Hoffman, Mr. Rubin and Mr. Dellinger--

TOM

Sir--

STAHL

There will be no demonstrations  
within sight of the Hilton.

TOM

We need to demonstrate near the  
Hilton, that's where the convention  
is.

STAHL

There will be no demonstrations  
within sight of the Hilton.

TOM

Okay, but the thing is, there will  
be.

STAHL

Is that a threat, Mr. Hayden?

TOM

No. We're cautioning you. Thousands  
of people are coming to Chicago and  
if they're not given a place to  
demonstrate they're gonna  
demonstrate wherever they're  
standing. It's reckless,  
irresponsible and foolishly  
dangerous of the city not to  
develop a contingency plan. We're  
gonna need police security and  
first aid, traffic control, water,  
sanitation--

CUT BACK TO:

61 INT. COURTROOM - DAY

61

WEINGLASS

So five times you were asked for a  
permit, five times you were advised  
of the dangers of not providing a  
location to demonstrate, not  
providing--

STAHL

I don't take my instructions from  
the defendants, sir.

WEINGLASS

No you don't.

STAHL  
No I don't.

WEINGLASS  
You take them from Mayor Daley.

STAHL says nothing...

WEINGLASS (CONT'D)  
You're appointed by the mayor and  
you serve at his pleasure?

STAHL  
Yes.

WEINGLASS  
And you're subject to removal in  
the same manner by the mayor?

STAHL  
(beat)  
Yes.

KUNSTLER  
Thank you.

JUDGE HOFFMAN  
Further cross examination, Mr.  
Kunstler?

KUNSTLER  
Yes, sir. Mr. Stahl--

JUDGE HOFFMAN  
Excuse me, Mr. Seale, would you  
identify the man sitting behind  
you?  
(beat)  
Mr. Seale?

BOBBY  
No sir.

JUDGE HOFFMAN  
No?

BOBBY  
That's right.

JUDGE HOFFMAN  
Why not?

BOBBY  
He's not on trial here.

JUDGE HOFFMAN

Mr. Seale, identify the man sitting behind you.

FRED leans in and whispers something to BOBBY...

BOBBY

His name is Fred Hampton.

JUDGE HOFFMAN

Let the record indicate that Mr. Hampton is the head of the Chicago chapter of the Black Panther Party.

KUNSTLER

Your Honor, Mr. Hampton isn't at the bar, why is the record identifying him at all?

JUDGE HOFFMAN

Mr. Hampton is clearly giving Mr. Seale legal advice.

BOBBY

My lawyer is Charles Garry.

KUNSTLER

Excuse me, sir, but for all you know Mr. Hampton is giving Mr. Seale the score of the White Sox game.

JUDGE HOFFMAN

I will assume that he's not.

KUNSTLER

Why?

JUDGE HOFFMAN

Because that's what happens when you don't have a lawyer. The Court assumes that you're being represented by the Black Panther sitting behind you. Continue.

KUNSTLER

Mr. Stahl, when Abbie offered to call the whole thing off for a hundred-thousand dollars, did you think he was serious or did you think he was making a joke?

STAHL

I had no reason not to think he was serious.

KUNSTLER

Really?

STAHL

Yes.

KUNSTLER

Do you know what extortion is?

STAHL

Yes.

KUNSTLER

Do you know that it's a felony?

STAHL

Yes.

KUNSTLER

Okay, so when you called the FBI and told them about Mr. Hoffman's attempt to extort a government employee, what'd they say?

STAHL

I didn't call the FBI.

KUNSTLER

Sorry, when you called the U.S. Attorney and reported the attempted extortion, what'd their office say?

STAHL

I didn't call the U.S.--

KUNSTLER

Cook County D.A. then, did you call them?

STAHL

No sir.

KUNSTLER

How 'bout the chief of police?

STAHL

Mr. Kunstler--

KUNSTLER

How 'bout the police officer posted outside the mayor's office? How 'bout the mayor? Mr. Stahl, I'm going to ask you again. When Abbie asked for a hundred-thousand dollars to call the whole thing off, did you think he was serious or did you know it was a joke?

STAHL

I had no reason not to believe he was serious.

KUNSTLER

Alright, and along with extortion, you know that perjury's a crime, right?

SCHULTZ

Objection.

JUDGE HOFFMAN

Sustained and strike it. In fact, strike the entirety of Mr. Stahl's testimony under cross-examination and the jury is instructed to disregard it.

KUNSTLER

You're striking the entire cross-examination?

JUDGE HOFFMAN

I gave you and co-counsel Feinglass ample latitude to demonstrate relevance and--

KUNSTLER

Co-counsel's name is Weinglass and Mr. Stahl's testimony under cross-examination was completely--

JUDGE HOFFMAN

You've interrupted the court again, Mr. Kunstler.

KUNSTLER

(pause)  
Move to reinstate testimony.

JERRY AND ABBIE

Overruled.

JUDGE HOFFMAN

Overruled.

KUNSTLER

Exception.

JUDGE HOFFMAN

Noted. Are there any further questions?

KUNSTLER

Yes sir. Mr. Stahl, in any of these meetings, did any of the defendants say that if you didn't grant them permits that they would do violent acts to the city?

STAHL

Not precisely in that language.

KUNSTLER

Did they do it in any language?

STAHL

Yes, they said permits for the parks should be issued in order to minimize destruction.

KUNSTLER

Did they indicate from whom the destruction would come?

STAHL

The destruction didn't come from the Chicago Police Department if that's what you're suggesting.

KUNSTLER

I wasn't suggesting that, you just did. No more questions.

BOBBY

I'd like to cross-examine the witness, Your Honor.

JUDGE HOFFMAN

You may not.

BOBBY

(to STAHL)

Have you ever met me?

JUDGE HOFFMAN  
Sit, Mr. Seale.

CUT TO:

A62 **INT. MAKE-SHIFT PRESS ROOM - EARLY EVENING**

A62

ABBIE and JERRY are sitting at a table in front of a dozen microphones. TV news cameras line the back of the room.

REPORTER #7

Why won't Bobby Seale let anyone represent him?

JERRY

You've posed that question in the form of a lie.

The press conference continues in VO as we

CUT TO:

62 **EXT./EST. STREET IN HYDE PARK - NIGHT**

62

We're outside a house where all the lights on the ground floor are on. Several photographers are waiting out front.

A taxi pulls up and KUNSTLER gets out to a spray of flashbulbs. He pays the driver and disappears into the house as JERRY continues--

JERRY (VO)

Bobby Seale's lawyer is Charles Garry who's in the hospital right now. A motion was made for postponement and it was denied by a judge who just for the heck of it is suspending due process for a while.

63 **INT. CONSPIRACY OFFICE - SAME TIME**

63

It's a second-floor, three-bedroom apartment but the whole place resembles a dorm that's been taken over by a college newspaper. Young women are everywhere working the phones or opening bags of mail.

Court documents are in piles on tables and on the floor. A big board shows the schedule of witnesses and the walls are adorned with posters including ones that read "FREE THE CHICAGO 7".

BERNADINE  
 (into the phone)  
 Conspiracy office, can you hold on?  
 (another line)  
 Conspiracy office, can you hold on?

KUNSTLER  
 Maybe you don't want to call it the  
 conspiracy office.

BERNADINE  
 They understand irony and  
 appreciate the humor.

KUNSTLER  
 I wouldn't count on it.

BERNADINE  
 Most people are smart, Bill.

KUNSTLER  
 If you believe that, you're gonna  
 get your heart broken every day of  
 your life.

BERNADINE  
 (to KUNSTLER)  
 Hang on.  
 (she goes back to the  
 first caller)  
 Hi, how can I help you?

KUNSTLER  
 (quietly)  
 Messages?

BERNADINE  
 (into the phone)  
 We sure do take contributions,  
 we've got high-priced lawyers.

KUNSTLER  
 The high-priced lawyers are working  
 for free, it's the support staff  
 that needs--

BERNADINE  
 (into phone)  
 We can't take grass.

ABBIE heard that and calls to Bernadine like she's crazy--

ABBIE  
 Hey!

BERNADINE  
 (into the phone)  
 Yeah, Abbie says we'll take the  
 weed.

KUNSTLER  
 (quietly)  
 Messages.

BERNADINE hands him a stack of messages--

BERNADINE  
 (into the phone)  
 Lemme give you our mailing address.

KUNSTLER heads into--

64 **INT. DINING ROOM - CONTINUOUS**

64

TOM and WEINGLASS are at the table with piles of documents.

KUNSTLER  
 I don't want you guys holding press  
 conferences.

TOM  
 If you're gonna get between Abbie  
 and a camera I'd wear pads and a  
 helmet.

KUNSTLER  
 We had a good day.  
 (to WEINGLASS)  
 Tell him we had a good day.

WEINGLASS  
 6 and 11?

KUNSTLER  
 Yeah.

TOM  
 What does that mean?

WEINGLASS  
 Jurors 6 and 11. They're with us.

TOM  
 How do you know?

WEINGLASS

6 made sure I saw a copy of a James Baldwin novel under her arm and 11's been nodding during the Stahl cross.

TOM

Falling asleep?

WEINGLASS

(demonstrating)  
Nodding. Agreeing.

KUNSTLER walks out into--

65 **INT. CONSPIRACY OFFICE - CONTINUOUS**

65

--where the press conference is now playing on the TV.

REPORTER #8 (O.S. FROM THE TV)

Would you have taken a hundred-thousand dollars to call the whole thing off?

ABBIE (FROM THE TV)

I'd have taken a hundred-thousand dollars. As for calling it off...

REPORTER #9 (O.S. FROM THE TV)

How much is it worth to you? What's your price?

ABBIE (FROM THE TV)

To call off the revolution?

REPORTER #9 (O.S. FROM THE TV)

What's your price?

ABBIE drops the comedy...

ABBIE (FROM THE TV)

My life.

KUNSTLER clocks that and we

CUT TO:

66 **INT. COURTROOM - DAY**

66

Everyone's in their places but the BAILIFF and a MARSHALL are at the bench. They've given a note to JUDGE HOFFMAN and he's looking it over.

No one knows what's going on and everyone's waiting to find out.

**TITLE:**

**Trial Day 23**

FROINES leans into WEINER--

FROINES  
(quietly)  
Any idea what's going on?

WEINER  
(quietly)  
It's been years since I've had any  
idea what was going on.

JUDGE HOFFMAN  
I'm going to adjourn the court for  
the day and see counsel in my  
chambers in 15 minutes.

He raps his gavel. Everyone stands as he exits but no one knows what's going on.

CUT TO:

67

**INT. JUDGE HOFFMAN'S CHAMBERS - DAY**

67

As the lawyers walk in and a MARSHAL closes the door.

JUDGE HOFFMAN  
It's been brought to my attention  
that two of the jurors have  
received threatening notes from a  
member or members of the Black  
Panther Party.

KUNSTLER  
Which two jurors?

JUDGE HOFFMAN  
Juror number 6 and Juror number 11.  
It was slipped into the mail at the  
homes of their parents.

KUNSTLER  
6 and 11.

JUDGE HOFFMAN  
(to the MARSHAL)  
Bring in Juror 6.

The MARSHAL opens a side door and brings in JUROR #6. She's 23-years old and nervous to be brought into chambers.

KUNSTLER  
Judge, I wonder if we could--

JUDGE HOFFMAN  
Juror Number 6, how are you?

JUROR #6  
I'm fine.

KUNSTLER  
Judge, before we speak to--

JUDGE HOFFMAN  
(stopping him)  
Please.  
(to JUROR #6)  
Your parents received this note in their mail this morning. They called the police as they should have done. I'd like you to take the note and read it out loud.

JUROR #6  
My parents?

KUNSTLER  
Your Honor--

JUDGE HOFFMAN  
Please read the note out loud.

JUROR #6 takes the note from the MARSHAL...

JUROR #6  
(reading)  
"We're watching you."

JUDGE HOFFMAN  
And you see who's signed it.

JUROR #6  
"The Panthers".

JUDGE HOFFMAN  
And you understand that to mean the Black Panthers, don't you?

Very shaken, she nods yes.

JUDGE HOFFMAN (CONT'D)  
And you understand that defendant  
Bobby Seale is the head of the  
Black Panthers.

KUNSTLER  
Judge--

JUDGE HOFFMAN  
He's the Chairman of the Black  
Panther Party.

She nods yes.

JUDGE HOFFMAN (CONT'D)  
Do you still feel you can render a  
fair and impartial verdict?

She says nothing...

JUDGE HOFFMAN (CONT'D)  
Juror Number 6, your family has  
been threatened and so have you by  
members of an organization led by  
one of the defendants.

KUNSTLER  
Judge, for the love of Christ--

JUDGE HOFFMAN stops him with one look...

KUNSTLER (CONT'D)  
I apologize, Your Honor.

JUDGE HOFFMAN  
I would think so.  
(beat)  
Do you still feel you can render a  
fair and impartial verdict?

JUROR #6  
(barely a whisper)  
No sir.

JUDGE HOFFMAN  
You're dismissed from this jury.  
Thank you for your service. Please  
bring in Juror Number 11.

JUROR #6  
(quietly to WEINGLASS)  
I'm sorry.

WEINGLASS  
 (quietly)  
 Keep reading James Baldwin.

CUT TO:

68           **INT. JUDGE HOFFMAN'S OUTER-OFFICE - DAY**

68

The doors open and the lawyers empty out.

FORAN  
 (to KUNSTLER)  
 I thought the Panthers were smarter  
 than that.

KUNSTLER  
 They are.

FORAN  
 Well--

KUNSTLER  
 The Panthers don't write letters  
 any more than the mob does, and the  
 moment I find out it was your  
 office that did, you're gonna see  
 the criminal justice system up  
 closer than you ever wanted to.

KUNSTLER exits with WEINGLASS.

SCHULTZ looks at FORAN..."Did we do this?"...FORAN says  
 nothing and we

CUT TO:

69           **INT. CONSPIRACY OFFICE - NIGHT**

69

A large folder gets dropped on the table and opened. It  
 contains pictures of all the jurors and alternates. The two  
 who were just dismissed get ripped out.

KUNSTLER, WEINGLASS and the DEFENDANTS are standing or  
 sitting around.

TOM  
 Who are the alternates?

JERRY  
 We're gonna make this public.

KUNSTLER  
Help yourself.

TOM  
Who are they?

JERRY  
Somebody other than the FBI has to investigate that letter.

KUNSTLER  
Who'd you have in mind, Jefferson Airplane? The FBI investigates--

JERRY  
This is *bullshit!*

TOM  
Who are the alternates?

JERRY  
Fuckin' bullshit.

DAVE  
Can we clean up our language?

WEINGLASS  
Kay Richards. She's a 27-year old dental hygienist.

TOM  
That doesn't sound too bad.

KUNSTLER  
We think she's dating a guy named Tom Bannercheck who works for Daley.

And all the defendants starts chiming in--

ALL  
*What?!, etc./ You let her be an alternate?!, etc./ Why would she be anywhere near that jury box?!/etc.*

They keep shouting as the lawyers simultaneously defend themselves.

KUNSTLER  
(simultaneously)  
We were out of preemptory challenges.

WEINGLASS  
 (simultaneously)  
 She was an alternate and we were  
 out of preemptory challenges.

TOM  
 How did that happen?

KUNSTLER  
 It was her or the Korean War vet  
 who kicked his son out of the house  
 for *protesting the Vietnam*-- you  
 don't have to be Clarence Darrow to--  
 -

JERRY  
 Did they manipulate the jury pool?  
 How come there's nobody who looks  
 like me?

KUNSTLER  
 Raise your hand if you've ever  
 shown up for jury duty.

Nobody raises their hand...

KUNSTLER (CONT'D)  
 Then shut the fuck up.

During this, an ASSISTANT has come in and handed a note to  
 WEINGLASS. WEINGLASS has read it now--

WEINGLASS  
 Bill.

KUNSTLER  
 Yeah.

WEINGLASS hands the note to KUNSTLER, who reads it...

TOM  
 What?

WEINGLASS  
 He's sequestering the jury.

There's silence in the room...

JERRY  
 'Course he is.

JERRY exits.

ABBIE

No such thing as a political trial.  
Good to know.

ABBIE exits.

KUNSTLER

(to WEINGLASS)

I want an expert in geriatric  
psychiatry sitting in the gallery  
for a few days. I want a medical  
evaluation of this judge.

KUNSTLER heads out and WEINGLASS goes into the living room,  
where the end of the nightly news is playing on the TV.

WEINGLASS

The sequester's probably a reaction  
to Abbie doing stand-up on the  
weekends.

ABBIE

It's not stand-up.

WEINGLASS

It's you in a college auditorium in  
a spotlight telling jokes, right?

ABBIE

Little reductive.

JERRY

Hey.

JERRY's pointing out something on the TV. Everyone starts to  
stand in silence, facing the TV.

BACK IN THE KITCHEN--

RENNIE's writing in his notebook...

FROINES

Names?

RENNIE

Yeah. From yesterday.

TOM

Is anyone hungry?

RENNIE

If I hadn't asked you to help me  
with Sara Beth, none of this--

TOM

No.

RENNIE

I asked you to help with Sara Beth and that's what got us the first riot. The first riot got us the real riot.

TOM

Rennie, that's not what--

RENNIE

Hang on.

RENNIE sees the backs of the people standing in the living room. He walks to the living room and FROINES and WEINER follow. Then TOM.

We see over their backs that the news is scrolling the names of that day's fallen soldiers.

Then everyone sits.

BERNADINE

(to RENNIE)

I'll add the names.

RENNIE

Thank you.

CUT TO:

70

**INT. COURTROOM - DAY**

70

The jury box is empty but everyone else is there. KUNSTLER is addressing the judge.

KUNSTLER

We move to strike the order of sequestration of the jury which was made by Your Honor's sua sponte motion.

JUDGE HOFFMAN

Hold on. Mr. Rubin, Mr. Hoffman, what are you wearing?

ABBIE and JERRY are wearing judge's robes.

ABBIE

It's an homage to you, sir.

JUDGE HOFFMAN

Do you have clothes underneath there?

ABBIE

Yes sir. Hang on.

(to JERRY)

Do you?

JERRY

Yeah.

JUDGE HOFFMAN

Take off the robes.

ABBIE and JERRY take off the robes and have police uniforms underneath.

A big LAUGH from the GALLERY.

JUDGE HOFFMAN (CONT'D)

(TO KUNSTLER)

Continue.

KUNSTLER

We feel that sequestration for what appears will be a considerable period of time can only serve--

JUDGE HOFFMAN

It would be a considerably shorter period of time if the defense made fewer objections.

KUNSTLER decides to finish despite being interrupted...

KUNSTLER

--can only serve to the defendants disadvantage. And Your Honor, the defense will make not one fewer objection than the prosecution or this Court gives us reason to.

JUDGE HOFFMAN

Bailiff, charge Mr. Kunstler with one count of Contempt.

ABBIE

Welcome to our world, Bill.

KUNSTLER

May I continue my argument so it appears in the record?

JUDGE HOFFMAN

Continue.

KUNSTLER

The jury will be in the custody of deputy marshals. The marshals will take care of all the wants and needs of the jurors and we feel that tends to make the jurors more sympathetic toward--

JUDGE HOFFMAN

I understand.

KUNSTLER

The jurors are going to be *taken care of* by law enforcement officers. They won't be allowed to go home, they'll have minimal communication with--

As KUNSTLER's been talking, TOM's been looking across the room at one of the MARSHALS. The MARSHAL is adjusting the name tag on his uniform and as we push in a little on TOM, we

CUT TO:

71 **EXT. HILTON HOTEL - NIGHT (TOM'S MEMORY)**

71

A line of about fifty DEMONSTRATORS, including TOM and ABBIE have their backs up against the dark-tinted picture window of the Haymarket Tavern that's part of the hotel and convention center. Facing them down are a line of RIOT POLICE with their clubs drawn. TOM sees something that immediately gets his heart racing even faster--

--a RIOT POLICEMAN takes off his name tag and then his badge and puts them in a pocket. Then another does the same and then another and we

CUT BACK TO:

72 **INT. COURTROOM - DAY**

72

DELUCA's on the stand.

DELUCA

Frank DeLuca.

SCHULTZ

And what is your occupation?

DELUCA

I'm a detective with the Police Department, City of Chicago.

SCHULTZ

Calling your attention to August of 1968 during the convention, were you given any specific assignment?

DELUCA

I was to keep Rennie Davis under surveillance with my partner, Detective Bell.

SCHULTZ

And while surveilling Rennie Davis on Sunday evening, August 25th, the night before the convention began, did you observe Tom Hayden committing a crime?

DELUCA

Yes. Mr. Hayden was letting the air out of the tire of a police vehicle.

CUT TO:

73

**INT. GRANT PARK - NIGHT**

73

It's a sweltering hot night as we get introduced to the park and its occupants for the first time. Thousands of people that can only be made out in silhouette with flickers of lanterns, flashlights and fires. We can HEAR a pick-up band singing Simon and Garfunkel's "America" and the song will continue throughout this whole sequence.

ANGLE--We see the pick-up band sitting around the stage singing.

ANGLE--Tents being erected in a sea of tents that are already erected.

ANGLE--A group making protest signs.

ANGLE--A fire burning in a garbage can. A sign reads "Burn Your Draft Cards" as young men come up, rip up their draft cards and throw them in the fire.

ANGLE--Another fire burning in another garbage can. A sign reads, "Free Yourself from Patriarchy--Burn Your Bras", with women walking by and dropping their bras in the fire.

ANGLE--A police vehicle is driving slowly and repeating on a loudspeaker--

POLICE OFFICER (V.O.)

The park closes at 11pm by order of the Chicago P.D. You must be out of the park by 11pm. Violators will be prosecuted for trespassing. The park closes at--

ANGLE--ABBIE's talking to a large group of protestors.

ABBIE

It's a strategy of throwin' banana peels all over Chicago and then let the machine stumble. And when it stumbles, it gets into a policy of overkill and starts to devour itself. We'll convince 'em. They'll be convinced. Of what? That we're crazy enough to do anything.

ANGLE--JERRY's talking to a group of protestors.

JERRY

We think it's important for confrontational tactical knowledge to be understood. Confrontational tactics make us safer. Why? Because the police become afraid. And that's fighting fire with--

PROTESTORS

(shouting back)

*FIRE!*

JERRY begins his Molotov cocktail demonstration as we PULL BACK to find TOM and RENNIE who are walking past Jerry's TED Talk.

TOM

(to no one)

You don't fight fire with fire, you fight it with water, ya jackass.

RENNIE

It's a metaphor.

TOM

Abbie and his fuckin' banana peels.

RENNIE

Also a metaphor.

TOM

Between the cops, the state police and the Guard, Daley's got 15,000 soldiers on the street whose guns are loaded with bullets that are literal.

RENNIE

I could make the argument that the bullets were also--

TOM

Yeah, so could I, but don't. The atmosphere's starting to get dangerous and someone's gonna throw a rock. I want to get the word out that we're protesting the war and not the cops.

RENNIE sees something up ahead--

RENNIE

Dammit.

TOM

What?

RENNIE

I think those are my guys, I think that's their car.

ANGLE--A few unmarked sedans are parked alongside some police and park vehicles in an otherwise dark and deserted area.

TOM and RENNIE walk toward a particular sedan.

RENNIE (CONT'D)

Yeah, that's them. They're back. They were following me all day. Listen, here's the thing I haven't told you about Sara Beth. She isn't into this at all.

TOM

Isn't into what?

RENNIE

When I'm with her and her family, I try to...de-emphasize the...radical revolutionary part of my--

TOM

Got it.

RENNIE

She and her parents are letting me stay with them and if I show up tailed by two undercover police officers--

TOM

That'd be hard to explain.

RENNIE

This isn't her world. And it's definitely not her parents' world. If I bring my world into their driveway--

TOM

Yeah.

RENNIE

She'll break up with me.

TOM

You could be in a healthier relationship.

RENNIE

I know, but until then, this is the one I've got.

TOM

(pause)

That's their car?

RENNIE

Yeah.

TOM

Where are they?

RENNIE

Looking for me.

TOM thinks a minute...

TOM

Alright. Go back into the crowd and let 'em find you. Then leave the park by the east exit. They'll need their car to follow you.

RENNIE

What are you gonna do?

TOM

It's not gonna remind anyone of Ghandi but a little civil disobedience. Go.

RENNIE

You're not gonna cut their breaks or anything, right?

TOM

What? No, I'm gonna let the air out of one of the tires. Now go.

RENNIE

I really appreciate it. I don't want to be a phony with SaraBeth but sometimes it takes a little--

TOM

You should really go now.

RENNIE

Yeah.

RENNIE heads off and TOM takes out his keys as we

CUT BACK TO:

74

**INT. COURTROOM - DAY**

74

The pick-up band singing "America" continues over--

DELUCA

Detective Bell and I spotted Rennie Davis walking in the crowd and observed him on foot for a few minutes. Then we returned to the unit.

SCHULTZ

Your car.

DELUCA

Yes.

SCHULTZ

And what did you find?

CUT TO:

75      **EXT. GRANT PARK - NIGHT**

75

The singing continues over--

TOM is on his knees letting the air out of a tire of the unmarked car with his key when the shadow of a man envelopes him and he stops.

DELUCA (O.S.)  
So you think we're idiots.

DELUCA is standing behind him with his partner, BELL.

DELUCA (CONT'D)  
Don't fuckin' move.

BELL  
On your feet.

TOM  
Those are two contradictory instructions.

DELUCA grabs TOM by the collar, puts him on his feet and slams him down on the hood of the car.

DELUCA  
Hands behind your head, spread your legs. Was that a contradictory instruction?

TOM  
Nope.

CUT BACK TO:

76      **INT. COURTROOM - DAY**

76

SCHULTZ  
What happened then?

DELUCA  
Someone from the crowd shouted--

77      **EXT. GRANT PARK - NIGHT**

77

One of the silhouettes from the crowd shouts--

DEMONSTRATOR  
Hey, they're hassling Tom Hayden!

BELL

Paulie, you need to see what I'm seeing.

DELUCA turns around and sees two-dozen silhouettes begin moving toward the car--

DELUCA

Hey, stay back there! All a you!

BELL

(showing his badge)  
Police! Stay back!

TOM

(calling to the silhouettes)  
Listen, everybody stay cool!

DELUCA

(to TOM)  
Shut up! Tell 'em to get back.

TOM

Again--

DELUCA

Tell 'em to get back.

78        **INT. COURTROOM - DAY**

78

SCHULTZ

And did he tell the crowd to get back?

79        **EXT. GRANT PARK - NIGHT**

79

TOM

Everybody get back! I'm alright, stay cool!

80        **INT. COURTROOM - DAY**

80

DELUCA

He was egging them on.

SCHULTZ

Did you take Hayden under arrest at that moment?

DELUCA

No sir.

SCHULTZ

Why not?

81       **EXT. GRANT PARK - NIGHT**

81

Suddenly a white light is shining in DELUCA's face and he snaps to it--

DELUCA

What the hell is--who's shining that?

BELL

(quietly)

It's a camera. It's a TV camera.

82       **INT. COURTROOM - DAY**

82

DELUCA

We wanted to diffuse the situation so we arranged to take Mr. Hayden in the next morning.

83       **EXT. GRANT STATUE - DAY**

83

TOM's sitting on the steps with RENNIE and a couple of friends as two POLICE CARS come rolling up--flashing lights but no sirens.

TOM

This is gonna be for me.

RENNIE

Let me try to explain to them.

TOM

We should tell 'em about SaraBeth's parents.

RENNIE

Yeah.

TOM

I was kidding. Just bail me out and keep to the schedule, it's fine

A few OFFICERS, including OFFICER QUINN, step out of their cars.

OFFICER QUINN  
Tom Hayden?

TOM  
Yeah.  
(to RENNIE)  
See you in a bit.

OFFICER QUINN  
You're under arrest.

TOM  
Got it.

84 INT. COURTROOM - DAY

84

JUDGE HOFFMAN  
We'll stand in recess for one hour  
and court will resume at--

BOBBY  
Your Honor--

JUDGE HOFFMAN  
You wish to address the court, Mr.  
Seale?

BOBBY  
I--yes. I have a motion--

JUDGE HOFFMAN  
I will hear you Mr. Seale.

BOBBY  
Just a moment.

We see a YOUNG BLACK woman hand a legal pad to a BLACK MAN  
who walks the pad down to FRED HAMPTON who hands it to BOBBY.

JUDGE HOFFMAN  
Mr. Seale, do you have a motion?

BOBBY  
I have a motion pro se to defend  
myself. I'd like to invoke the  
precedent of Adams vs. U.S. ex rel.  
McCann, where the Supreme Court--

JUDGE HOFFMAN  
Alright, that's enough. Where are  
you learning these things. Does  
your young friend, Mr. Hampton,  
have a background in--

KUNSTLER

(standing)

Your Honor, the other defendants would like to join in Mr. Seale's motion.

JUDGE HOFFMAN

Are you now speaking on behalf of Mr. Seale?

KUNSTLER

No sir, I'm speaking on behalf of the other defendants.

JUDGE HOFFMAN

You're standing right next to him, why don't you represent him?

KUNSTLER

Because I'm not his lawyer, sir, and if I understand Mr. Seale correctly this last month and a half, and I believe I have, he is not represented by counsel.

JUDGE HOFFMAN

Overruled.

BOBBY

I am being denied right now--

JUDGE HOFFMAN

Mr. Seale--

BOBBY

--my Constitutional right to--

JUDGE HOFFMAN

Will you be quiet? Will you? Will you be quiet? That's all. You have lawyers to speak for you.

KUNSTLER

*No he doesn't!*

JUDGE HOFFMAN

Cite Mr. Kunstler with his second count of Contempt.

85           **INT. COLLEGE AUDITORIUM - NIGHT**

85

The place is packed and smoke-filled and everyone is there to see and hear ABBIE, who's up on stage at the microphone. He has a style onstage that's not unlike Lenny Bruce.

We come in on a BIG LAUGH and APPLAUSE...

ABBIE

So Hayden's in a holding cell on a tire-pressure related charge and suddenly every freak in Chicago is mobilized. "They got Hayden, they got Hayden." We're gonna march down to the police station, overcome the police and the Illinois National Guard and free Tom Hayden.

(pause)

We couldn't find our way out of the park.

A BIG LAUGH...

ABBIE (CONT'D)

Over the course of 10 days, the government called 37 witnesses, each and every one of them an employee of the government. I call this portion of the trial, "With Friends Like These..."

86           **INT. COURTROOM - DAY**

86

WOJHOWSKI's on the stand.

SCHULTZ

Would you state your full name please?

WOJHOWSKI

Stanley R. Wojohowski.

87           **EXT. GRANT PARK - DAY**

87

WOJHOWSKI, who now looks like a biker comes up to ABBIE with another biker--EDDIE.

EDDIE

Abbie. This is Stan.

WOJHOWSKI

Stan Wojohowski.



92           **INT. COURTROOM - DAY**

92

                          SCOTT  
                          Staff Sergeant Scott Scibelli,  
                          Illinois State Police.

93           **INT. BAR - NIGHT**

93

JERRY's having a drink at the end of a crowded bar. The  
BARTENDER puts another drink in front of him.

                          BARTENDER  
                          This is from the woman in the  
                          glasses.

JERRY sees the woman wearing glasses, DAPHNE, at the other  
end of the bar.

                          JERRY  
                          Really?

JERRY takes his drink and heads over to the woman.

                          JERRY (CONT'D)  
                          Uh...Did you mean this for me?

                          DAPHNE  
                          I did.

                          JERRY  
                          Nobody's ever sent me a drink  
                          before.

                          DAPHNE  
                          How do you like it so far?

                          JERRY  
                          It's a Tom Collins. I know it's  
                          kind of a country club drink but  
                          they're delicious. A man in England  
                          named Tom Collins claimed in 1894  
                          to have invented it, but then  
                          another man who's name I've  
                          forgotten said, no, he'd invented  
                          it two years earlier and I think  
                          there was a lawsuit.

                          DAPHNE  
                          That's a surprising amount of  
                          controversy for gin and lemonade.

                          JERRY  
                          I'm Jerry.

DAPHNE

Hey Jerry, do you know why the French only eat one egg for breakfast?

JERRY

No.

DAPHNE

Because in France, one egg is "un oeuf."

(pause)

It's un oeuf.

JERRY

Wow.

DAPHNE

I know.

JERRY

I feel so much better about my Tom Collins story.

DAPHNE

I'm Daphne O'Connor.

CUT BACK TO:

94

**INT. COURTROOM - DAY**

94

DAPHNE

Special Agent Daphne O'Conner, FBI.  
Counter Intelligence.

DAPHNE is on the stand looking professional now. WEINER leans in to FROINES and whispers--

WEINER

You think it's possible there were seven demonstrators in Chicago last summer leading 10,000 undercover cops in protest?

FROINES nods...

SCHULTZ

What was your assignment in Chicago?

DAPHNE

To use Jerry Rubin to try to infiltrate the leaders of the protest.

JERRY shakes his head...

SCHULTZ

You were with Jerry Rubin, Abbie Hoffman, Rennie Davis and Dave Dellinger the afternoon of the 27th?

DAPHNE

Yes.

SCHULTZ

What were the four of them doing?

DAPHNE

They were leading a group of protestors.

SCHULTZ

How many would you say?

DAPHNE

About eight-hundred.

SCHULTZ

Where were they leading these eight-hundred people?

DAPHNE

To Police Headquarters at 11th and State.

SCHULTZ

Why?

DAPHNE

Tom Hayden was being held there on charges of tampering with a police vehicle. Jerry Rubin said it was time to confront the pigs.

SCHULTZ

By pigs he meant--

DAPHNE

It was time to confront the police.



100 INT. COLLEGE AUDITORIUM - NIGHT

100

ABBIE on stage--

ABBIE

The guy testified that Ginsburg was letting out a war chant. Some kind of fuckin' jungle signal to beat poets that they should begin pelting the troopers with blank verse.

A LAUGH from the CROWD...

ABBIE (CONT'D)

A guy in the crowd is marching with a girl on his shoulders. She's waving an American flag and this seems to really be bothering some frat brothers who'd come to town in the spirit of fraternity.

101 EXT. MICHIGAN AVENUE - DAY

101

A YOUNG WOMAN in a beret is being carried on the shoulders of a demonstrator as they march. She's carrying a flag and being shouted at by three FRAT BOYS on the sidewalk.

FRAT BOYS

(screaming)

*Put the flag down! Put it down! Go to the kitchen and make me a sandwich!*

JERRY

I'm gonna go back there and take care of that.

ABBIE

They're not the enemy.

JERRY

In so many fuckin' ways they are.

FRAT BOYS

*Put down the goddam flag you ugly bitch! Go to the kitchen and make me a fuckin' sandwich!*

CUT BACK TO:



RENNIE

Tom doesn't want anyone hurt.

DAVE

We've gotta turn this crowd around. There's too much momentum, we've gotta turn 'em around and calm 'em down.

DAPHNE

(to JERRY)

He's right. This isn't safe, I know something about this.

DAVE gets on his walkie-talkie--

DAVE

(into the walkie-talkie)

All marshals--slow 'em down and turn 'em around. It's the Alamo up here. Turn 'em around and get 'em safely back in the park.

JERRY

We should be marching right up to them.

ABBIE

I don't think they're gonna surrender man. Keep 'em moving. Dave and I are gonna stay and make Tom's bail.

(to DAVE)

I don't carry money, do you?

DAVE

I do, I'm a grown man.

The rest of the leaders start heading back where they came from as ALLEN GINSBURG holds out his arms in a meditation position and lets out a soft "ohmmmmmm..."

JERRY

You're killin' me, Allen. You're goddam killin' me.

(shouting)

Keep 'em moving.



KUNSTLER  
On those grounds.

And ABBIE and JERRY lead the gallery in a chorus of--

ALL  
*Overruled!*

JUDGE HOFFMAN  
I will clear this courtroom!

SCHULTZ  
Mr. Wojohowski?

WOJOHOWSKI  
The crowd was looking for a fight.

111     **EXT. GRANT PARK - DAY**

111

The DEMONSTRATORS are now faced off with the POLICE.

JERRY  
(shouting)  
*You're pigs! Your children are  
pigs!*

RENNIE  
We should leave their children out  
of it.

JERRY  
You're right, I know, you're right.

112     **INT. COURTROOM - DAY**

112

SCOTT  
"White, honkey m-f-ers, get out of  
our park!" And then he said, "Look  
at 'em--

113     **EXT. GRANT PARK - DAY**

113

JERRY  
--they don't look so tough.

RENNIE  
Well...the guns...

JERRY  
 (shouting)  
*Put down your guns, motherfuckers,  
 we'll fight like fuckin' men!*

RENNIE  
 Just so you know, I do not have  
 your back on that.

114      **INT. COLLEGE AUDITORIUM - NIGHT**

114

ABBIE  
 And the guys from Kappa Gamma  
 Douchebag who were hassling the  
 girl? They're back.

115      **EXT. GRANT PARK - DAY**

115

FRAT BOYS  
*Put the flag down! Put it down! Put  
 the goddam flag down you cunt! Make  
 me a sandwich!*

RENNIE  
 (to JERRY)  
 Just calm the crowd down.  
 (beat)  
 Help me calm 'em down, Jerry.

DAPHNE  
 Baby. Defuse the situation. They'll  
 listen to you.

JERRY  
 Huh.

DAPHNE  
 What?

JERRY  
 Nothing, that sounded nice when you  
 said it.

DAPHNE  
 Right now!

JERRY  
 Yeah.



JERRY and RENNIE begin running after and through the crowd--

RENNIE  
(to the protestors)  
Stop running!

JERRY  
(to the protestors)  
Stop running! Slow down!

We can HEAR an officer on a bullhorn--

POLICEMAN  
There are no permits for this demonstration! You are ordered to leave the park immediately! There are no permits for this demonstration! You are ordered to leave the park immediately!

120      **INT. COLLEGE AUDITORIUM - NIGHT**

120

ABBIE  
The street name for chloroacetophenone is tear gas and it's a fuckin' blow torch--your lungs, your skin, your eyes...Riot clubs? They're made out of the same wood they use for baseball bats.

121      **EXT. GRANT PARK - DAY**

121

Tear gas canisters get fired into the crowd as the POLICE strap on gas masks. The POLICE move into the CROWD and start swinging their clubs full force. The unlucky ones near the gas emerge from the thick, grey dust blinded and gasping for air. Others have blood spray from their foreheads and down their mouths as they get struck in the face with clubs.

JERRY and RENNIE are trying to pull people away and send them back down the hill.

We see the YOUNG WOMAN in the beret--she's making her way through the crowd, through the tear gas and up the hill.

Suddenly she's tackled from behind by the three FRAT BOYS.

FRAT BOY #1  
*I told you to put that flag down,  
go in the kitchen and make me a  
fuckin' sandwich!*

They grab her as she tries to escape. She's screaming as she's smacked in the face and her shirt gets torn off.

Now JERRY sees this and starts flying toward her through the crowd.

JERRY

*Hey! What are you doin?! Get the fuck offa her! What the fuck is the matter with you?!*

JERRY pulls one guy off--

JERRY (CONT'D)

*Get the fuck offa her!*

FRAT BOY #2

*Fuck you, hippie faggot!*

And the punch that JERRY's wanted to throw for years lands square in the face of this guy, and just as quickly, JERRY's elbow breaks the nose of the guy's buddy who's about to help him. The third guy goes running to avoid the tear gas that's just been shot into the area.

JERRY tends to the girl--

JERRY

*You're alright. You're okay.*

JERRY pulls off his shirt--

JERRY (CONT'D)

*Here. You're okay.*

He takes a bandana from his pocket--

JERRY (CONT'D)

*You need to hold this over your face and I'll get you outa here.*

But now there's the sound of a gun locking behind JERRY's head. He puts his hands up without turning around--

POLICEMAN

*Don't move, Jerry.*

JERRY

*Get those guys, they were--*

JERRY turns around--three POLICEMEN in gas masks have guns on him...

POLICEMAN  
You're under arrest.

122 INT. COURTROOM - DAY

122

There's silence. DAPHNE is on the stand and KUNSTLER is taking a moment before he begins his cross...

KUNSTLER  
After bailing Tom Hayden out,  
Abbie, Dave and Tom returned to the  
park, is that correct?

CUT TO:

123 EXT. PARK - EARLY EVENING

123

TOM, ABBIE, JERRY, RENNIE and DAVE survey the scene. The battle is long over but we can still see some tear gas and people being treated by EMTs and put into ambulances, etc.

After a long moment...

TOM  
I'll be honest, I'm starting to  
worry about getting everyone out of  
Chicago alive.

ABBIE  
That's not really up to us.

TOM  
Yeah it is.

ABBIE  
What are you lookin' at me for? I  
went to bail you out of jail.

TOM takes a moment because he can't believe this...

TOM  
(pause)  
*Eight-hundred people followed you!*

ABBIE  
Oh that. Yeah, people follow me,  
fuck if I know why?

TOM  
I'm wracking my brain as well.

RENNIE

(to JERRY)

How'd you make bail so fast?

JERRY

I wasn't arrested, I was detained. They couldn't figure out what to charge me with.

DAVE

Assault.

JERRY

I was assaulting someone who was assaulting someone.

DAPHNE

Guys. Nothing's more dangerous than a crowd of people who are moving. It's like trying to re-direct the Mississippi River.

JERRY

Isn't she great?

TOM

(to ABBIE)

Get your people to cool off. We're responsible for these people.

ABBIE

We have to protest in front of the convention, Tommy, plain and simple. 'Cause that's where the cameras are. We have to get to the convention. And that means we have to leave the park. And that's when people'll get hurt. As long as every person following me knows that, I sleep fine at night.

TOM

Well you should tell me how you do it.

ABBIE

A lot of it's drugs.

TOM

Yeah.

TOM points to the hill, where tear gas still hovers and people are being bandaged or handcuffed...

TOM (CONT'D)

That's what happened when we tried to go up a hill. We're not getting anywhere near the convention.

CUT TO:

124 INT. COURTROOM - DAY

124

DAPHNE still on the stand.

KUNSTLER

Special Agent O'Connor, you testified that Jerry Rubin said, "Fuck 'em all. They're all pigs. We should form an army and get guns."

DAPHNE

Yes.

KUNSTLER

And when he said that, did anyone form an army and get guns?

DAPHNE

No.

KUNSTLER

Did Jerry Rubin instruct the crowd to run into the park?

DAPHNE

No.

KUNSTLER

Did Rennie Davis?

DAPHNE

No.

KUNSTLER

Was Abbie Hoffman even there?

DAPHNE

No.

KUNSTLER

Was Dave Dellinger?

DAPHNE

No.

KUNSTLER  
Was John Froines there?

DAPHNE  
No.

KUNSTLER  
Lee Weiner?

DAPHNE  
No, he wasn't there.

KUNSTLER  
And you've testified that Jerry and Rennie--can you say it for me again?

DAPHNE  
Mr. Kunstler--

KUNSTLER  
They were trying to turn people around and send them back down the hill. Just like you told them to.

DAPHNE  
Mr. Kunstler, the demonstrators attacked the police and the police responded.

KUNSTLER  
Are any of the demonstrators you saw attacking the police sitting at the defense table?

DAPHNE  
No sir.

KUNSTLER  
Thank you.

JUDGE HOFFMAN  
The Court will stand--

BOBBY  
I wasn't there either.

JUDGE HOFFMAN  
Mr. Seale--

BOBBY  
I wasn't there at all and I should be allowed to cross-examine this--

JUDGE HOFFMAN  
We'll stand in recess until--

FRED HAMPTON stands up and addresses the whole room--

FRED  
Four hours. That's how long Bobby  
Seale--

JUDGE HOFFMAN  
Marshals.

FRED  
--was in Chicago. Four hours.

The DEFENDANTS APPLAUD and bang the table--all but TOM who's  
poker-faced but hating this. RENNIE sees that TOM isn't  
cheering and he slows and stops as we

JUDGE HOFFMAN  
Court stands in recess for the  
weekend.

CUT TO:

125      **EXT./EST. NATURAL HISTORY MUSEUM - DAY**      125

It's a Saturday during the Christmas season and families are  
going into and coming out of the museum.

126      **EXT. PARK BENCH - DAY**      126

It's a crisp, Christmastime afternoon. A couple of trumpets,  
a trombone and a baritone horn are playing "O Holy Night" a  
distance away as ABBIE and JERRY sit on a bench.

JERRY  
I took in the exhibit. I cleared my  
mind. I stood there for twenty  
minutes and I felt nothing.

ABBIE  
Well...but it wasn't a painting, it  
was an exhibit. It was a natural  
history museum.

JERRY

And when you put exhibits of Native Indian families in a natural history museum alongside dioramas of early man and the Jurassic age, it gives the impression that the Cherokee evolved into modern day Europeans.

ABBIE

Hey, look who it is!

SCHULTZ and his two young daughters, 6 and 4, are coming down the path.

ABBIE (CONT'D)

Should we say hi?

JERRY

I've got a bone to pick with that guy.

SCHULTZ, getting closer, sees ABBIE and JERRY.

ABBIE

Hey counselor!

SCHULTZ

No colleges this weekend?

ABBIE

Winter break. My audiences went home to their parents. Are these ladies related to you?

SCHULTZ

These are my daughters Julie and Emily.

ABBIE

(to the girls)

Your dad's a good guy. And that's coming from someone who he's been trying hard to put in federal prison.

SCHULTZ

We shouldn't be talking without your lawyer here.

ABBIE

Nah, we're all on the same team.

SCHULTZ

In one sense I guess, but in a much truer sense we're not.

(SCHULTZ takes a couple of dollars out of his pocket)

Girls, take this dollar over to the musicians and put it in their hat. Then take this dollar and buy some of those candy-covered peanuts mom won't let you have.

The girls run excitedly to where they were told.

ABBIE

Sweet kids.

SCHULTZ

'Cause if your lawyers were here I'd feel comfortable telling you that the window's closing for you to plead out.

JERRY

Oh we're not takin' a fuckin' deal, would you stop? And I wish I could share Abbie's sentiment that you're a good guy, but I'm afraid I can't.

SCHULTZ

I'm sorry to hear that.

JERRY

Sending Daphne O'Connor to break my heart was way outa line.

SCHULTZ

Well I don't work for the FBI but Special Agent O'Connor was one of many agents sent to gather intelligence on what had been deemed a credible domestic threat.

JERRY

Fine, then you bug our phones, you wire up a dope dealer, be a man. You don't send a woman to ensorcell me--it means "enchanted"--only to have her crush my soul.

SCHULTZ

How long did you two know each other?

JERRY

Ninety-three hours. It could have been a lifetime.

SCHULTZ

For a fruit fly. Enjoy the weekend.

JERRY

Is that even ethical? Aren't there ethics rules?

SCHULTZ

Did she engage with you sexually?

JERRY

(pause)

We were taking it slow.

ABBIE

He's gonna be alright.

JERRY

One egg is un oeuf? They teach her *that* at the Academy?!

SCHULTZ

Yep.

ABBIE

We just wanted to say that we don't have any beef with you. We know you're doing your job and we know you don't think we're criminals.

SCHULTZ

I'm not sure where you're getting that information but I represent the People without passion or prejudice.

ABBIE

You think we were responsible?

SCHULTZ

I think you got the result you were looking for.

ABBIE

So did Nixon.

SCHULTZ

How 'bout that. See you Monday.

SCHULTZ walks away toward his daughters. JERRY calls after him--

JERRY  
(calling)  
Does she ever mention me?

SCHULTZ, with his back still turned, just shrugs, and we

CUT TO:

A151      **EXT. CONSPIRACY OFFICE - NIGHT**      A151

All the lights are off. We HEAR a phone ringing...

B151      **INT. CONSPIRACY OFFICE - NIGHT**      B151

BERNADINE's sleeping in a sleeping bag on the floor. TOM's asleep on a couch in sweatpants and a t-shirt. The ringing continues and TOM wakes up in a start. It takes him a moment to realize the phone's ringing and he looks at it from across the room as BERNADINE answers it.

BERNADINE  
(into phone)  
Conspiracy Office.

TOM watches as BERNADINE listens...

BERNADINE (CONT'D)  
(to TOM)  
It's Bill. Something's happened,  
Tom.

TOM stands there a moment before we

CUT TO:

151      **INT. COOK COUNTY JAIL - VISITING ROOM - MORNING**      151

TOM and KUNSTLER are waiting in the empty room before a GUARD opens the door and BOBBY SEALE steps in in prison coveralls.

The door closes with the clang.

KUNSTLER

Bobby, Fred Hampton was shot and killed last night. There was a police raid and there was a shootout and he's dead.

BOBBY doesn't say anything...

KUNSTLER (CONT'D)

(consulting notes)

It happened between the hours of 4am and--

BOBBY

I know.

KUNSTLER

You were told?

BOBBY

Yeah.

KUNSTLER

I'm sorry.

BOBBY

(pause)

The seven of you, you've all got the same father, right?

(to TOM)

I'm talking to you. You've all got the same father, right? Cut your hair, don't be a fag, respect authority, respect America, respect me. Your life, it's fuck you to your father, right? A little?

TOM

(beat)

Maybe.

BOBBY

Maybe. And you can see how that's different from a rope on a tree?

TOM

Yeah.

BOBBY

Yeah. He was shot in the wrist first. You can't hold a gun if you've been shot in the wrist. You can't pull a trigger. The second shot was in the head.

(MORE)

BOBBY (CONT'D)  
 Fred was executed.  
 (pause)  
 Anything else?

KUNSTLER  
 (pause)  
 No.

152 INT. COURTROOM - DAY

152

DETECTIVE FRAPOLY's on the stand. BOBBY's all but dead behind his eyes.

**TITLE:**

**Trial Day 90**

SCHULTZ  
 Detective, calling your attention to the evening of the next day, Tuesday, August 27th, were you in Grant Park on that day?

FRAPOLY  
 Yes. There was a "Free Huey Newton" rally going on.

SCHULTZ  
 Did you recognize any of the speakers?

FRAPOLY  
 I heard Jerry Rubin give a speech. Phil Ochs sang and then Bobby Seale gave a speech.

BOBBY speaks lifelessly, almost by rote--

BOBBY  
 I object to this man's testimony against me because I've been denied counsel.

JUDGE HOFFMAN  
 We understand.

SCHULTZ  
 Do you recall anything from Mr. Seale's speech?

FRAPOLY  
 Yes. He said--

BOBBY  
I object to this man's--

JUDGE HOFFMAN  
Quiet.

SCHULTZ  
Go ahead.

FRAPOLY  
May I refer to notes?

SCHULTZ  
Yes sir.

FRAPOLY  
He said, "We must understand that  
as we go forth to try to move the  
reprobate politicians--

BOBBY  
Your Honor--

FRAPOLY  
"--our cowardly Congress, the jive,  
double-lip talkin' Nixon--"

BOBBY  
Jive double-lip talkin' Nixon? You  
make me sound like one funky cat,  
thank you sir.

JUDGE HOFFMAN  
Last warning, Mr. Seale.

SCHULTZ  
Did he say anything else?

FRAPOLY  
He said, "The revolution at this  
time is directly connected to  
organized guns and force."

SCHULTZ  
No more questions.

BOBBY shakes his head to himself, then says simply and calmly-

BOBBY  
A jive, double-lip talkin', funky,  
funky cat.

JUDGE HOFFMAN

Would the defense like to cross-examine the witness?

BOBBY

Yes. I'm sitting here saying that I would like to cross--

JUDGE HOFFMAN

Only lawyers can address a wit--

BOBBY

My lawyer is Charles Garry.

JUDGE HOFFMAN

I'm tired of hearing that.

BOBBY

I couldn't care less what you're tired of.

JUDGE HOFFMAN

What did you say?

BOBBY

I said it would be impossible for me to care any less what you're tired of and I demand to cross-examine this--

JUDGE HOFFMAN

*Sit in your chair and be quiet and don't ever address the Court in that--*

BOBBY turns to the GALLERY--

BOBBY

(to the crowd)

It was premeditated murder. Fred Hampton was assassinated last night.

The GALLERY gasps--

JUDGE HOFFMAN

Marshals, put Mr. Seale in his seat.

BOBBY keeps talking as a few MARSHALS come to deal with him--

BOBBY

He wouldn't have been able to hold a gun in his right hand.

(MORE)

BOBBY (CONT'D)

When they publish the coroner's report, make sure you ask about the bullet wound in his wrist.

The MARSHAL's have put BOBBY in his seat.

JUDGE HOFFMAN

I strongly caution you, Mr. Seale, I strongly caution you that--

BOBBY

Oh strongly fuck yourself.

JUDGE HOFFMAN

Marshals, take that defendant into a room and deal with him as he should be dealt with.

The MARSHALS grab at BOBBY and lift him out of his seat.

153      **INT. HOLDING CELL - DAY**      153

The door opens and BOBBY's thrown into the room. The door slams behind him.

154      **INT. COURTROOM - SAME TIME**      154

Tense silence as everyone waits.

155      **INT. HOLDING CELL - SAME TIME**      155

We see quick, very tight shards of BOBBY being put in restraints. His wrists, his ankles--

A156      **INT. COURTROOM - SAME TIME**      A156

ABBIE and JERRY are staring casual bullets at JUDGE HOFFMAN...

RENNIE's scratching out a note.

INSERT: The notes reads--"Don't stand for JH".

RENNIE shows the note to TOM, who glances at it and reluctantly nods "okay". RENNIE passes the note to DAVE, who looks at it and passes it to JERRY--

B156 INT. HOLDING CELL - SAME TIME

B156

A balled up rag is stuffed in BOBBY's mouth. Another piece of cloth starts to be tied around his face--

156 INT. COURTROOM - SAME TIME

156

Tense silence.

The side door opens and the MARSHALS bring BOBBY in--bound, gagged and chained.

The GALLERY reacts in horror.

The MARSHALS stand BOBBY up at his chair. HOFFMAN raps his gavel until there's finally silence.

JUDGE HOFFMAN

Let the record show that I tried, fairly and impartially, I tried to get the defendant to sit on his own. I ask you again, and you may indicate by raising your head up and down or moving it from side to side, if I have your assurance that you will not do anything to disrupt this trial if I allow you to resume proper order.

BOBBY doesn't move...just looks at him...

JUDGE HOFFMAN (CONT'D)

Do I have your assurance?

BOBBY looks at the judge and gently shakes his head "no"...

JUDGE HOFFMAN (CONT'D)

Mr. Schultz, call your next witness.

SCHULTZ doesn't move...nobody does...

JUDGE HOFFMAN (CONT'D)

Mr. Schultz, call your witness.

SCHULTZ

May we approach, Your Honor?

JUDGE HOFFMAN waves the LAWYERS up to the bench.

KUNSTLER  
Can he breathe?  
(to BOBBY)  
Can you breathe alright?

BOBBY nods "yeah".

The LAWYERS step up to the bench and speak very quietly.

SCHULTZ  
Your Honor, a defendant is bound  
and gagged in an American  
courtroom.

FORAN  
He brought it on himself.

KUNSTLER  
(to FORAN)  
Are you insane?

JUDGE HOFFMAN  
That's enough.

KUNSTLER  
This is an unholy disgrace to the  
law. This is a medieval torture  
chamber.

JUDGE HOFFMAN  
I know no other lawyer who would  
utter such a thing.

WEINGLASS  
This is an unholy disgrace to the  
law and a medieval torture--

JUDGE HOFFMAN  
I said that's enough!  
(beat)  
Love of God.  
(beat)  
What do you want, Mr. Schultz, this  
is your sidebar.

SCHULTZ  
Your Honor, at this time the  
Government would like to make a  
motion that Bobby Seale be  
separated--

FORAN  
Wait--

SCHULTZ

(to FORAN)

Yes. Just--please sir.

(to JUDGE HOFFMAN)

--a motion that Bobby Seale be separated from the other defendants and that a mistrial be declared in his case.

JUDGE HOFFMAN

You want me to give him his mistrial?

KUNSTLER

You took their black guy and made him a sympathetic character.

JUDGE HOFFMAN

I've lived a long time and you're the first person who's ever suggested that I've discriminated against a black man.

WEINGLASS

Then let the record show that I'm the second.

JUDGE HOFFMAN

(pause)

Step back.

The lawyers return to their tables.

JUDGE HOFFMAN (CONT'D)

I'm issuing an order declaring a mistrial as to the defendant Bobby G. Seale.

CHEERS go up in the courtroom.

JUDGE HOFFMAN (CONT'D)

Mr. Seale, you're currently charged with 16 counts of contempt for your repeated displays of disrespect, and you have a pending homicide charge in Connecticut. You are not home free and I doubt you ever will be. We're adjourned until ten a.m. Monday.

BAILIFF

All rise.



WEINGLASS joins KUNSTLER and the DEFENDANTS who are sitting around the living room. KUNSTLER's got a drink and he's smoking a joint.

Out of the silence...

JERRY

(to TOM)

Why the fuck did you stand up?

TOM

I was just--it was a reflex.

RENNIE

He was respecting the institution.

TOM

And I don't know what good it does to insult the judge. And it was in view of the jury. And the press. And Foran and Schultz who'll be recommending sentencing if we're convicted.

ABBIE

It's a revolution, Tom. We may have to hurt somebody's feelings.

There's momentary silence in the room...

RENNIE

(pause)

So...we have this list. I was thinking maybe Monday morning we could read the names into the record.

TOM

Jesus--

RENNIE

As a way of saying--

TOM

As a way of saying what?

RENNIE

That whatever we're facing, you know, is peanuts compared to what these guys--

TOM

He's the one who's gonna sentence us.

(MORE)

TOM (CONT'D)

The judge gets to decide what we're facing. It's a goddam trial.

ABBIE

A political trial.

TOM

No, we were arrested for--the law doesn't recognize political--

ABBIE

We weren't arrested, we were chosen. Lee, John, have you guys asked yourselves what you're doing here?

WEINER

Every day.

ABBIE

You're a give-back. They give the jury a couple of guys they can acquit and feel better about finding the rest us guilty. Lenny, am I wrong?

WEINGLASS

No.

FROINES

Our role in history is that we made it easier to convict our friends? Lee?

WEINER nods his head...

ABBIE

They're gonna find us guilty of "I just don't like you." That's why Bill won't put any of us on the stand.

DAVE

I could take the stand, I'm easy for them to like. I'm literally a Boy Scout troop leader.

KUNSTLER

You're a conscientious objector.

DAVE

A lot of people are conscientious--

KUNSTLER

During World War II. You sat out  
World War II. Even I want to punch  
you.

DAVE

Well we can talk about that.

KUNSTLER

I'm looking forward to it.

JERRY

I could take the stand.

KUNSTLER

Have you ever taught a classroom  
how to make a bomb?

JERRY

8th graders are taught how  
Oppenheimer made a bomb.

KUNSTLER

Not one you can build with material  
from Woolworths.

RENNIE

You know what would be ironic?

JERRY

Rennie Davis speaks.

KUNSTLER

What?

RENNIE

I said you know what would be  
ironic?

TOM

He heard you, he's asking what  
would be ironic.

RENNIE

I was just gonna say if John  
Mitchell did all this just to get  
back at Ramsey Clark.

TOM

For what?

RENNIE

That thing. Remember? Outgoing cabinet members are supposed to resign as a courtesy but Ramsey Clark didn't tender his resignation until an hour--

As this goes on, we PUSH IN on KUNSTLER and WEINGLASS as they look at each other, each having the same thought.

JERRY

Yeah, I read Mitchell had a fit about that.

(to WEINGLASS)

Did you read about that?

(beat)

Lenny?

But KUNSTLER and WEINGLASS keep silently staring at each other...

JERRY (CONT'D)

(beat)

Bill?

KUNSTLER

He was never even on our witness list.

TOM

Who?

KUNSTLER

The first witness you'd put on the stand...if this was a political trial.

(calling)

Bernadine!

BERNADINE

Yeah.

KUNSTLER

My office needs to find Ramsey Clark.

ABBIE

William Kunstler just showed up.

CUT TO:

159 **EXT./EST. SUBURBAN HOUSE - DAY**

159

There's a dusting of snow on the ground as a taxi pulls into the circular driveway. The side of the taxi lets us know we're in the D.C. area.

TOM, KUNSTLER and WEINGLASS get out of the cab. WEINGLASS pays the driver while KUNSTLER looks at something--a black sedan sitting in the driveway next to the family car.

KUNSTLER

Lenny.

WEINGLASS looks over. KUNSTLER walks to the black sedan and wipes away some snow that's caked on the license plate--it reads "U.S. Gov't".

WEINGLASS

Maybe--I don't know, does he have a Secret Service detail?

KUNSTLER

No. They're here for us.

The three of them walk up to the front door and stand there a moment. It's like they're about to knock on the door belonging to the Wizard of Oz.

KUNSTLER (CONT'D)

He was the Attorney General, what do we do, we just ring the doorbell?

WEINGLASS

Yeah, I guess so.

KUNSTLER

You want to do it?

TOM

Just ring the damn--

TOM rings the doorbell.

They wait...

KUNSTLER

It's a nice house.

WEINGLASS

Yeah.

KUNSTLER

(pause)

What would you call this, Tudor or Colonial?

The door's opened by JANE, a young, African-American housekeeper.

KUNSTLER (CONT'D)

Good morning, I'm Bill Kunstler. Mr. Clark is expecting us.

JANE

Come in.

160

**INT. FOYER - CONTINUOUS**

160

JANE

He's in his study at the end of the hall. Can I get anyone coffee?

KUNSTLER

I'll tell you, ma'am, that sounds great.

WEINGLASS

Nothing for me, thank you.

TOM gives a small wave that means he's fine.

JANE

The end of the hall.

KUNSTLER and WEINGLASS start down the hall but TOM's stopped by--

JANE (CONT'D)

Mr. Hayden?

TOM looks at her...

JANE (CONT'D)

I read in the paper you were the only one who stood for the judge after what he did to Bobby.

TOM

Oh. That was a mistake. It was a reflex and--

KUNSTLER

Tom?

TOM

Yeah.

TOM joins the two lawyers as they head down the hall.

161

**INT. STUDY - DAY**

161

RAMSEY CLARK, in khakis and a button-down shirt, is sitting with two men in dark suits, one of whom we recognize as HOWARD from John Mitchell's office. Framed photos are on the wall of Clark with LBJ in the Oval Office, with Bobby Kennedy and from his days as a Marine.

CLARK is both laid back and completely in control. He gets up to greet his visitors.

CLARK

Hey, Bill, Ramsey Clark.

KUNSTLER

Pleased to meet you, sir, this is Leonard Weinglass.

CLARK

(shaking hands)  
Mr. Weinglass.

KUNSTLER

And Tom Hayden.

CLARK

I know who Tom Hayden is, the FBI used to work for me. These two men are senior deputies with the Justice Department--Mr. Calley and Mr. Howard.

KUNSTLER

I don't know what these men are doing here.

CLARK

I invited them.

KUNSTLER

(pause)  
You invited them?

CLARK

I don't want any appearance of impropriety.

KUNSTLER

There isn't any impropriety.

CLARK

And now there are witnesses to that.

KUNSTLER's at a loss. He's screwed before he even got started...

KUNSTLER

(pause)

Sir, these men are going to call Schultz and Foran as soon as we're done here.

CLARK

Don't be ridiculous, they've already called Schultz and Foran and they're gonna call John Mitchell as soon as we're done here. Ask what you want to ask.

KUNSTLER

In front of them?

CLARK

Mm-hm.

KUNSTLER takes a breath...

KUNSTLER

(pause)

Alright. Mr. Clark, while you were the Attorney General for President Johnson, was there ever a discussion with the White House about seeking indictments against my clients?

HOWARD

He can't answer that.

KUNSTLER

Why not?

HOWARD

It's against the law.

WEINGLASS

That's an overly broad interpretation of the law.

KUNSTLER

That's Lenny's way of saying you're criminally full of shit, Deputy Howard.

HOWARD

Sir--

KUNSTLER

And I'll tell you what--We've dealt with jury tampering, wire tapping, a defendant who was literally gagged and a judge who's been handing down rulings from the bench that would be *considered wrong in Honduras!*--so I'm less interested in the law than I was when this trial began.

HOWARD

Whether you like the law or not, as a former A.G. he's protected by it.

KUNSTLER

No, you're protected by it--  
(to CLARK)  
--and due respect, sir, I can subpoena you.

HOWARD

Find a judge in this circuit who'll sign that subpoena.

CLARK

He's right. And taking the stand voluntarily would be a big risk for me.

KUNSTLER

Again, due respect, but my clients take a much bigger risk when they--

CLARK

What took you so long?

KUNSTLER

(beat)  
--when they stand up against enormous power they can't see and--  
I'm sorry, what took me so long to do what?

CLARK

To realize I'm your star witness?

KUNSTLER's a little thrown now...

KUNSTLER

(beat)

Well...we were...remarking on that ourselves, but--

CLARK

Bill--

HOWARD

He can't testify.

CLARK

I'm in private practice now and if John Mitchell wants to cut me in half, he can and he will.

TOM

You have to find--Sir, you have to find some courage now and

CLARK

Find some courage, yeah.

TOM

Yes--You have to find some courage and--

WEINGLASS

(holding a hand up)

Tom.

CLARK

That's what these two men came to tell me. That if John Mitchell wants to cut me in half, he can and he will. So I wanted them here in the room when I said--When do you want me in court?

The room freezes for a moment...

HOWARD

Mr. Clark--

KUNSTLER

I'm sorry?

CLARK

Swear me in, Bill.

HOWARD

It's against the law for you to testify, Ramsey, it's that simple.

CLARK

It's General Clark and arrest me or  
shut the fuck up.

(to TOM--simply)

Found it.

162

**INT. COURTROOM - DAY**

162

**TITLE:**

**Trial Day 124**

KUNSTLER

The defense calls Ramsey Clark.

SCHULTZ

Your Honor, the People move to  
disallow this witness.

JUDGE HOFFMAN

I'd like the marshals to take the  
jury from the room.

As the marshals lead the jury out of the room we see that  
HOWARD and CALLEY are in the gallery now--poker faced.

JUDGE HOFFMAN (CONT'D)

Mr. Schultz?

SCHULTZ

The Code of Federal Regulations  
mandates that the disclosure of  
Justice Department material is  
prohibited without prior knowledge  
of the Attorney General--plainly  
meaning the sitting Attorney  
General--who is John Mitchell who  
has specifically denied his  
approval.

WEINGLASS

Judge, the rule refers to very  
specific kinds of documents and  
information. If the regulation was  
interpreted as Mr. Schultz is  
asking it to be, nobody in the  
federal government would ever be  
able to testify in a trial after  
leaving their job.

JUDGE HOFFMAN

I think the government is at least justified in asking the defense to demonstrate by voir dire the testimony it expects to illicit from the witness.

KUNSTLER

You'd like us to question the witness outside the presence of the jury?

JUDGE HOFFMAN

If I find any of the testimony relevant I'll call the jury back in to hear it.

(pause)

Take it or leave it, Mr. Kunstler.

KUNSTLER doesn't have a choice...

KUNSTLER

Defense calls Ramsey Clark.

CLARK steps to the witness box where the BAILIFF is ready with a Bible.

BAILIFF

State your name.

CLARK

William Ramsey Clark.

BAILIFF

Do you swear that the testimony you give will be the truth, the whole truth and nothing but the truth?

CLARK

I do.

KUNSTLER

Mr. Clark, what was your occupation in the summer of 1968?

CLARK

I was Attorney General of the United States.

KUNSTLER

You were appointed by President Johnson.

CLARK

Yes.

KUNSTLER

And confirmed by the United States Senate.

CLARK

Yes.

KUNSTLER

Did you receive a phone call at your office at 11:50 A.M. On September 10th of last year?

CLARK

Yes.

KUNSTLER

From whom was the call?

CLARK

President Johnson.

KUNSTLER

Will you state what President Johnson said to you and what was said to him?

SCHULTZ

Your Honor, at this point we'll object. A cabinet officer does not have to and should not have to relate the contents a private call he had with the President.

JUDGE HOFFMAN

I'll sustain the objection.

KUNSTLER

Please the court, this is voir dire, I thought objections were reserved.

JUDGE HOFFMAN

There's a question of attorney/client privilege to consider.

CLARK

The president isn't a client of the Attorney General.

JUDGE HOFFMAN

(beat)

Excuse me, sir?

CLARK

The president isn't a client of the Attorney General. I'm happy to answer.

There's a moment of awkward silence...

SCHULTZ

Your Honor, I don't--hearing from the witness on this point is highly irregular.

JUDGE HOFFMAN

(pause)

Well gentlemen, I'm...This is my courtroom but the witness is the former--he's--and he's just stated his willingness, you know--so for the purposes of voir dire I'll hear the answer.

CLARK

The President asked me if I intended to seek any indictments related to the riots the previous month in Chicago.

KUNSTLER

And what did you tell him?

CLARK

I told him we wouldn't be seeking indictments.

KUNSTLER

Can you tell us why?

CLARK

An investigation by our criminal division led to the clear conclusion that the riots were started by the Chicago Police Department.

The DEFENDANTS--except TOM and RENNIE--along with many in the gallery jump up and CHEER, banging the table and shouting. KUNSTLER gives them a look as JUDGE HOFFMAN gavel the room to order.

KUNSTLER

Did your counter-intelligence division make a report as well.

CLARK

They concluded that there had been no conspiracy on the part of the defendants to incite violence during the convention.

KUNSTLER

What happened on the first Tuesday after the first Monday in November of that year?

CLARK

Richard Nixon was elected president.

JUDGE HOFFMAN

Sustained.

KUNSTLER

(beat)  
Nobody objected.

SCHULTZ

We do. It's well known that there's no love lost between the witness and the sitting Attorney General. The witness has been called to wage a political attack and he should not be allowed to appear before the jury.

JUDGE HOFFMAN

Mr. Kunstler?

KUNSTLER

Your Honor can't possibly be considering not allowing the jury to hear what we've just heard.

SCHULTZ

The witness can't present to them testimony that will assist in making a determination of guilt or innocence.

KUNSTLER

He just testified that his own Justice Department came to the conclusion--

SCHULTZ

And the current Justice Department--  
the only one that matters--came to  
a new conclu--

KUNSTLER

And therefore the motivation of the  
prosecution is now called into--

SCHULTZ

The motivation of the prosecution  
isn't an issue in a courtroom.

KUNSTLER

Not any courtroom I've ever been in  
except this one!

FORAN

Object!

JUDGE HOFFMAN

Mr. Kunstler, do you have any  
further examination that will  
demonstrate that this witness will  
make a material contribution or  
should I ask him to step down?

KUNSTLER

You've ruled? You're not going to  
let the jury hear his testimony?

JUDGE HOFFMAN

Not unless you can demonstrate to  
me, which you have not thus far  
done, that this witness-

KUNSTLER

Yes sir.

KUNSTLER gathers himself, then says quietly to the COURT  
REPORTER--

KUNSTLER (CONT'D)

(quietly)

Are you any good?

JUDGE HOFFMAN

Are you addressing the Court  
Reporter?

KUNSTLER

(quietly)

Keep up with us..

JUDGE HOFFMAN  
Mr. Kunstler.

Like a speed drill--

KUNSTLER  
(to CLARK)  
Is this prosecution politically  
motivated?

SCHULTZ  
Object!

CLARK  
Yes.

KUNSTLER  
President Nixon inherited an  
unpopular war?

CLARK  
Yes.

JUDGE HOFFMAN  
Step down please, Mr. Clark.

CLARK  
And your clients are making it more  
unpopular every day.

KUNSTLER  
The administration's paranoid about  
the SDS, the MOBE, the New Left?

JUDGE HOFFMAN  
Mr. Clark, please.  
(beat)  
Please, I'll be forced to find you  
in Contempt. You understand.

CLARK  
(pause)  
I do, Your Honor.

KUNSTLER  
(pause)  
Thank you, sir.

JUDGE HOFFMAN  
You may step down.

CLARK gets up, shares a look with KUNSTLER, and exits...

KUNSTLER

Your Honor, when the jury returns, will they be informed that the defense had called the former Attorney General but that the Court ruled he couldn't testify?

JUDGE HOFFMAN

No, that motion will be denied.

KUNSTLER goes back to his table. Then he absently picks up a heavy law book and SLAMS it on the table with a BANG.

JUDGE HOFFMAN (CONT'D)

Cite Mr. Kunstler with his third count of Contempt.

DAVE

(quietly)  
You're a thug.

JUDGE HOFFMAN

Did one of the defendants speak?

DAVE

(standing)  
I did. I said you're a thug and you are.

TOM

(quietly)  
Dave--

JUDGE HOFFMAN

Please sit, Mr. Dellinger.

DAVE

If we're guilty, why not give us a trial? If we're--

JUDGE HOFFMAN

Marshals, seat the defendant.

DAVE

If we're guilty, as you clearly decided--

JUDGE HOFFMAN

Watch yourself.

DAVE

--decided we were a long time ago--  
(to a MARSHAL)  
You don't need to grab my arm.  
(MORE)

DAVE (CONT'D)  
 (to JUDGE HOFFMAN)  
 If we're guilty, then why not give  
 us a trial? I've sat here for six  
 months and watched you--  
 (to a MARSHAL)  
 I'm asking you not to grab--

But A DIFFERENT MARSHAL grabs him. DAVE throws his arm off,  
 then punches him in the face, sending the MARSHAL to the  
 floor.

It all happened too fast.

The GALLERY and the DEFENDANTS jump up as the MARSHALS jump  
 up as DAVE's taken down by the other MARSHALS then dragged to  
 his feet with his arms twisted behind him.

JUDGE HOFFMAN  
 Take him outa here. Lock him up!

As DAVE gets handcuffed, he looks to the back of the  
 courtroom where his young son is looking at him.

DAVE  
 (calling)  
 I hit him. I'm sorry.

The MARSHALS have him out the door.

163 **INT. CONSPIRACY OFFICE - NIGHT**

163

The DEFENDANTS--minus DAVE--are sitting around the  
 entryway...dejected.

The PHONE RINGS...JERRY picks up the receiver and hangs up.

JERRY  
 There's only one thing--one thing  
 to do. Solidarity with Dave.  
 Tomorrow we go into court and get  
 ourselves arrested.

TOM  
 We're already arrested.

JERRY  
 (pause)  
 Is Bill talking to you about taking  
 the stand?  
 (beat)  
 (MORE)

JERRY (CONT'D)

Some of the press guys are saying Bill's been talking to you about taking the stand.

TOM

He's been talking to me about it.

JERRY

He thinks you might get the crowd worked up with a position paper?

TOM

Maybe he thinks I won't try to get the crowd worked up at all. Maybe he thinks there are jurors who've relied on the safety of the police and are put off when someone calls them pigs. Or maybe he just wants a witness who dresses like a grown man.

JERRY

The cops in this city in the summer of 1968 were pigs.

TOM

I wonder how many of them have kids in Vietnam.

JERRY

(to ABBIE)

He's gonna take the stand, not you?

(beat)

We're okay with that?

ABBIE's lost in thought...

JERRY (CONT'D)

Abbie!

ABBIE

(to TOM)

What did you mean the last thing I want is to end the war?

TOM

(long pause)

What?

ABBIE

Like...50 years ago when the trial started you said, "Why did you come to Chicago?" and I said, "To end the war", and you turned to everyone and said, "The last thing he wants is to end the war." What did you mean by that?

TOM

I meant that you're making the most of your close-up.

ABBIE

Yeah?

TOM

No more war, no more Abbie Hoffman.

ABBIE

What's your problem with me, Hayden?

TOM

I really wish people would stop asking me that question.

RENNIE

Hey, Dave wouldn't want us to fight.

ABBIE

Answer it. One time.

TOM

Alright. For the next 50 years, when people think of progressive politics, they're gonna think of you. They're gonna think of you and your idiot followers passing out daisies to soldiers and trying to levitate the Pentagon. They're not gonna think of equality or justice, they're not gonna think of education or poverty or progress. They're gonna think of a bunch of stoned, lost, disrespectful, foul-mouthed, lawless losers. And so we'll lose elections.

ABBIE

All because of me.

TOM

Mm-hm.

ABBIE

And winning elections, that's the first thing on your wish list? Equality, justice, education, poverty and progress--they're second?

TOM

If we don't win elections it doesn't matter what's second and it's astonishing that someone still has to explain that to you.

There's a long silence...

RENNIE

(pause)

Okay, so Jerry was talking about--

ABBIE

(quietly)

We don't have any money.

TOM

I'm sorry?

ABBIE

We don't have any money. So I stage stunts and cameras come, microphones come. And it's astonishing that someone still has to explain that to you.

TOM

You're trading a cow for magic beans.

JERRY

That ended up working.

TOM

What?

JERRY

The magic beans. There was a giant up there. I can't remember what happened after that, the little boy may have gotten eaten.

FROINES

No, the giant turned out to be nice.

JERRY

Are you sure?

FROINES

No.

WEINER

It's almost hard to believe the seven of us weren't able to end a war.

ABBIE

(to TOM)

Lemme ask you something.

RENNIE

You guys should just shake hands.

ABBIE

You think Chicago would've gone differently if Kennedy got the nomination?

TOM

Do I think--

(laughs a little)

Yes, it--yes. The Irish guys would have sat down with Daley and--yes.

ABBIE

I think so too.

TOM

Yeah.

ABBIE

That's why I was wondering--weren't you just a little bit happy when the bullet ripped through his head?

(beat)

No Chicago, no Tom Hayden.

TOM looks at ABBIE for a moment in stunned disbelief, then lunges at him--

TOM

*I WAS ONE OF HIS PALLBEARERS!*

Everyone immediately reacts--

ABBIE

(pushing him off)

*That's right!*

(beat)

We're not going to jail because of what we did, we're going to jail because of who we are. Think about that the next time you shrug off cultural revolution. We define winning differently you and me.

KUNSTLER comes in with WEINGLASS.

ABBIE (CONT'D)

Bill, you shoulda seen it. Tom tried to beat me up but through sheer of force of intellectual superiority--

KUNSTLER

Stop talking.

(beat)

Just stop talking.

KUNSTLER reaches into his bag and pulls out an envelope.

KUNSTLER (CONT'D)

Foran's office turned this over tonight in discovery. It was given to them by somebody in the crowd.

KUNSTLER's taken a reel-to-reel tape out of the envelope.

KUNSTLER (CONT'D)

No foul play, there are affidavits, they really did just get this.

TOM

What's on the tape?

KUNSTLER

The sound of you starting the Chicago riot.

KUNSTLER goes into the living room and everyone follows.

TOM

(pause)

What?

KUNSTLER

Somebody had a tape recorder at the band shell.

(MORE)

KUNSTLER (CONT'D)

They've got you saying it. It's a clear tape. You can't take the stand.

TOM

I can handle Schultz and the tape.

KUNSTLER

No.

TOM

They're going to play the tape anyway, right?

KUNSTLER

If you take the stand they'll make you answer for it and you can't.

TOM

They'd just cracked Rennie's head open.

KUNSTLER

So you started a riot--defense rests.

TOM

They'd just cracked--

KUNSTLER

"If blood is going to flow--"

TOM

Bill--

KUNSTLER

"--let it flow all over the city."

TOM

They'd just clubbed Rennie.

KUNSTLER

Everybody kept their cool. Abbie, Dave, shit--

(pointing to JERRY)

--*this* guy kept his cool! You're the one who lost it.

TOM

I can take the stand.

KUNSTLER

You want to hear what the cross from Schultz is gonna sound like?

TOM

Sure. I'll show you what my answers'll sound like.

164 **EXT. GRANT PARK - NIGHT**

164

A giant CROWD OF DEMONSTRATORS is listening to DAVE introduce a speaker. TOM, ABBIE and JERRY are standing off to the side on stage. RENNIE's way in the back of the crowd.

DAVE

They called him a radical. They called him a criminal. They called him un-American.

In the back of the crowd, RENNIE looks to his left where a young guy is starting to climb a flagpole.

TOM, from the stage, looks to the back of the crowd and sees the same thing.

TOM (V.O.)

First of all, it turned out the guy climbing the flagpole was a kid.

165 **INT. CONSPIRACY OFFICE - NIGHT**

165

KUNSTLER

It seems like you guys attract an awful lot of underage minors.

TOM

(to WEINGLASS)

You want to object?

WEINGLASS

Objection.

KUNSTLER

Overruled.

TOM

We attract the people who have the most to lose by this war continuing.

KUNSTLER

I'm glad you brought that up. Did you serve?

TOM

I wasn't drafted. I didn't try to evade the--I had a high number.

KUNSTLER

But you didn't enlist.

TOM

I did not volunteer to kill Vietnamese people, no.

KUNSTLER

You testified that you saw at least six policemen start to go after the man--sorry, kid--who was climbing the flagpole.

TOM

Yes.

KUNSTLER

It was dark and you were a hundred yards away. Do you have telescopic night vision?

TOM

There were floodlights.

166

**EXT. GRANT PARK - NIGHT**

166

DAVE

And when they called him anti-American. He said, "No. That ignominious distinction goes to those who mouth American values--

POLICEMEN in the back of the crowd see the kid climbing the flagpole and move in to stop him.

RENNIE and a few others dive into the police, trying to get them to stop.

DAVE (CONT'D)

--while breaking America's heart."

RENNIE

(shouting)

Hey! It's alright! He's a kid!  
We'll get him down!

From the stage, TOM can see that a little trouble's started--

DAVE  
I'd like to introduce you now to  
Carl Oglesby of the SDS.

TOM  
(to himself)  
Shit.

167      **INT. CONSPIRACY OFFICE - NIGHT**

167

KUNSTLER  
And?

TOM  
The police were shoving Rennie  
away.

168      **EXT. GRANT PARK/FLAG POLE - NIGHT**

168

OFFICER  
This doesn't concern you!

RENNIE  
Just leave the kid alone! He'll  
come down!

OFFICER #2  
I know who you are! Step back!

A169      **INT. CONSPIRACY OFFICE - NIGHT**

A169

TOM  
Rennie was just trying to get the  
police off of the kid.

KUNSTLER  
Get the police off of the kid.

TOM  
Yes.

KUNSTLER  
How?

TOM  
He was--

KUNSTLER  
--grabbing them?

B169 **EXT. GRANT PARK - NIGHT**

B169

TOM's watching helplessly as this develops. The OFFICERS have the kid pinned against the flagpole now and an OFFICER punches the kid in the groin as hard as he can. Then does it again.

RENNIE

Jesus!

RENNIE grabs the OFFICER and pulls him off the kid--

169 **INT. CONSPIRACY OFFICE - NIGHT**

169

TOM

Outa nowhere--

A170 **INT. GRANT PARK - NIGHT**

A170

A nightstick cracks RENNIE across the face, sending blood flying.

B170 **INT. CONSPIRACY OFFICE - NIGHT**

B170

TOM

It was six armed police officers versus Rennie Davis and a pocket protector so I can understand that response.

KUNSTLER

How 'bout your response. Let's press "Play".

KUNSTLER has a small reel-to-reel tape recorder out now and hits "play". It's a crude recording but we HEAR FROINES--

170 **EXT. GRANT PARK - NIGHT**

170

FROINES steps to the microphone--

FROINES

I'd like to say to the police back there that we have--we're allowed to be here, we have a permit for--we need medics back there.



B174     **INT. CONSPIRACY OFFICE - NIGHT**

B174

KUNSTLER

Did you tell your crowd to stay calm or did you--

TOM

Bill--

KUNSTLER

I'm Richard Schultz and John Mitchell told me to win, Tom. Did you tell your crowd to stay calm or did you say--

TOM

Yes. Absolutely. If blood is going to flow--

174     **EXT. GRANT PARK - NIGHT**

174

TOM

(shouting into the microphone)

--let it flow all over the city!

DAVE

Goddammit Tom!

TOM

(into the microphone)

If gas is going to be used, let it come down all over Chicago! We're going to the Convention!

The CROWD REACTION, which has been building wildly in volume, has reached a crescendo--

TOM (CONT'D)

Let's get on the street! Get on the street!

175     **INT. CONSPIRACY OFFICE - NIGHT**

175

KUNSTLER

"If blood is going to flow, let it flow all over the city." Was that an order to start a peaceful demonstration?





KUNSTLER  
Of the Illinois National Guard,  
they're the good guys.

TOM  
Jeeps fitted with concertina wire  
called Daley Dozers, and when did I  
stop being one of the good guys?

KUNSTLER  
Let's find out. Were glass bottles  
being thrown at the police?

A186 **EXT. FIRST FOOTBRIDGE - NIGHT**

A186

We see glass bottles flying through the air and crashing on  
the street in front of the police.

DAVE  
Shit, no!

DAVE starts making his way through the crowd--

DAVE (CONT'D)  
(shouting)  
Don't throw anything! Drop the  
bottles! Don't throw anything!

B186 **INT. CONSPIRACY OFFICE - NIGHT (FILE FOOTAGE)**

B186

TOM  
Some people threw bottles. Dave was  
the one trying to shut it down.  
They were frustrated--all three  
footbridges were--

KUNSTLER  
You, Abbie, Jerry and 11 others  
eluded the police.

TOM  
I wouldn't say we eluded them, I'd  
say we were fleeing from them.

KUNSTLER  
You found an unguarded bridge.









TOM  
They pushed us through the window.

KUNSTLER  
You overrun the riot police--

And now TOM and KUNSTLER begin talking over each other at the same time--

KUNSTLER (CONT'D)  
--make it past the tear gas,  
make it past the national  
guard, find an open bridge,  
you can practically reach  
your hand out and touch the  
convention and you gave  
yourself up peacefully?

TOM  
(simultaneously)  
Which is more than Rennie can  
say! Over 400 people admitted  
to area hospitals with severe  
injuries! They had armored  
vehicles! Bayonets! They took  
off their name tags and  
badges! We were trying to  
protest peacefully at the  
fucking convention!

205 **INT. HAYMARKET TAVERN - NIGHT**

205

TOM is sitting on the floor in the rubble and the aftermath...He sees ABBIE sitting against a wall in handcuffs...They're both bleeding and they share a look of defeat...

POLICEMAN (O.S.)  
Hands behind your back.

TOM  
(pause)  
Yeah.

206 **INT. CONSPIRACY OFFICE - NIGHT**

206

KUNSTLER  
Who started the riot, Tom?

TOM is spent. After a moment he says a word that doesn't mean to make sense by itself...

TOM  
(pause)  
"Our".

KUNSTLER  
(pause)  
What?

TOM  
(beat)  
"Our". "Our blood".

ABBIE puts it together...

ABBIE  
(pause)  
"Our" blood. If "our" blood is going to flow--you meant to say, "If 'our' blood is going to flow, let it flow all over the city." You didn't mean the cops, you were saying if they're going to beat us up then everyone should see it.

KUNSTLER  
(quietly)  
Jesus Christ.

ABBIE  
You do this--  
(to KUNSTLER)  
He does this, it's a pattern. Read his portion of the Port Huron Statement. He *implies* possessive pronouns and he uses vague noun modifiers.

TOM looks at ABBIE...

TOM  
(pause)  
You read the Port Huron Statement?

ABBIE  
I've read everything you've published.

TOM  
I didn't know that.

ABBIE  
You're a talented guy. Except for the possessive pronouns and the vague--

TOM  
I know.

And for the first time, TOM is able to allow himself a laugh...then--

TOM (CONT'D)  
 (to KUNSTLER)  
 Put Abbie on the stand instead.

JUDGE HOFFMAN (V.O.)  
 Would you state your full name for  
 the record please.

207      **INT. COURTROOM - DAY**

207

ABBIE's on the stand.

ABBIE  
 It's Abbie.

JUDGE HOFFMAN  
 Your last name.

ABBIE  
 My grandfather's name was  
 Shaboysnakoff but he was a Russian  
 Jew protesting anti-semitism so he  
 was assigned a name that would  
 sound like yours.

JUDGE HOFFMAN  
 What is your date of birth?

ABBIE  
 Psychologically, 1960.

JUDGE HOFFMAN  
 What were you doing until 1960?

ABBIE  
 Nothing really. It's called an  
 American education.

JUDGE HOFFMAN  
 Why don't we just proceed with the  
 testimony.

ABBIE  
 Sure.

KUNSTLER  
 Do you know why you're on trial  
 here?

ABBIE  
 We carried certain ideas across  
 state lines. Not machine guns or  
 drugs or little girls.

(MORE)

ABBIE (CONT'D)

When we crossed from New York to New Jersey to Pennsylvania to Ohio to Illinois, we had certain ideas. And for that, we were gassed, beaten, arrested and put on trial. In 1861, Lincoln said in his Inaugural address that, "When the people shall grow weary of their Constitutional right to amend their government, they shall exert their revolutionary right to dismember and overthrow that government." And if Lincoln had given that speech in Lincoln Park last summer he'd be on trial with the rest of us.

KUNSTLER

How do you overthrow and dismember a government peacefully?

ABBIE

In this country we do it every four years.

KUNSTLER

That's all.

KUNSTLER sits.

SCHULTZ smiles a little...

SCHULTZ

So Chicago was just a massive voter registration drive.

ABBIE

(laughs)

Yeah.

SCHULTZ

Did you hear the tape that was played in court of Mr. Hayden at the bandshell?

ABBIE

Yes.

SCHULTZ

You heard the tape?

ABBIE

Yes.

SCHULTZ

Did you hear Mr. Hayden give an instruction to his people to take to the streets?

ABBIE

His people. Hayden's not a mafia Don and neither am I.

SCHULTZ

Did you hear him say, "If blood is gonna flow, let it flow all over the city"?

ABBIE

The beginning of the sentence was supposed to be--

(beat--forget it)

Yes. Yes I did.

SCHULTZ

What do you think of that?

ABBIE

I think Tom Hayden's a badass of an American patriot.

SCHULTZ

I didn't ask what you thought of the man, I asked what you thought of his instruction to the crowd.

ABBIE

You know, I've heard Tom Hayden say, "Let's end the war" too but nobody stopped shooting. You can do anything to anything by taking it out of context, Mr. Schultz.

SCHULTZ

Is that right?

ABBIE

A guy once said, "I am come to set a man at variance with his father. And the daughter against her mother." You know who said it?

SCHULTZ

Jerry Rubin?

ABBIE

(laughing a little)

Yeah. No. It was Jesus Christ.

(MORE)

ABBIE (CONT'D)

Matthew 10:34. And it sure sounds like he's telling kids to kill their parents. Until you read Matthew 10:33 and 10:35.

SCHULTZ

Did you--

ABBIE

He'd just seen his best friend get hit in the face with a nightstick. The police, Mr. Schultz, whose people are they?

SCHULTZ

Do you have contempt for your government?

ABBIE

(laughing)

Do I--

SCHULTZ

Do you have contempt for your government?

ABBIE

I think the institutions of our democracy are wonderful things that, right now, are populated by some terrible people.

SCHULTZ

Please answer the question.

ABBIE

Tell me again?

SCHULTZ

Do you have contempt for your government?

ABBIE

I'll tell you, Mr. Schultz, it's nothing compared to the contempt my government has for me.

SCHULTZ

We've heard from 27 witnesses who've testified under oath that you *hoped* for a confrontation with the police.

(MORE)

SCHULTZ (CONT'D)

That your plans for the convention were specifically designed to draw the police into a confrontation.

ABBIE

If I'd known it was going to be the first wish of mine that came true I would've aimed higher.

SCHULTZ

It's a yes or no question. When you came to Chicago were you hoping for a confrontation with the police?

ABBIE says nothing for a moment...

SCHULTZ (CONT'D)

I'm concerned that you have to think about it.

ABBIE

Gimme me a moment, would you friend? I've never been on trial for my thoughts before.

**FADE TO BLACK**

**TITLE:**

**Trial Day 113**

208

**INT. COURTROOM - DAY**

208

We see some familiar faces in the gallery. DAVE'S FAMILY, HOWARD, DAPHNE, BERNADINE...and we now see that FROINES and WEINER are in the front row of the gallery too, no longer with the defendants.

We HEAR a heavy door open on the side and the gallery hushes, their eyes fixed on the side door.

The DEFENDANTS are led in wearing prison coveralls. They exchange looks with FROINES and WEINER as they're led to the defense table.

BAILIFF

All rise.

JUDGE HOFFMAN enters and takes his seat without fanfare.

BAILIFF (CONT'D)

69 CR 180, United States of America  
versus David Dellinger et al.

JUDGE HOFFMAN

The law requires that before sentencing I allow the defendant or defendants to make a statement to the Court. I've advised defense counsel that the Court will allow one defendant to speak for the group and I've been advised that the group has chosen Mr. Hayden. Is that right?

TOM

(standing)

Yes sir.

JUDGE HOFFMAN

In spite of your actions during the convention, you are the one defendant who has shown during this trial, respect for this court and for this country and remorse for your actions. I truly believe--I mean this--I truly believe that one day you could be a very productive part of our system. I'd like you to make your statement brief and without any political content of any kind. If you make your statement brief, if you make it respectful, remorseful and to the point, I will look favorably upon that when administering my sentence. Do you understand what I just said?

TOM sees a thick sheaf of papers that sits in front of Rennie at the table.

JUDGE HOFFMAN (CONT'D)

Mr. Hayden?

TOM

Yes.

(pause)

You'll look favorably in sentencing.

JUDGE HOFFMAN

Yes.

TOM

(pause)

If I make my statement respectful and remorseful.

JUDGE HOFFMAN

Yes.

TOM

And I'm sorry, Your Honor, what was the third one?

JUDGE HOFFMAN

Brief.

TOM

Brief. If I do those things...then my government will look favorably on me.

JUDGE HOFFMAN

You understand?

TOM looks back at the packed GALLERY--Dave's wife and son, Fred's girlfriend, CLAIRE...

TOM

Yes sir.

JUDGE HOFFMAN

Please begin.

TOM

Okay.

TOM takes the thick sheaf of papers from in front of Rennie--

TOM (CONT'D)

Your Honor, since the day this trial began, four-thousand seven hundred and fifty-two U.S. troops have been killed in Vietnam.

(pause)

And the following are their names.

ABBIE leads the other DEFENDANTS in CHEERING as the GALLERY ERUPTS and stands for this final moment of defiance. RENNIE makes a small fist-pump to himself before standing and CHEERING.

TOM (CONT'D)

Corporal Kenneth Joe Auston, 19 years old. Specialist Billy Francis Dodd, 21 years old.

JUDGE HOFFMAN is banging his gavel, trying to restore order as the NAMES and the CHEERING continue.

JUDGE HOFFMAN

There will be--Mr. Kunstler, he  
will not read four-thousand five-  
hundred names into the record.  
*There will be quiet in the gallery!*  
Mr. Hayden!

TOM

Staff Sergeant David Cruz Chavez,  
31 years old. Corporal Philip  
Lawrence Jewell, 21 years old.

Amidst the CHEERING and CLAPPING and GAVEL BANGING, SCHULTZ  
rises to his feet.

FORAN

What are you doing?

SCHULTZ

Respect for the fallen.  
(beat)  
Show 'em some respect, sir.

JUDGE HOFFMAN is banging his gavel in vain.

And while the NAMES and the CHEERING continue, the picture  
starts to slowly freeze into a tableau...

209 Over the frozen picture we see the following TITLES-- 209

**Abbie Hoffman, Tom Hayden, David Dellinger, Jerry Rubin and  
Rennie Davis were found Guilty of Incitement to Riot and  
sentenced to 5 years each in federal prison.**

DISSOLVE TO:

**The verdict was reversed by the Seventh Circuit Court of  
Appeals and a new trial was ordered.**

DISSOLVE TO:

**The U.S. Attorney declined to re-try the case.**

DISSOLVE TO:

**In 1974, in a bi-annual survey, 78% of Chicago trial lawyers  
gave Judge Julius Hoffman a rating of "Unqualified".**

DISSOLVE TO:

**William Kunstler served 10 days in prison for Contempt of  
Court.**

DISSOLVE TO:

Attorney General John Mitchell served 18 months in Federal prison for his role in the Watergate break-in.

DISSOLVE TO:

Bobby Seale was found Not Guilty of murder by a Connecticut jury. He lives in Northern California and has published several books on barbecuing.

DISSOLVE TO:

Jerry Rubin became a stockbroker. In 1994 he was struck and killed by a car while jaywalking near the campus of UCLA.

DISSOLVE TO:

Tom Hayden was elected to the California State Assembly in 1989. He lost his bid for the U.S. Senate by 2 percentage points.

DISSOLVE TO:

Abbie Hoffman wrote a best-selling book, though the number of copies in circulation is unknown as the title was *Steal This Book*.

DISSOLVE TO:

He killed himself in 1989.

The CHEERING and the NAMES continue for just another moment before we immediately

**SNAP TO BLACK**

From the BLACK, we HEAR a huge crowd shout, one last time--

CROWD (V.O.)  
*THE WHOLE WORLD IS WATCHING!*

ROLL CREDITS