

JO. (*cont.*) As far as Downey was concerned, it was an order from Kendrick. He never distinguished between –

(KAFFEE *enters.*)

Danny, I'm sorry.

(KAFFEE *seems to be in an incredibly normal mood.*)

KAFFEE. Don't worry about it.

JO. Sam and I were just talking about how all we really need to do is put some witnesses on the stand who can talk about implied orders. Or maybe we put Downey back on the stand and then go to Dawson.

KAFFEE. Maybe if we work at it we can get Dawson charged with kidnapping the Lindbergh baby.

JO. (*pause*) Are you drunk?

KAFFEE. (*beat*) Pretty much. Yeah.

JO. (*pause*) I'll make a pot of coffee. We've got a long night's work ahead.

KAFFEE. (*to SAM*) She's gonna make coffee. (*to JO*) He wasn't at the meeting.

(*amazed*) He – he wasn't even there.

(*beat*)

That was...that was an important piece of information, don't you think?

JO. (*pause*) It was just a setback. But we fix it. We fix it and we get to Markinson.

KAFFEE. Markinson's dead.

(*beat*)

He got into full dress uniform, drew a nickel plated revolver from his holster and fired a bullet into his mouth. He was at the Beltway Motor Lodge. It's three blocks from here.

(*beat*)

Anyway...since we seem to be out of witnesses, I thought I'd drink a little.

JO. I still think we can win.

KAFFEE. Then maybe you should drink a little.

JO. We go to Randolph. Right now. We get a 24 hour continuance.

KAFFEE. Why would we do that?

JO. To subpoena Colonel Jessep.

KAFFEE. (*pause*) What?

JO. Listen for a second –

KAFFEE. No.

JO. Just hear me out –

KAFFEE. No. I won't listen to you and I won't hear you out. Your passion is compelling, Jo. It's also useless. 'Cause Louden Downey needed a trial lawyer today.

JO. You walk away from this now, you have sealed their fate.

KAFFEE. Their fate was sealed the moment Santiago died.

JO. You have to call Jessep.

KAFFEE. I don't have to do shit.

JO. Why did you ask for the transfer order?

KAFFEE. (*beat*) What are you –

JO. In Cuba. Why did you ask for the transfer order. Why did you ask nicely.

KAFFEE. What does it matter why I –

JO. Why?!

KAFFEE. I wanted the damn transfer order!

JO. Bullshit! You could've gotten it by calling any one of a dozen departments at the Pentagon. You didn't want the transfer order. You wanted to see Jessep's reaction when you asked for it. You had an instinct, and it was confirmed by Markinson. Now dammit, let's put Jessep on the stand and end this thing.

KAFFEE. What possible good will come from putting Jessep on the stand?

JO. He told Kendrick to order the code red.

KAFFEE. He did? Why didn't you say so. I assume you've got proof. No, wait, I forgot, you were sick the day they taught law at law school.

JO. You put him on the stand and you get it from him!

KAFFEE. We get it from him. Yes. No problem. *(to SAM)*
Colonel, isn't it true that you ordered a code red,
coerced the doctor, forged a transfer order and fixed
a log book?

SAM. Look, we're all a little -

KAFFEE. I'm sorry, your time's up. What do we have for
the losers, judge? Well, for the defendants, it's a life-
time at exotic Fort Levenworth, where every day is
Valentine's Day for our handsome young Marines. And
for Lt. Kaffee? That's right - It's - A Court-Martial!
Yes, Johnny, after falsely accusing a highly decorated
Marine officer of conspiracy and perjury, Lt. Kaffee
will have a long and prosperous career teaching type-
writer maintenance at the Rocco Columbo School for
Women. Thank you for playing "Should We or Should-
We-Not Follow the Advice of the Galacticy Stupid"!!

*(KAFFEE picks up a carton of documents and throws it
to the floor. There's dead silence. Maybe just the sound of
KAFFEE breathing after this outburst...finally)*

JO. I'm sorry I lost you your set of steak knives.

KAFFEE. Get the fuck out.

(JO picks up her briefcase and walks out.)

*(KAFFEE walks offstage. SAM starts picking up the
papers that have scattered to the floor. KAFFEE walks
back in with a bottle of Jack Daniels.)*

Stop cleaning up.

(But SAM continues.)

Sam. Stop cleaning up.

(SAM stops. They both sit.)

You want a drink?

SAM. *(beat)* No.

KAFFEE. *(pause)* Is your father proud of you?

SAM. Don't do this to yourself.

KAFFEE. Is he? Is he very proud of you?

SAM. *(pause)* Yes.

KAFFEE. I'll bet he is. I'll bet he bores the shit outa the neighbors. Guys he works with, aunts, uncles..." Sam made law review. Sam's got a big case he's making. He's - he's arguing, he's making an argument." *(pause)* I think my father would've enjoyed seeing me graduate from law school. I think he would've liked that. An awful lot.

(beat)

Did you know the man spent half his life defending the Constitution of the United States and the other half trying to prove he wasn't a Communist.

(beat)

And he died young. And he died tired.

(beat)

I'm very angry about that, Sam.

SAM. *(pause)* He'd have been proud of you yesterday. You should've seen yourself thunder away at Kendrick. It was a sight to see. He'd have been proud of you yesterday.

KAFFEE. What about today?

SAM. Today you did the best you could.

KAFFEE. *(pause)* We should go talk to Dawson.

SAM. I'm gonna miss being in charge of socks and underwear.

KAFFEE. *(pause)* What?

SAM. I was just making a dumb -

KAFFEE. Socks and underwear.

SAM. Yeah.

KAFFEE. In the file. Jo had the inventory of his footlocker.

SAM. What are you -

KAFFEE. Who knew that Santiago wasn't being transferred. Name the people.

SAM. Jessep –

KAFFEE. Right –

SAM. Kendrick –

KAFFEE. Who else?

SAM. Markinson.

KAFFEE. And Santiago.

SAM. What?

KAFFEE. Willy Santiago knew he wasn't being transferred off the base. Santiago knew. Why it took me five weeks to figure this out is beyond me, but given time, I'll think of a way to blame it on you. Let's go. I need you to prep me on Jessep and I need Jo to get the continuance.

SAM. What the hell are you talking about?

KAFFEE. I'll explain it in the car.

SAM. You still need a witness.

KAFFEE. I have a witness.

SAM. A dead witness.

KAFFEE. And in the hands of a lesser attorney, that'd be a problem. Let's go.

SAM. No. Wait a second –

KAFFEE. The cover-up isn't our case. To win, Jessep has to tell the jury that he ordered a code red.

SAM. And you think you can get him to just say it?

KAFFEE. I think he wants to say it. I think he's pissed off that he's gotta hide from us. I think he wants to say that he made a command decision and that's the end of it. He eats breakfast 80 yards away from 4000 Cubans who are trained to kill him, and no one's gonna tell him how to run his unit. Least of all the pushy broad, the smart Jew, and the Harvard mouth. If I can make him defend himself, if I can just make him defend himself, he'll say he ordered the code red. Let's go.

SAM. You'd need a window. He has no weaknesses, he won't let you near him.

KAFFEE. He has a weakness.