

ROSS. And I have 23 men who aren't accused of murder and a Marine Lieutenant with four letters of commendation.

KAFFEE. Why did Markinson go U.A.?

ROSS. We'll never know.

KAFFEE. You don't think I can subpoena Markinson?

ROSS. You can try, but you won't find him.

KAFFEE. What are you talking about Jack?

ROSS. You know what Markinson did for the first 17 of his 21 years in the Corps? C.I.C., Danny, Counter-Intelligence. Markinson's gone. There is no Markinson.

*(The wind is taken out of KAFFEE's sails.)*

ROSS. Colonel Jessep's star is on the rise. They're giving me a lot of room to spare him embarrassment.

KAFFEE. *(pause)* How much room?

ROSS. I can knock it all down to assault and bad conduct. Two years. They're home in six months.

JO. Danny, he's got a P.R. problem and he can't afford to go to court.

*(KAFFEE says nothing.)*

ROSS. *(to KAFFEE)* Which is lucky for you 'cause you're turning green at the thought of it. Yes, taking this to court would be bad for me. It would be bad for the Corps and I'd be held responsible for how the officers were treated as witnesses. But *you* go to court, and the boys go away for 40 years.

KAFFEE. Jack, come on -

ROSS. Are we *clear* on that?! We *have* to be clear on that. Once we go outside this room, I have to put the hammer down. They'll be charged with the boatload: Murder, Conspiracy, Conduct Unbecoming. And in a courtroom, you lose this case. Please. I'm your friend, and I'm telling you, I think Kendrick's lying and I don't think your guys belong in jail. But I don't get to make that decision. I represent the People. Without passion. You see? And the people have a case.

*(pause)*

ROSS. I was up half the night with him. He's bright, articulate, nothing in the closet, and you're gonna make a meal out of him.

KAFFEE. What are you getting at, Jack?

ROSS. That's what I wanted to ask you. You're putting on an entertaining defense that's going nowhere. Everyone expects you to do whatever you have to, but you start looking like you're enjoying it and you're gonna find yourself practicing law on a weather ship off Bayonne, New Jersey.

KAFFEE. We've got two minutes to the Reverend Kendrick, what can I do for you?

ROSS. Don't put him on the stand. I have to protect these guys, I can't allow them to look like clowns. Stop now. Three years a piece.

KAFFEE. Four weeks ago we were talking about six months.

ROSS. Four weeks ago your clients pissed on six months. Four weeks ago your clients weren't a daily feature in the Washington Post, and neither were you. You can tap dance all you want, at the end of the day, all you've got is the testimony of two men accused of murder.

KAFFEE. Tell me about it.

*(KAFFEE starts away.)*

ROSS. You got bullied into this room. By everybody. By Dawson, by Galloway, shit, I practically dared you. You got bullied into this room even though not for one second have you believed you could win. You got bullied into this room by the memory of a lawyer who might have stood a chance.

KAFFEE. *(pause)* You're a lousy fuckin' softball player, Jack.

SERGEANT AT ARMS. Ten-hut.

ROSS. Your guys are going down and I can't stop it anymore.

KAFFEE. Defense calls Lt. Jonathan James Kendrick.

SERGEANT AT ARMS. Call Lt. Kendrick.

*(KENDRICK walks to the witness chair.)*