

**THE CONSPIRATOR**

Screenplay  
by

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Story  
by

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&  
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MALE VOICE  
 (over a black screen)  
 Two men waiting at the Pearly Gates  
 strike up a conversation.

FADE UP: On FREDERICK AIKEN, 26, a handsome, young turk.

AIKEN/MALE  
 "How'd you die?" The first man asks  
 the second.

Aiken is wearing the blue and gold of the Union Army.

AIKEN  
 "I froze to death," says the second.  
 "That's awful. What's it like to  
 freeze to death?"

PULL BACK: to reveal Aiken has been shot in the abdomen,  
 uniform blood-soaked, slumped inside a cold, muddy BUNKER.

AIKEN (CONT'D)  
 "You get the shakes and pain in all  
 your fingers and toes. But eventually  
 you kind of drift off as if you're  
 falling asleep.  
 (a beat)  
 How 'bout you? How'd you die?"

Revealing Aiken is not alone. Best friend, NICHOLAS BAKER,  
 27, is nearby - right leg nearly severed above the knee.

AIKEN (CONT'D)  
 "Heart attack," says the first man.  
 "You see my wife was cheating on me.  
 So, I show up at home unexpectedly.  
 I burst into the bedroom. She's all  
 alone knitting. So, I race down to  
 the basement to find the louse, but  
 no one's there. I sprint up to the  
 attic, and just as I arrive... I had  
 a massive heart attack and died."

Baker's breathing becomes labored. He is beginning to fade.

AIKEN (CONT'D)  
 The second man shakes his head.  
 "That is so ironic!" "What do you  
 mean?" asks the first. "Well, if  
 you'd only stopped to look in the  
 icebox, we'd both be still alive."

Baker manages to turn towards Aiken, rolls his eyes, then  
 begins to gurgle, choking on his blood.

AIKEN (CONT'D)  
 Hang on, Nick. Help is on its way.

But there's no sign of anyone. Aiken, his own pain evident,  
 starts up again, desperately trying to keep his buddy awake.

AIKEN (CONT'D)  
 A blind dog walks into a saloon...  
 (Baker murmurs)  
 What is it, Nick?

Aiken lowers himself to hear his comrade.

BAKER  
 Shut up... and I promise to live.

Suddenly, two STRETCHER BEARERS appear. As they begin to cart Aiken away, he pushes them off. Pointing at Baker --

STRETCHER BEARER #1  
 But, Colonel, he's as good as dead.

AIKEN  
 That's an order.

They take Baker away. Aiken begins to fade from loss of blood. His eyes flicker SHUT, as we --

PULL BACK to a wide shot of a BATTLEFIELD at GETTYSBURG -- littered with the DEAD and WOUNDED.

FADE TO BLACK:

SUPERIMPOSE:           **BASED ON A TRUE STORY**

TOASTMASTER (V.O.)  
 Hip hip hooray...Hip hip hooray...

FADE UP: INT. CENTURY CLUB - BALLROOM -- LATER

CELEBRANTS  
 (shouting, in unison)  
 ...Hip hip hooray!!!

Crystal clanking. Corks popping. Behind the TOASTMASTER, an enormous BANNER: "Victory to the Union"

**TWO YEARS LATER**

---  
**APRIL 14, 1865**  
**WASHINGTON, D.C.**

A grand CELEBRATION instantly denoting prestige and influence -- all powerful and all for Union.

BAKER (O.S.)  
 Is he here, yet?

AIKEN (O.S.)  
 No. But half his cabinet is.

REVEAL: FREDERICK AIKEN, now 28, aged a bit by events, joined again by NICHOLAS BAKER, now minus his leg. Another hotshot, WILLIAM HAMILTON, is present too. They've all had a few.

Aiken scans faces. Notes players. POWER BROKERS abound.

AIKEN

There's Interior...the Postmaster...

INSERT: GRAYBEARDS, as Aiken identifies the members of LINCOLN'S CABINET, like positions around an infield.

AIKEN (CONT'D)

Treasury...Navy...and War.

BAKER

Secretary Stanton, where?

Aiken points to EDWIN STANTON, 50, imperious, chest length beard, eyes concealed behind tiny, gold-rimmed glasses.

BAKER (CONT'D)

I'd give my eye-teeth to meet him.

Aiken begins to beeline towards Stanton, then stops.

AIKEN

Aren't you coming?

BAKER

Just like that?

HAMILTON

Are you mad? You can't approach Edwin Stanton without an introduction.

AIKEN

Watch how it's done. Unless, you'd prefer to meet him too?

Baker nods. Aiken moves to help his one-legged friend.

BAKER

I can do it myself.

AIKEN

Like hell, you couldn't walk straight with two.

A BOOMING VOICE catches Aiken from behind.

BOOMING VOICE (O.S.)

Mr. Aiken, I've been to creation and back looking for you.

Aiken turns toward a familiar voice.

AIKEN

Baker, Hamilton... May I introduce the distinguished Senator from Maryland -- Mr. Reverdy Johnson.

REVEAL: REVERDY JOHNSON, early 50's, a thorn in anyone's side. Blind in his left eye. Very southern.

HAMILTON

A great honor, Senator.

BAKER

(slurred from drinking)  
 May I say, sir...you were our first,  
 I mean, our finest Attorney General.

REVERDY JOHNSON

Honor's mine, gentlemen. You've  
 done this nation proud. Glad to see  
 y'all are enjoyin' this evenin'.

Reverdy Johnson winks at Baker with his good eye.

REVERDY JOHNSON (CONT'D)

Country needs you boys more than  
 ever to put it back together.

Reverdy Johnson spots several GRAYBEARDS passing by.

REVERDY JOHNSON (CONT'D)

Gentlemen, would you excuse us a  
 moment? They're some folks I reckon'  
 my new associate ought to meet.

The Senator leads Aiken away. Hamilton watches with envy.

HAMILTON

I reckon Fred has to if he's to be  
 considered seriously.

BAKER

Yes, Hamilton, some of us do have to  
 work for a living...

INT. CENTURY CLUB - JEFFERSON ROOM -- CONTINUOUS

Reverdy ushers Aiken inside the club's inner sanctum lined  
 with PORTRAITS of its past luminaries JEFFERSON, MADISON...

AIKEN

Quite a turnout.

REVERDY JOHNSON

Victory is like shit to flies,  
 Freddie. One whiff is all it takes.  
 (sarcastically)  
 Mr. Secretary, such a delightful  
 surprise.

REVEAL: EDWIN STANTON puffing furiously on a FAT CIGAR.

SECRETARY OF WAR

Life's full of 'em, Senator.

REVERDY JOHNSON

Frederick Aiken. Of course, you're  
 familiar with our venerable War  
 Secretary, Edwin Stanton.

AIKEN

Yes, of course. It's a great  
 pleasure, sir.

SECRETARY STANTON

I understand you took two bullets at Gettysburg, Colonel, and never quit the field. The pleasure is mine.

Stanton warmly clanks Aiken's champagne glass. Aiken beams.

STANTON

We can always use a loyal man like you over at the War Department.

REVERDY JOHNSON

My godson works for me now, Ed. It's time to heal the nation -- not wage war.

STANTON

Depending on whose side you're on.

REVERDY JOHNSON

One needn't be a Yankee to be for Union same as you.

STANTON

Well then, I dare say, the enemy is never far from hand.

An AIDE hands Stanton a NOTE. Stanton reads it.

REVERDY JOHNSON

Is everything alright?

STANTON

President Lincoln sends his regrets -- seems Mrs. Lincoln made other plans.

...The SOUND of laughter.

PULL BACK: INT. THEATER - STAGE -- NIGHT

As TWO ACTORS perform the farce, "*Our American Cousin*." One is dressed as a Victorian DANDY; the other, as an eccentric BACKWOODSMAN. The setting is an English drawing room.

...The SOURCE of laughter.

PULL BACK: INT. THEATER - BALCONY BOX -- SAME

As ABRAHAM and MARY LINCOLN enjoy the performance.

The PRESIDENT tilts back-and-forth in a crimson rocking chair. The FIRST LADY lovingly drapes her hand across his knee.

A couple in their twenties, MAJOR RATHBONE and CLARA HARRIS, are seated nearby.

...A P.O.V on the LINCOLNS and their GUESTS.

PULL BACK: INT. THEATER - HALLWAY -- SAME

Revealing the P.O.V is coming from a small PEEPHOLE in the door leading to the President's BALCONY BOX.

A sliver of light barely illuminates the viewer's identity -- JOHN WILKES BOOTH, 26, strikingly attractive and attired.

As Booth spies on President Lincoln...

MATCH CUT TO:

...A TALL MAN with a BLACK FELT HAT, spying too.

PULL BACK: EXT. MANSION -- SAME

Only, he's watching the ENTRANCE to a stately, three-story MANSION from across Washington's Lafayette Square.

**Private Residence  
of  
Secretary of State Frederick Seward**

The Tall Man pulls a BOWIE KNIFE from beneath his felt hat, a REVOLVER from his overcoat, and crosses the street.

He mounts the mansion's FRONT STOOP and rings the door BELL. A BUTLER answers...

MATCH CUT TO:

...The DOOR swinging open.

Only, instead of the Tall Man entering, it's a SMALL MAN, wearing a BEAVER SKIN CAP...

PULL BACK: INT. HOTEL LOBBY -- SAME

...And instead of the Mansion's entrance, we're now inside a plush HOTEL LOBBY, crowded with GUESTS.

**The Residence  
of  
Vice President Andrew Johnson**

The Short Man shuffles UNCOMFORTABLY amidst all the opulence, his EYES flashing to a CLOCK on the WALL, which reads:

**10:15 P.M.**

...The sudden POP of a CHAMPAGNE CORK.

PULL BACK: INT. CENTURY CLUB - BALLROOM -- SAME

As Baker opens a fresh bottle. Aiken has rejoined his mates.

BAKER

Good to see the last four years did  
someone good.

REVEALING: the stunning CATHERINE MORGAN, early 20's.

BAKER (CONT'D)

Hello, Catherine.

CATHERINE

Too grown up to call me Katie anymore?

BAKER

You're the one who's grown up.

Catherine warmly greets Baker, Hamilton. Glances at Aiken.

CATHERINE

Johnny Reb' get his tongue?

AIKEN

How are you, Katie?

CATHERINE

Not a letter from you in 18 months.  
I should ask how you are?

AIKEN

We didn't see much I wanted to share.

CATHERINE

(re. Hamilton)  
Bill wrote me twice a month.

AIKEN

That so?

HAMILTON

Just checking in with the home front.

CATHERINE

One's imagination wanders when you  
haven't a word.

AIKEN

Might we have one now - in private?

Catherine nods, turns back to Baker and Hamilton.

CATHERINE

Sure good to see you, boys.

Aiken escorts Catherine away, fingers clasped. Hamilton  
looks on with envy. Baker pops a cigar. LIGHTS a match...

CUT TO:

...The startling BANG of a pistol.

An EXPLOSION, like the deep POP of a heavy, paper bag. Then,  
a BURST of smoke. And finally, a THUD, bullet against bone.

PULL BACK: INT. THEATER - PRESIDENTIAL BOX -- SAME

As Lincoln's rocking ceases, and his chin pitches into his  
chest. MARY LINCOLN clutches his neck to keep him upright.

Booth stands a few paces behind -- a brass DERRINGER in his  
right hand; a DAGGER in his left.

Major Rathbone lunges for Booth. But Booth swings his dagger  
wildly, piercing the Major's left arm.

Booth vaults over the FRONT RAILING, and clips his SPUR in the BUNTING, causing him to land awkwardly on the STAGE below.

SNAP! His left ankle fractures badly above the in-step. He limps across the stage, stopping just long enough to YELL...

BOOTH  
*Sic Semper Tyrannis!* Revenge for  
the South.

Then, rushes past dazed ACTORS, and escapes into the WINGS.

EXT. SECRETARY OF STATE SEWARD'S RESIDENCE -- SAME

Just as Booth's TALL ACCOMPLICE bursts out the FRONT DOOR, his hands dripping with blood.

INT. SECRETARY OF STATE SEWARD'S RESIDENCE -- CONTINUOUS

TRACKING through the house to REVEAL what's left behind:

-- First, the Tall Accomplice's BLACK FELT HAT tipped on its side, at the bottom of the staircase;

-- Then, a GUARD, coughing blood, writhing along the stairs;

-- Followed by an ARMY AIDE, badly hurt and bleeding, slumped on the second floor landing;

-- Next, SEWARD'S SON, alive, but unconscious with a fractured skull, inside a bedroom doorway;

-- And lastly, SECRETARY of STATE FREDERICK SEWARD, in bed, gasping for air and bleeding, from a near-fatal facial gash.

INT. THE VICE PRESIDENT'S RESIDENCE - HOTEL LOBBY -- SAME

Booth's SHORT ACCOMPLICE, with the BEAVER SKIN HAT, is frozen with fear on a bar stool, his eyes leaden with drink.

A SOLDIER casts a suspicious glance his way, causing the fearful Associate to flee out the front door, as we CUT TO --

INT. CENTURY CLUB - BALLROOM - SAME

Just as Aiken is placing an ENGAGEMENT RING on Catherine's finger. Baker, now piss drunk, celebrates his mate's new union by drinking champagne from his artificial leg.

A SOLDIER rushes past knocking Baker's leg out of his hands.

BAKER  
What the hell?

Suddenly, Secretary Stanton is whisked away under heavy security. Followed by several more party-goers.

Hamilton approaches Aiken and Catherine, his face ashen.

CATHERINE  
What is it, Bill?

## HAMILTON

They've attacked Lincoln - and the  
Secretary of State too.

Aiken registers the shock. As Baker tries to locate his leg  
amidst the tumult, we DISSOLVE TO --

A near-riotous crowd assembled outside PETERSEN HOUSE, a  
townhouse across the street from Ford's Theater.

Torches ablaze. Vengeance on many lips.

We TRACK with Union MAJOR H.W. SMITH inside --

INT. PETERSEN HOUSE - BEDROOM -- CONTINUOUS

A small, sloped BEDROOM adorned with pastoral prints. It is  
an unspectacular setting for a spectacular end.

DOCTORS, CABINET MEMBERS and a PRESBYTERIAN MINISTER surround  
PRESIDENT LINCOLN, who is laying diagonally across a bed,  
far too short -- his bare feet dangling over the edge. The  
only sound is of Lincoln's near-final gasps.

Major Smith passes a PHYSICIAN carrying a bundle of  
bloodstained towels. Smith continues down the HALLWAY, into --

An adjacent SITTING ROOM, now functioning as a WAR ROOM --  
SEVERAL ACTORS, still in costume, are being interrogated.  
Major Rathbone is trying to console his fiancee, Clara Harris.  
Her clothes are soaked with Lincoln's blood.

Major Smith surveys the chaos -- revealing EDWIN STANTON is  
in charge. Stanton beckons him inside a CLOAK ROOM.

MAJOR SMITH

It was the actor, John Wilkes Booth.

STANTON

Are you certain?

MAJOR SMITH

They all know him from the theater.

Pointing to the ACTORS being interrogated in the other room.

STANTON

What about the other assassins?

MAJOR SMITH

The only name mentioned so far is an  
acquaintance of Booth's -- a young  
man named, John Surratt.

STANTON

What do we know about him?

MAJOR SMITH

Twenty-one years of age. Lives here  
in the city with his family. Mother  
runs a boardinghouse. That's it.

STANTON

I guarantee he's a Confederate.  
Find him. Find all of them.

(a beat)

I want this city closed down. Nothing  
leaves Washington without my  
authorization. No trains. No boats.  
If any one of these assassins gets  
South of the Potomac or up into  
Canada, he'll never be found.

Major Smith exits. Another AIDE approaches.

AIDE

Sir, the Vice President wishes to  
pay his respects.

STANTON

He may leave that hotel only when I  
say it's safe to do so.

The Aide nods, begins to exit.

STANTON (CONT'D)

(calls out)

And keep him away from the liquor.  
He's liable to drink himself into a  
stupor with fright!

MARY LINCOLN lets out a piercing wail from the adjacent room.

FULL SCREEN: On President Lincoln's motionless FACE  
accompanied by more screams.

PULL BACK: to reveal the screams are coming from a LOCOMOTIVE,  
whistling into the night, wrapped in black bunting. Lincoln's  
face is actually a PORTRAIT fixed to the front of the train.  
Lincoln's COFFIN is inside.

MONTAGE BEGINS:

As the train builds speed, we INTERCUT between:

LINCOLN'S DEIFICATION -- Newspaper headlines chronicle the  
1700 mile funeral procession from Washington, D.C. to  
Springfield, Illinois, his hometown and final resting place.

**"40,000 in the Rain in Cleveland"... "300,000 at Independence  
Hall"... "Half a Million Along Broadway"**

STANTON'S REIGN of TERROR -- The ROUND-UP of the alleged  
ASSASSINS. Ford's Theater is chained shut; DOZENS are  
arrested in saloons, churches, outhouses and homes.

BOOTH is cornered inside a BURNING FARMHOUSE. He is shot  
and killed. Another accomplice, DAVID HEROLD, surrenders.

The FINAL IMAGES shown are of --

A slender three-story TOWNHOUSE along a residential street.  
All appears peaceful. No sign of the hysteria beyond.  
Suddenly, the FRONT DOOR bursts open.

SIX SOLDIERS escort a MYSTERY WOMAN, 45, down the front stoop while her DAUGHTER, 22, is restrained by several troops.

The Mystery Woman is placed inside a JAIL CELL. The DOOR is slammed shut behind, plunging her world into darkness.

MONTAGE ENDS

FADE TO BLACK:

FADE UP: On the AMERICAN FLAG

PULL BACK: EXT. U.S. CAPITOL BUILDING -- DAY

A glimpse of the unmistakable CAPITOL DOME, its American flag still flying at half-mast for Lincoln.

**MAY 10, 1865**

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**ONE MONTH LATER**

INT. U.S. CAPITOL -- CONTINUOUS

Aiken races inside the ROTUNDA, nearly knocking over an ELDERLY SENATOR in his path.

He sprints across STATUARY HALL, past the busts of our Founding Fathers.

Aiken continues down a long HALLWAY lined with Senate offices, a stack of legal briefs virtually spilling out of his hands.

Finally, he enters through an enormous OAK DOOR bearing the brass inscription:

**United States Senator (Maryland)  
Reverdy Johnson**

He finds REVERDY JOHNSON already long in wait.

REVERDY JOHNSON  
Mornin', young man. Nice of you to show up.

AIKEN  
My sincerest apologies, Senator. I was just finishing the land conveyance you requested.

The Senator performs a cursory review.

REVERDY JOHNSON  
You've been up all night on this?

AIKEN  
Most of it, sir.

REVERDY JOHNSON  
Plus some carousing with your mates?

AIKEN  
Just a bit.

REVERDY JOHNSON

I appreciate your enthusiasm, Freddie.  
I just hope you haven't run yourself  
ragged, nor forgotten the Assassins'  
Trial begins tomorrow.

AIKEN

No one's talking about anything else.  
My mates and I hope to squirrel a  
seat.

REVERDY JOHNSON

Well, you've 'squirreled' a chair  
instead.

AIKEN

How's that, sir?

The Senator hands Aiken a stack of papers.

REVERDY JOHNSON

I'm trying the case. You'll be  
assisting -- my second chair.

AIKEN

But I thought the government was  
planning a military court-martial.

REVERDY JOHNSON

Indeed. Secretary Stanton picked  
himself nine generals to serve as  
judges -- all for Union and all  
friends of the late President.

INT. GENERALS CHAMBERS -- SAME

REVEALING the MILITARY COMMISSION, preparing for trial --  
buttoning their Union uniforms, pinning on their medals.

REVERDY JOHNSON (V.O.)

In fact, he's chosen one of Lincoln's  
pallbearers to head the Commission.

REVEALING the bearded and bespectacled GENERAL HUNTER, 62,  
fastening his pearl-handled saber to his hip.

CUT BACK TO:

INT. U.S. CAPITOL -- CONTINUOUS

As Aiken and Reverdy Johnson continue their conversation  
through the hallway of the Capitol.

AIKEN

If it's a military trial, won't the  
War Department be handling the  
prosecution?

REVERDY JOHNSON

Stanton's put his most trusted in  
charge of the case -- the Chief  
Adjutant General, Joseph Holt.

INT. WAR DEPARTMENT - STANTON'S OFFICE -- SAME

REVEALING Edwin Stanton's devoted aide-de-camp, JOSEPH HOLT, 56, as he devises a strategy with the War Secretary.

The corner features a shrine to Lincoln from Ford's Theatre -- Lincoln's rocking chair, top hat and coat -- blood-stained.

CUT BACK TO:

EXT. U.S. CAPITOL STEPS -- CONTINUOUS

As Aiken and Reverdy descend the steps, which are now lined with folks hawking LINCOLN MEMORABILIA -- death portraits, supposed locks of hair...

AIKEN

Then, what are we to do?

REVERDY JOHNSON

Defend one of the eight.

AIKEN

One of the Assassins?

REVERDY JOHNSON

Alleged, counselor.

Reverdy Johnson holds up a NOTE.

REVERDY JOHNSON (CONT'D)

I received a letter this morning from the lady, the one with the boardinghouse... a Mrs. Mary...

The Senator searches the note for Mary's last name. Aiken is quick with the answer.

AIKEN

Surratt.

REVERDY JOHNSON

She says I once helped her late husband on a tax matter.

AIKEN

But you don't recall?

REVERDY JOHNSON

Truth is I don't remember ever laying eyes on her late husband or her. But she's from Maryland too...

AIKEN

Sir, the government believes her son, John, was Booth's right-hand.

REVERDY JOHNSON

If they suspect her son, then they ought to try him.

AIKEN

I've heard they have 250 agents out looking for him. Senator, you don't know her. But you're still defending her?

REVERDY JOHNSON

Young man, it matters none if I've heard of Mary Surratt -- or her son. She's entitled to a defense. So, I shall defend her!

Reverdy continues onward as Aiken remains frozen in place. .

GENERAL HUNTER (O.S.)

Mary Eugenia Jenkins Surratt...

PULL BACK: INT. U.S. ARSENAL PRISON - COURTROOM -- NEXT DAY

As we REVEAL -- MARY SURRATT, 45 -- dressed from head-to-toe in black, her face concealed by a heavy veil. (She is the Mystery Woman shown earlier being led from her home.)

GENERAL HUNTER (CONT'D)

You are charged with conspiring, aiding and abetting...

GENERAL HUNTER, 62, reads from parchment, his saber dangling by his side. He is surrounded by the members of the MILITARY COMMISSION, nine grizzled Union vets, high-ranking all.

GENERAL HUNTER (CONT.)

The late John Wilkes Booth -- and his Confederates...

SEVEN 'CONFEDERATES' are revealed beside Mary Surratt as each name is called. They are seated inside a raised PRISONERS' DOCK. All are in their twenties or early thirties.

GENERAL HUNTER (CONT'D.)

David Herold, Michael O'Laughlin, Edward Spangler, Dr. Samuel Mudd, Samuel Arnold, George Atzerodt and Lewis Payne...

(NOTE: Lewis Payne is readily identifiable as Booth's Tall Accomplice; George Atzerodt as his shorter one.)

GENERAL HUNTER (CONT'D)

In a treasonous plot to murder President Abraham Lincoln; Vice President Andrew Johnson; and Secretary of State William Seward...

The PACKED courtroom stirs with each charge.

Hastily converting a BARRACKS into a courtroom inside the prison for security reasons, the chamber measures only 55-foot x 20-foot with an 11-foot high ceiling. The WALLS are freshly white-washed. All FOUR WINDOWS are barred.

The PRESS and JUDGES are seated at long TABLES cutting the room lengthwise. The GALLERY (by invitation only) are crammed in at the rear. ARMED SOLDIERS are stationed throughout.

GENERAL HUNTER (CONT'D.)  
Pursuant to special orders #211 and #216, does the accused wish to offer a plea?

The veiled defendant is frozen with fear.

GENERAL HUNTER (CONT'D)  
What say you, madam? Guilty or not.

Mary Surratt removes her veil revealing a handsome face.

MARY SURRETT  
I am innocent.

GENERAL HUNTER  
Of all charges?

MARY  
Yes, sir. I most certainly am.

GENERAL HUNTER  
In that case, as each defendant has entered a not guilty plea, we'll begin with the woman first -- the United States versus Mary Surratt.

General Hunter looks to the PROSECUTION table positioned advantageously by his side.

GENERAL HUNTER (CONT'D)  
Major Holt, please proceed.

Joseph Holt rises to begin, his chest laden with medals. He is surrounded by a HALF-DOZEN ASSOCIATES.

REVERDY JOHNSON  
Just a moment, your honor.

Reverdy Johnson rises directly in front of Mary Surratt. Frederick Aiken, his lone associate, remains seated beside.

GENERAL HUNTER  
What is it, Senator?

REVERDY JOHNSON  
I wish to request an adjournment.

GENERAL HUNTER  
An adjournment! We just got here.

Even the LAWYERS defending the other prisoners seem shocked.

REVERDY JOHNSON  
The defendant has been in custody for over a month. But wasn't allowed to contact counsel until yesterday.  
(MORE)

REVERDY JOHNSON (CONT'D)

I've still not been permitted to meet with her.

JOSEPH HOLT

Your honor, a delay will only serve to prolong the nation's sorrow.

REVERDY JOHNSON

My learned colleague, you've had four weeks to prepare your case. No doubt, assisted by the entire War Department. I believe the defendant is entitled to equal consideration.

GENERAL HUNTER

Senator, our fellow citizens must be allowed to put this tragedy to rest. The sooner we dispose of this case, the better for everyone.

REVERDY JOHNSON

Everyone but my client.

GENERAL HUNTER

Proceed, Major.

Holt rises.

REVERDY JOHNSON

In that case, I move for termination.

GENERAL HUNTER

Termination!

Aiken turns to the Gallery spotting Baker, Hamilton and Catherine. Aiken looks as if he'd rather be anywhere else.

REVERDY JOHNSON

On the grounds this trial is unconstitutional!

(the gallery stirs)

The defendant is a civilian entitled to a public trial before a jury of her peers. Not a military court-martial.

JOSEPH HOLT

Military courts adjudicated matters involving civilians throughout the war.

REVERDY JOHNSON

May I remind the distinguished Major, the war is over. Moreover, the civil courts in Washington remained open throughout the entire conflict. And continue to be, as we speak.

JOSEPH HOLT

And may I remind the Senator, the Attorney General affirmed the legitimacy of this proceeding:

Holt reaches for a DOCUMENT, which he reads aloud.

JOSEPH HOLT (CONT'D)

"Persons conspiring to assassinate the President -- the Commander-in-Chief -- are considered enemies of the State. And shall be judged by a military tribunal, as would soldiers belonging to a hostile force."

REVERDY JOHNSON

'Soldier!' Surely, no member of this Commission recalls a figure as lovely as this under his command?

The Senator playfully draws Mary's physique in the air, prompting laughter from the gallery.

GENERAL HUNTER

Senator, you will mind the horror which summons us.

REVERDY JOHNSON

Gentlemen, we all mourn the loss of our most cherished leader. But, in our grief, let us not betray our better judgment and execute a reign of terror.

MAJOR GENERAL HARRIS, a member of the Military Commission, shouts out with a heavy New England accent.

GENERAL HARRIS

'Reign of Terror.' How dare you!

REVERDY JOHNSON

Every right-minded citizen desires the punishment of those responsible. But one must be judged according to the law -- not as passions see fit.

GENERAL HUNTER

Senator, I assure you this tribunal will make every effort to protect the rights of those on trial. But, all Americans have the right to feel safe and secure.

REVERDY JOHNSON

None of us is safe when a citizen can be dragged from her home, held without charge and denied access to counsel -- merely on a suspicion?

Another Commission Member, MAJOR GENERAL KAUTZ, mocks Reverdy Johnson's southern accent. Kautz is a New Englander.

GENERAL KAUTZ  
 'Mearlay onah suhspicion.' Sounds  
 to me like the enemy is among us. I  
 recall Maryland was not among our  
 most loyal states during the War. I  
 think its Senator ought to certify  
 his allegiance to this court.

BRIGADIER GENERAL HOWE chimes in with his Philadelphia accent.

GENERAL HOWE  
 I quite agree. Make him sign.

REVERDY JOHNSON  
 I have served this nation as its  
 Attorney General. That is  
 certification enough.

General Kautz holds up a CONTRACT.

GENERAL KAUTZ  
 Nevertheless, Senator. We may require  
 counsel to sign this oath of loyalty  
 as prescribed by Congress.

REVERDY JOHNSON  
 I am a member of Congress! The branch  
 of government empowered to authorize  
 military tribunals like this.

GENERAL HUNTER  
 Our authorization comes from the War  
 Secretary, Edwin Stanton -- by order  
 of the President of the United States.

REVERDY JOHNSON  
 Had our founding fathers desired  
 tyranny to prevail, I'm sure they'd  
 have intended for the President and  
 his War Secretary to have such  
 indiscriminate powers.  
 (seething)  
 But they drafted a Constitution with  
 laws limiting power, not trusting in  
 human nature to limit itself --  
 precisely for times like these:  
 (losing his temper)  
 When our leaders claim to be serving  
 the People... when, in fact, they're  
 only serving themselves.

The Gallery erupts. The Prisoners beat iron against wood.  
 General Hunter slams his gavel, repeatedly.

GENERAL HUNTER  
 Order...Order...SILENCE!

Order is barely RESTORED.

GENERAL HUNTER (CONT'D)  
 This court will stand in recess.  
 Senator. In chambers!

Off Aiken woefully glancing at his Mates, then at Catherine.

INT. U.S. ARSENAL PRISON - HALLWAY -- A SHORT TIME LATER

The prison CORRIDOR outside the generals' CHAMBERS is near-RIOTOUS -- rabid REPORTERS, excited SPECTATORS, and the like.

Moments later, Reverdy Johnson appears in the hallway with Aiken in-tow. The inquisitive PRESS converge in a frenzy.

Johnson pulls Aiken into a BACK STAIRWELL to escape the hoards. A SOLDIER bars anyone else from following.

As Aiken trails his boss upstairs, his face is filled with panic. The pair are in mid-conversation.

AIKEN

...But you can't be serious.

REVERDY JOHNSON

As serious as the charges against our client.

AIKEN

But defending her? ME!

REVERDY JOHNSON

She doesn't stand a chance with a Southerner like me representing her. She needs a Yankee colonel like you.

AIKEN

Yes, but --

REVERDY JOHNSON

-- You'll do fine, son. Our nation still has never executed a woman.

AIKEN

This nation never considered a woman, or a man for that matter, capable of murdering the President. I'm sorry but I can't take on this case.

REVERDY JOHNSON

'Course you can, boy. They taught you somethin' at Harvard, didn't they?

AIKEN

I mean, I won't.

(off Reverdy's glare)

I won't defend her. Not someone who murdered my Commander-in-chief.

TWO SOLDIERS descend the stairs past Aiken and Reverdy. They are guarding an attractive, unidentified WOMAN, 22. She's just overheard Aiken and stares him down. Aiken, uncomfortable, waits for her to pass before continuing.

AIKEN (CONT'D)

With all due respect, sir, I'll gladly find you a rebel to represent her.

REVERDY JOHNSON

No court in the Union would judge that woman fairly with Confederate counsel.

AIKEN

Most folks I know wish for her what happened to Booth.

REVERDY JOHNSON

No doubt you'd gladly pull the trigger yourself.

AIKEN

I'd hardly be alone.

Aiken points to a CROWD outside the PRISON WALLS -- Lincoln DEVOTEES holding shrines to Lincoln.

AIKEN (CONT'D)

Look at Lincoln now! Remember how so many used to hate him. Now, no one dares utter a word against him, let alone defend his murderer!

REVERDY JOHNSON

Alleged, counselor.

AIKEN

You don't honestly believe she's innocent?

REVERDY JOHNSON

'Til proven otherwise.

AIKEN

I will not betray my country, sir. Nor my friends who died in battle defending it.

The pair now stand directly in front of the COURTROOM DOORS.

REVERDY JOHNSON

I'm not suggesting you betray your allegiances. I'm simply asking, rather, telling you to uphold your oath as an attorney and do your job!  
(beat)

I demand nothing more. And I assure you, neither your mother or father would've accepted anything less!

Aiken wavers.

AIKEN

Sir, I don't see how I can possibly walk in there.

REVERDY JOHNSON

Son, sometimes a man must be willing  
to 'walk' on faith alone.

A beat as we begin to hear...

HOLT (O.S.)

The conspirators attempted what the  
Confederacy could not accomplish in  
battle...

FULL SCREEN: On Aiken listening to Holt's opening argument.

INT. COURTROOM -- MOMENTS LATER

HOLT (O.S.)

To destroy our nation by striking at  
our chain of command -- targeting  
not only our President, but the next  
in line: his Vice President and  
Secretary of State...

(Aiken looks distressed)

That a woman - a mother with children -  
built the nest where this vile  
conspiracy was hatched, operating a  
safe-house for the assassins to meet.

PULL BACK: To reveal Mary over Aiken's shoulder. Both look  
equally panicked but for different reasons.

HOLT (O.S.)

Makes Mary Surratt as guilty of this  
crime as John Wilkes Booth himself!

EXT. U.S. ARSENAL PENITENTIARY -- LATER THAT EVENING

A UNION SOLDIER escorts Aiken across the prison grounds -- a  
FORTRESS surrounded by BRICK WALLS topped by ARMED SENTRIES.  
Just beyond the high walls, ST. JAMES CREEK, the foul smelling  
repository for much of Washington's waste.

Blanketing the courtyard is a TENT ENCAMPMENT housing the  
soldiers, who are guarding the prisoners on trial.

Aiken crosses through the encampment. SOLDIERS gather and  
stare. Some salute Colonel Aiken. Others turn their backs.

INT. PENITENTIARY - CORRIDOR -- CONTINUOUS

We continue with Aiken and his armed escort down a long  
CORRIDOR lined with CELLS --

Each cell is packed with PRISONERS. Some faces are familiar --  
the ACTORS being interrogated after Lincoln's assassination.  
They are still wearing their costumes, now in tatters.

Off Aiken's look of confusion, the Guard offers up --

GUARD

The Witnesses, sir.

AIKEN  
How long have they been here?

GUARD  
Coupla months.

Aiken is escorted through a pair of huge IRON DOORS. As he continues down a SECOND STORY CATWALK, we REVEAL --

The CONSPIRATORS' CELLS, eight in all. Inside each cell, Aiken discovers the same horrifying sight -- a PRISONER, in solitary, head covered by a CANVAS HOOD, no slot for seeing, barely a hole for breathing. Legs and arms are chained to IRON BALLS. Wrists are separated by piercing METAL MANACLES.

AIKEN  
Is all this necessary?

GUARD  
According to orders.

AIKEN  
Whose?

GUARD  
Secretary Stanton, sir.

Aiken lingers momentarily to ponder, then continues towards the FINAL CELL at the end of the corridor.

INT. MARY SURRATT'S CELL -- CONTINUOUS

CELL DOOR number 200 swings opens as Aiken steps inside.

MARY is crouching on all fours, chained like a barnyard animal. Though not forced to wear a hood, her ANKLETS and WRIST CUFFS are painfully attached. STRAW is spread beneath her; a BUCKET for bodily functions is nearby.

The Guard remains at the door.

AIKEN  
Thank you, private. That'll be all.

The Guard doesn't move.

AIKEN (CONT'D)  
This meeting is confidential.

GUARD  
Sorry, sir.

MARY (O.S.)  
Where's the Senator?

Aiken turns toward Mary.

AIKEN  
Ma'am, he's instructed me to handle your case.

MARY

Really?

AIKEN

Is there a problem?

MARY

No disrespect, Mister...

AIKEN

Frederick Aiken.

MARY

Mr. Aiken, how many years have you?

AIKEN

I'm a month past 28.

MARY

Young man, you're barely older than my son.

AIKEN

The Senator would not have placed me in this position unless he had complete confidence in my abilities.

MARY

I take it then you've handled cases like this before?

AIKEN

Ma'am, there's never been a case like this before.

MARY

But, you have defended others?

Aiken is silent.

MARY (CONT'D)

I see they've left nothing to chance.

AIKEN

I take it then you'd prefer to conduct your own defense?

A beat. Off Mary's silence, Aiken opens his notes.

AIKEN (CONT'D)

Very well. I understand you own a boardinghouse at 604 H Street, is that correct?

MARY

Yes.

Aiken awaits more information. Mary offers none.

AIKEN

Ma'am, all I know about you is what I've read in the papers. And what they're reporting isn't flattering.

Mary grudgingly.

MARY

I moved there a year ago with my son and daughter after my husband passed away.

AIKEN

The conspirators were frequent visitors to your boardinghouse, were they not?

Aiken doesn't even bother to call them alleged conspirators.

MARY

As were many others.

AIKEN

But, you don't deny having been acquainted with John Wilkes Booth, or the other prisoners behind bars?

MARY

No, sir. I do not.  
(sternly)  
Mr. Aiken, my husband died a drunk, leaving me with loads of debt. I had no other way to support my family, except by renting rooms to boarders. I considered those men customers, nothing more.

AIKEN

Did you 'consider' their sentiments?

MARY

I did not inquire as to their 'sentiments,' sir.

AIKEN

What about yours, ma'am?

MARY

I am a Southerner by birth, a Christian by belief, and a devoted mother above all else. And I am NO assassin!

AIKEN

Ma'am, your freedom will depend on far more assurance than that.

MARY

Well, then you tell me what I should say to those Generals?

AIKEN

Nothing. The rules prohibit you from testifying in your own defense. I suppose you know of someone else who would? Your son, John, perhaps. Any idea where he might be?

MARY

I do not. Even at 21, Mr. Aiken, he's still my baby. My son will be kept out of this.

AIKEN

That won't be easy, ma'am. He's on the wanted poster.

A beat.

AIKEN (CONT'D)

How about his roommate, Louis Wiechmann? Shall I call on him to testify?

MARY

Louie is like a member of my family. I don't want any harm coming to him on account of me.

AIKEN

Is there anyone I can call upon to give your version of events?

MARY

Who are they calling to give their version?

AIKEN

The Government is not revealing its list of witnesses, or the evidence it plans to use against you.

MARY

They can't do that, can they?

AIKEN

This is a military proceeding in which the Government can do just about anything it chooses. Of course, it makes preparing a defense more difficult.

MARY

Of course. But what difference does it make? Even these failing eyes of mine can see those Generals made up their minds -- just by the way they were looking at me.

AIKEN

"Looking" at you?

MARY

Just like you, Colonel.

A GUARD appears with Mary's dinner, hardly appetizing. Aiken heads for the door.

AIKEN

I must go.

MARY

Mr. Aiken  
(Aiken stops)  
I haven't a word from my daughter since they put me here. Would you check on her for me? Please.

He reluctantly nods.

MARY (CONT'D)

Thank you, Mr. Aiken. I see you've got a spark of human feeling in you after all.

EXT. SURRATT BOARDINGHOUSE -- LATER THAT NIGHT

The three-story townhouse seen during the round-up of the alleged assassins. Aiken climbs the front stoop and knocks. A Union SOLDIER is posted outside her door.

Aiken feels a PRESENCE behind -- NEIGHBORS spying from WINDOWS and DOORWAYS. Aiken flips his collar to conceal his identity.

Finally, the boardinghouse DOOR opens.

AIKEN

Anna Surratt?

REVEALING: ANNA SURRATT, 22 -- a beautiful young woman who's had to grow up very fast.

AIKEN (CONT'D)

My name is Frederick...

ANNA SURRATT

I know who you are, Mr. Aiken.

AIKEN

Then you know I'm representing your mother.

ANNA SURRATT

I was under the impression you could not -- or rather, "would not".

Aiken now places her from the stairwell inside the courthouse.

AIKEN

I'm sorry you heard that. It was meant to be a private conversation.

Aiken nervously glances back at the Neighbors.

ANNA

Are you afraid or just embarrassed  
to be seen with me, Mr. Aiken?

AIKEN

Your mother asked that I check on  
you.

ANNA

If you will be so kind, please tell  
her not to worry.

She begins to close the door.

AIKEN

Actually, I was hoping to get a look  
inside.

He begins to enter. She momentarily blocks his path, then  
reluctantly steps aside so he can enter.

INT. VESTIBULE -- CONTINUOUS

As Aiken enters the boardinghouse, he surveys the scene.

AIKEN

Are you the only one here?

ANNA

Business tends to slow down when  
there's a soldier stationed out front  
day and night for my "protection".

AIKEN

I'll take that as a "yes"?

ANNA

Yes.

Aiken moves from room-to-room -- each strikingly cozy and  
familial. DAGUERREOTYPES of the Surratts line the mantels.

AIKEN

(under his breath)  
It's perfect.

ANNA

Pardon.

AIKEN

Sorry, it's nothing.

ANNA

Please, do tell.

Aiken says nothing.

ANNA (CONT'D)

Mr. Aiken, I'm sure I've heard much  
worse in the past month.

AIKEN  
 Very well. I was thinking this would  
 be the perfect place to conspire to  
 overthrow the government.

ANNA  
 No one would ever suspect, right?

Aiken doesn't know what to make of Anna.

AIKEN  
 May I take a look upstairs?

Anna knows why Aiken is here. Without missing a beat --

ANNA  
 My brother's room is the third on  
 the left.

INT. SECOND FLOOR -- A SHORT WHILE LATER

Aiken ascends the narrow STAIRCASE up to the SECOND FLOOR,  
 then crosses down a short HALLWAY. He enters a small BEDROOM  
 with two single beds, a desk and dresser inside.

Aiken begins to carefully search the bedroom -- underneath  
 the beds, the desk, then inside the DRESSER. He finds  
 undergarments, rolled socks...and, finally, a slip of PAPER.

Just as he pockets the paper, Aiken is startled from behind.

ANNA  
 Find what you were looking for?

Aiken quickly recovers. Rises.

AIKEN  
 Louis Wiechmann shared this room,  
 correct?

ANNA  
 That's correct.

AIKEN  
 Have you seen him recently?

ANNA  
 No, I haven't. Did you see much  
 action?

Anna is staring at Aiken's UNIFORM.

AIKEN  
 A bit.

ANNA  
 Kill any on our side?

A beat.

AIKEN

Miss Surratt, do you have records indicating who stayed here? A registry? A book of accounts?  
(no reply)  
Do you want me to help your mother or not?

We hold on Anna, as we CUT TO --

FULL SCREEN: On a FLOORBOARD being pried loose

PULL BACK: INT. VESTIBULE -- SHORT TIME LATER

As Anna produces a REGISTRY from beneath the floorboard. She hands it to Aiken.

AIKEN

Anything else you're hiding?

ANNA

Such as?

AIKEN

Your brother to start.  
(silence)  
If you know where he is, I need to know. Is that clear?

ANNA

Do you have siblings, Mr. Aiken?

AIKEN

No.

ANNA

I thought not.

Suddenly, there is a tremendous CRASH --  
Glass sprays across the floor.

Aiken dives on top of Anna, placing them nose-to-nose.  
A large ROCK rests beside them, inscribed in blood-red:

**DIE REBEL DIE**

Aiken pulls himself off Anna, races OUTSIDE revolver drawn...

EXT. BOARDINGHOUSE -- CONTINUOUS

Aiken turns to the Guard outside the door, still standing in place as if nothing has happened.

AIKEN

Who did that?

SOLDIER

Did what, sir?

AIKEN

You're telling me you didn't just see someone throw that rock.

SOLDIER

Guess I missed it, sir.

Aiken gets it. He returns back inside...

INT. BOARDINGHOUSE -- CONTINUOUS

Aiken commands Anna, his gun still drawn.

AIKEN

Pack up. I'm getting you out of here.

ANNA

I'm not going anywhere.

AIKEN

It's not safe for you to be here all alone.

Anna calmly picks up the rock, and walks it across the room.

ANNA

I've managed thus far.

She places the rock on a shelf, steps back revealing a small pile of similar rocks.

AIKEN

Let's go. I will arrange for other accommodations.

ANNA

A cell at Arsenal Penitentiary? No, thank you.

AIKEN

I will not have it on my conscience should something happen to you.

ANNA

Would you please holster your weapon, Colonel.

Off Anna remaining resolute, we CUT TO --

INT. BEDROOM -- SHORT WHILE LATER

As Aiken now prepares Louis Wiechmann's bed for sleep.

ANNA

Breakfast is at seven. Supper at six.

AIKEN

This is only for one night. I'll have a new guard posted out front tomorrow.

As Anna starts to exit, she calls out.

ANNA

You're on your own for lunch.

FADE TO BLACK:

Remain in DARKNESS and SILENCE for several beats... indicating the passage of time... then the SOUND of a SLAMMING DOOR. Aiken LIGHTS a lantern as we --

FADE UP: INT. BEDROOM -- HOURS LATER, MIDDLE OF THE NIGHT

Aiken, startled AWAKE from a deep sleep, tries to make out the VOICES coming from downstairs, accompanied by BOOTS clomping across hardwood floors.

He rises from Wiechmann's BED, heads toward the noise --

STAIRWELL,

Tiptoeing downstairs to the --

GROUND FLOOR,

The voices grow louder as he nears the PARLOR DOOR, which is slightly ajar. Aiken creeps forward, trying to peek inside.

Aiken's POV: of a HALF-DOZEN MEN crowded around a table. Anna is serving them coffee.

Aiken inches closer to get a better look. The FLOORBOARD buckles beneath in the spot where Anna hid the registry.

The creak of the floorboard silences the voices inside. Suddenly, the DOOR swings open on Aiken.

He is frozen in place.

MALE VOICE (O.S.)

What kept you, Freddie? We've been waiting a long time.

Aiken's expression turns to shock as we reveal the speaker's identity -- JOHN WILKES BOOTH.

SLAM CUT TO:

PRESENT TIME: INT. BEDROOM

Aiken wakes with a start from his BAD DREAM. His brow is soaked with sweat, concern etched across Aiken's face.

FADE TO BLACK:

FADE UP:

EXT. U.S. ARSENAL PRISON - FRONT GATE -- NEXT MORNING

The atmosphere outside the prison is part-carnival, part-mob -- VENDORS hawk SOUVENIRS and REFRESHMENTS, while an angry MOB eagerly awaits the first witness in Mary Surratt's trial.

They are carrying PLACARDS calling for the prisoners' heads. A life-size EFFIGY of Mary Surratt hangs from a lamp pole.

MARY SURRATT (O.S.)

How is she?

PULL BACK: INT. COURTROOM -- SAME

Mary leans across the bar to confer with Aiken. The other prisoners on trial are seated beside her.

AIKEN

Your daughter is... fine. She's looking forward to the day you come home.

MARY

It's nice of you to say -- even if you don't think that day is coming any time soon.

HOLT (O.S.)

In the matter of the United States v. Mary Surratt...

The Prosecutor, JOSEPH HOLT, announces to the court.

HOLT

...the People call as their first witness -- Lieutenant Louis Wiechmann.

LOUIS WIECHMANN, 22, marches in, PATRIOTISM personified -- resplendent in Union blue. He settles confidently into the WITNESS BOX, at center, as the BAILIFF stands ready.

Aiken leans over to Mary.

AIKEN

Why would the prosecution be calling him?

MARY

I have no idea.

BAILIFF

Take this Bible in your right hand. Now repeat after me.

Mary looks at Wiechmann, who, in turn, looks away.

BAILIFF/WEICHMANN

(responsively)

The evidence I shall give before this Court, shall be the truth, the whole truth and nothing but the truth.

Major Holt approaches the witness.

HOLT (O.S.)

Lieutenant Wiechmann, are you acquainted with the defendant, Mary Surratt?

WIECHMANN

Yes. Yes, I am. I attended divinity college with her son, John.

HOLT

Until recently you resided at the boardinghouse owned by Mrs. Surratt. Isn't that correct?

WIECHMANN

That is correct, sir.

Holt gestures to the prisoners' dock.

HOLT

Were any of those prisoners ever present in her home?

WIECHMANN

Yes, sir. Those five to the right.

Pointing at the five furthest to the right -- HEROLD, ARNOLD, O'LAUGHLIN, ATZERODT and PAYNE.

WIECHMANN (CONT'D)

They were 'present' many times.

HOLT

At whose invitation?

WIECHMANN

Her son's.

AIKEN

Objection!

HOLT

Objection?

Aiken rises, but tentatively.

AIKEN

Uh, yes, there's no way of knowing... I mean no foundation John Surratt even knew these men -- let alone invited them. And since Mr. Surratt's whereabouts are unknown at this time, the question calls for speculation.

GENERAL HUNTER

Mr. Surratt's absence from this proceeding is Mr. Surratt's problem. Objection overruled. Continue, Major.

Aiken sits down.

HOLT

Was John Wilkes Booth a frequent guest of John Surratt's?

WIECHMANN

Indeed. But all the Surratts adored him. John. His sister, Anna. And their mother, too.

Wiechmann glances at Mary.

HOLT

Were there ever meetings at the boardinghouse involving Mr. Booth?

WIECHMANN

Many. Sometimes lasting two, three hours. And always in secret, behind closed doors.

HOLT

Did you ever see Mary Surratt object to these meetings?

WIECHMANN

No, sir.

HOLT

Or to the presence of those men?

Pointing at the prisoners.

Wiechmann and Mary's eyes meet, then Wiechmann looks away.

WIECHMANN

No, I did not. She appeared to welcome them.

HOLT

Thank you, Lieutenant. Thank you very much. That'll be all for now.

Wiechmann rises and begins to leave. Aiken is fumbling through his notes. He seems lost.

AIKEN (O.S.)

How long did you say these 'secret meetings' lasted?

Wiechmann stops in his tracks. Returns to the witness box.

WIECHMANN

At least, two...three hours.

AIKEN

Yes, that's right.

Finally, Aiken looks up from his notes.

AIKEN (CONT'D)

So, if you were timing them, Lieutenant...then, I suppose, these 'secret meetings' weren't actually a secret kept from you.

WIECHMANN

I knew about them, sir. But, I had no knowledge of what they were about.

AIKEN

That's because you never attended any yourself?

WIECHMANN

Exactly!

AIKEN

And why was that?

WIECHMANN

I thought them suspicious.

AIKEN

'Suspicious'! So then, you did know what they were about?

WIECHMANN

No, sir. I did not.

AIKEN

Then why were your suspicions aroused?

WIECHMANN

By the snatches of rebel conversation I overheard in the hallways. And by their frequent whisperings.

AIKEN

Well, in that case. Why didn't you immediately report your 'suspicions' to your superiors at the War Department?

WIECHMANN

My suspicions weren't of a fixed and settled nature.

AIKEN

'Fixed and Settled.' Were you instructed to use those words?

WIECHMANN

Absolutely not.

Aiken ponders a moment, then sits down.

GENERAL HUNTER

If there's nothing else, Colonel.

AIKEN

Uh, I do have something else, sir. Tell me, Mr. Wiechmann. Tell us. Have you ever been to Richmond?

HOLT

Objection.

AIKEN

I merely wish to know if the  
Lieutenant has ever visited the  
capital of Virginia - and Confederacy.

General Hunter nods for Wiechmann to answer.

WIECHMANN

I don't recall.

Aiken withdraws the slip of PAPER -- the one he pocketed the  
night before at the boardinghouse.

AIKEN

Perhaps, this train receipt will  
refresh your memory. It indicates  
passage to Richmond, and has your  
name on it.

WIECHMANN

Yes. That's right. I considered  
continuing my divinity studies there  
after the war. I plan on becoming a  
minister.

AIKEN

A noble calling, indeed. At what  
institute in Richmond did you think  
of enrolling?

WIECHMANN

The name?

AIKEN

Yes, Lieutenant. The NAME!

WIECHMANN

Well, ah...

HOLT

Objection!

AIKEN

There is no academy of the kind in  
Richmond, is there, sir?

HOLT

Objection, your honor!

AIKEN

Perhaps, you visited Richmond for  
another purpose entirely?

HOLT

The question is argumentative.

AIKEN

I'll withdraw the question.  
Lieutenant, you worked for the General  
in charge of rebel prisoners, did  
you not?

WIECHMANN

Yeah, so?

AIKEN

So perhaps, a distinguished clerk like yourself knew information...

WIECHMANN

What sort of 'information'?

AIKEN

Of the sort that might've been of divine interest to many rebels within the capital of the Confederacy.

HOLT

Objection, your honor! The witness is not on trial here.

The prisoner, LEWIS PAYNE, yells out from the dock.

LEWIS PAYNE

He ought to be!

GENERAL HUNTER

Objection allowed. The witness is not on trial.

AIKEN

Sir, I am simply trying to establish the credibility... or rather, the lack of credibility.

HOLT

Objection!

GENERAL HUNTER

Colonel Aiken, you are incriminating the witness.

AIKEN

"incriminating the witness"! The Lieutenant shared a room with John Surratt. I think it reasonable to conclude Mr. Wiechmann might know a thing or two about this plot to assassinate our President.

HOLT

Your honor, what the Colonel "concludes" is entirely irrelevant!

GENERAL HUNTER

Counselor, unless you have something more pertinent to ask, the witness will stand down.

AIKEN

No, sir. No. I have nothing more "pertinent" to ask.

EXT. CENTURY CLUB -- EARLY EVENING

A discrete BRASS SIGN is all that identifies the entrance. Illuminated by GAS LANTERNS, it says all one needs to know about the elite, all-male SOCIAL CLUB inside:

**The Century Club  
- A Gentleman's Preserve -**

INT. CENTURY CLUB - SMOKING ROOM -- SAME

Aiken enters the smoke-filled room. A HALF-DOZEN young HOTSHOTS, including Baker and Hamilton, are playing poker.

HAMILTON

Someone should tell the Colonel he's got on the wrong uniform.

AIKEN

I thought we're permitted to dress down in here, if no lady is present.

BAKER

Fred's right.

HAMILTON

My mistake then. I just thought the Colonel traded his blues for gray.

Several laugh at Aiken.

AIKEN

Is Treasury now hiring arselickers or did they make an exception for you, Bill? 'Cause after I'm done making a name for myself in the trial of the century, I'll need to protect my rear.

The men start laughing at Hamilton.

HAMILTON

That name is Judas.

Hamilton rises. Squares off with Aiken.

BAKER

Knock it off, Hamilton. Aiken, sit down and join the game.

AIKEN

I've got to prepare for trial.

BAKER

You've got time enough for a drink. Hamilton's buying.

Aiken reluctantly takes a seat. Baker deals Aiken in.

BAKER (CONT'D)

So, Freddie. Tell us. How did you know?

AIKEN

"Know"?

BAKER

That the Lieutenant was lying. That there's no divinity school in all of Richmond.

AIKEN

I didn't.

BAKER

You bluffed?

AIKEN

And he folded.

Several chuckle aloud with the notable exception of Hamilton, who refuses to join in any adoration of Aiken.

At that instant, SECRETARY STANTON passes by the door. Stanton holds a menacing gaze on Aiken for several moments before exiting frame. Hamilton observes the exchange.

HAMILTON

Appears the Secretary doesn't care much for your cards!

HOLD ON: Aiken looking visibly troubled.

INT. U.S. CAPITOL - REVERDY JOHNSON'S OFFICE - NEXT MORNING

Aiken, still concerned, confers with Reverdy Johnson, who is reviewing the previous day's TRIAL TRANSCRIPT.

AIKEN

He did not look pleased.

REVERDY JOHNSON

Your cross wasn't exactly what Stanton's kangaroo court had in mind. I'm sorry I wasn't there to enjoy it.

Reverdy smiles. Aiken does not.

AIKEN

Wiechmann would've said anything to save his hide. But it still doesn't justify Mary Surratt befriending Booth or the others.

REVERDY JOHNSON

The makings of a case, but hardly proof beyond a reasonable doubt.

AIKEN

What about those "secret meetings" Wiechmann testified to?

REVERDY JOHNSON

Louis Wiechmann is a liar. You practically said so in court.

AIKEN

Wiechmann is just the start. Who knows what else they've got on her.

REVERDY JOHNSON

Exactly. 'Cause Stanton is keeping it under lock and key -- in violation of every known rule of evidence.

AIKEN

If the Secretary's so out of line, why are we the only ones saying so? Not one court in the nation has objected to this tribunal. And the public supports it ten to one.

REVERDY JOHNSON

Because everyone's scared to death. You did read Cicero at that fancy school of yours?

Aiken nods.

REVERDY JOHNSON (CONT'D)

*Inter Arma Silent Leges.*

AIKEN

"In time of war, the law is silent."  
(a beat)  
But the war is over.

REVERDY JOHNSON

Stanton intends to keep it alive for as long as he sees fit.

Reverdy pushes a newspaper in front of Aiken. HEADLINE reads:

**Stanton warns of future Rebel Plots:  
Poisoning Nation's Water Supply,  
Spreading Smallpox & Firebombing Cities**

REVERDY JOHNSON (CONT'D)

Fear is the most potent weapon in the Secretary's arsenal.

AIKEN

Who's to say any of this won't happen? The unthinkable already has. 600,000 men slaughtered on the battlefield. Our President murdered while in office. The world has changed -- and so must we.

REVERDY JOHNSON

Don't be so eager to throw away Mary Surratt's rights. One day, you may need them.

AIKEN

Sir, I appreciate your confidence in me. I really do. But you should find someone who gives a damn if her rights are violated. I don't. Not after what she did.

REVERDY JOHNSON

You're right, Fred. I can't expect you to care. I'll tell you what: if you prove to me beyond a reasonable doubt she's guilty, I'll take you off this case.

AIKEN

Are you serious, sir?

Reverdy nods. Aiken smiles.

REVERDY JOHNSON

You think it'll be that easy?

AIKEN

I know it.

EXT. U.S. ARSENAL PRISON -- MORNING

As the SUN beats down on the prison walls.

INT. MARY SURRETT'S CELL -- SAME

Aiken enters and finds Mary, to his surprise, kneeling in prayer before a Catholic priest, FATHER WALTER, late-30's.

AIKEN

Pardon me, Father. I wish to confer with the prisoner.

MARY

Speak freely, Mr. Aiken.

AIKEN

Alone, if you don't mind.

MARY

All things are naked and open unto the eye of the Lord.

FATHER WALTER

Quite all right, Mary. I must be going anyway. See you in a week.

MARY

Thank you for visiting, Father Walter. Your words were most comforting.

Father Walter departs. Mary puts aside her Bible, removes her reading glasses.

MARY (CONT'D)

*Search me, and know my heart.*

(MORE)

MARY (CONT'D)

*Try me, and know my thoughts. And see if there be any wicked way in me.*

AIKEN

*The Lord knows the way of the wicked, and the way of the wicked will perish.*

MARY

You know your Proverbs, young man.

AIKEN

My father read them to me each night.

MARY

Is that right?

AIKEN

Said it contained all I needed to know. Good versus evil, right versus wrong.

MARY

Is your world so black and white?

AIKEN

When it comes to doing what's right.

A beat.

MARY

So, what is it you wish to know?

AIKEN

Why Booth and his associates were constantly in your home?

MARY

I ran a boardinghouse, Mr. Aiken. Forgive me if I chose to fill it with boarders.

AIKEN

I checked your registry. There's no record Booth ever stayed with you. Fact is, he checked into the National whenever he came to town. So, why was he a regular in your home?

MARY

I suppose my son invited him. They were friends.

AIKEN

A famous actor like Booth engaging your son out of friendship. I find that hard to believe.

MARY

My Johnnie is no less a gentleman than you, Mr. Aiken, and capable of forming acquaintances in society.

AIKEN

I've read all about your family's acquaintances, ma'am. About your late husband contributing to the Confederate cause; about your eldest son, Isaac, fighting for the rebel army down in Texas; and about your 'Gentleman' Johnnie, too.

MARY

What about him?

AIKEN

He made quite a sum as a Confederate courier carrying rebel secrets across enemy lines. So, I know damn well what your family's capable of, and I know you're not telling me the truth.

MARY

Then you know what I do not.

AIKEN

You were despondent over losing the war, and would've done anything to save the Confederacy -- including using your own son, John.

MARY

Honestly, Mr. Aiken.

AIKEN

So, you arranged a meeting with Booth -- figuring he'd befriend your son because of what John knew -- what expert couriers know --

MARY

And what might that be?

AIKEN

The best escape routes out-of-town.

MARY

I take it there's more.

AIKEN

Your son was supposed to lead the other assassins to freedom that night. Except, your son was the only one that got away.

MARY

Quite persuasive, Mr. Aiken. Except my son was up in Canada at the time of the assassination.

AIKEN  
Where exactly in Canada was he?

MARY  
Exactly, I don't know.

Off Aiken's DISBELIEF.

MARY (CONT'D)  
Does your mother know your exact  
whereabouts at all times?

Silence.

MARY (CONT'D)  
Very well.

Mary withdraws a wrinkled POSTCARD from inside her corset.

MARY (CONT'D)  
My son sent this to me from Canada,  
the same day as the assassination.  
Proves he was out-of-town that night.

AIKEN  
Proves nothing. He could've had it  
sent.

Aiken drops the card. It flutters to the cell floor. Mary scrambles in her chains to retrieve it. Aiken looks down at Mary with a cold detachment.

AIKEN (CONT'D)  
Perhaps, to save your daughter, you'd  
consider telling me the truth.

Mary turns, looks up beseechingly at Aiken.

MARY  
What's happened to Anna?

Aiken LIES to her.

AIKEN  
She's disappeared.

MARY  
Where to?

AIKEN  
I have no idea. I suspect they intend  
to hang her alongside of you.

MARY  
You're cruel, Colonel Aiken.

AIKEN  
If you want to help her, ma'am, you  
better start telling me the truth.

MARY

I'll tell you anything to protect my daughter. Even if it means confessing to something I did not do.

AIKEN

Guard.

Aiken raps on the cell door.

AIKEN (CONT'D)

I'm not defending your lies any longer. And I damn well am not making enemies on account of you.

Aiken begins to exit.

MARY

You say you want the truth, Mr. Aiken. But you're so blind with vengeance, you can't see it anymore.

AIKEN

Try me.

MARY

My son abhorred the North. We all did! How can a Southerner not feel anything but bitterness towards your side for denying us our independence? But, my son did not conspire to kill your President.

A beat. Aiken turns to leave.

MARY (CONT'D)

He conspired to kidnap him.

Aiken STOPS DEAD in his tracks.

AIKEN

KIDNAP Lincoln?

CUT TO:

...A SLENDER MAN, 21, with wispy goatee atop a horse.

PULL BACK: EXT. COUNTRY ROAD -- DAY (**FLASHBACK**)

It is JOHN SURRATT, and he's concealed in the bushes along a remote road. SIX more HORSEMEN are hidden on either side. All but John Surratt are familiar from the trial -- ATZERODT, ARNOLD, HEROLD, O'LAUGHLIN, PAYNE and BOOTH.

A FANCY CARRIAGE approaches from around the bend. The kidnappers await Booth's signal to strike.

Suddenly, Surratt's HORSE bucks prematurely.

The COACHMAN spots him, then the others. He strikes his whip, plunging his Carriage forward. Booth SIGNALS to pursue.

The Carriage races ahead. Booth and Payne cut through the WOODS. The Coachman takes it too fast around a curve, causing his Carriage to pitch momentarily onto two wheels.

Booth and Payne intercept the Carriage, their RIFLES drawn. Surratt is the last to pull up alongside.

Everything is already well under control. The Coachman is unlocking the Carriage door. But Surratt is overeager and pokes him with his GUN.

JOHN SURRATT  
We got ourselves Abe.

He exclaims as the Carriage door is pulled open, revealing -- TWO MIDDLE-AGED LADIES -- corpulent and panic-stricken.

Booth looks DAGGERS at Surratt.

EXT./INT. SURRATT BOARDINGHOUSE -- LATER (**FLASHBACK CONT.**)

The failed KIDNAPPERS ride up to the front stoop, as seen from Mary's POV out the parlor window. As John Surratt leads the others INSIDE, Mary retreats to the back of the house where Anna is cleaning.

MARY  
Anna, upstairs.

ANNA  
Mother.

MARY  
Now.

Anna heads upstairs. Mary remains. She can barely make out what is being said down the hall.

SAMUEL ARNOLD, 31, is barking at DAVID HEROLD, 23.

SAMUEL ARNOLD  
The war is lost now 'cause of you.

DAVID HEROLD  
I was told he'd be there.

JOHN SURRATT  
He's right. I heard the same thing.

MICHAEL O'LAUGHLIN  
(to Surratt)  
You couldn't even control your mount.

LEWIS PAYNE  
Fools like you two are the reason  
we're losing this fight.

Payne pushes Surratt. O'Laughlin squares off with Herold. Booth raises his PISTOL. He points the barrel at Herold.

BOOTH  
Enough!

DAVID HEROLD

I'm sorry. It won't happen again.

Then he aims it at Surratt. Holds it there.

JOHN SURRETT

Wilkes, what are you doing?

Booth fingers the trigger. Mary calls out.

MARY (O.S.)

Johnnie Surratt, I'd like a word with you.

Booth lowers his gun.

BOOTH

Answer, Johnnie. Your mommy's calling.

Off the others laughing at the young man, we CUT BACK TO --

PRESENT TIME: INT. MARY'S CELL --

Aiken is rapt as Mary reveals the details of the plot.

MARY

Seemed they planned on ransoming him in exchange for all the Confederate soldiers kept inside your prisons.

AIKEN

Why didn't you report them to the authorities?

MARY

'Cause one of 'them' was my son.

AIKEN

Instead of kidnapping the President, your son helped murder him -- and he nearly got the Vice President and Secretary of State as well.

MARY

No. Not my Johnnie.

AIKEN

Damn it, ma'am. You just said so yourself.

MARY

No, my son is not a murderer.

Aiken thrusts Mary's BIBLE at her.

AIKEN

Swear to it.

Mary's agony is evident...

As we CUT TO --

INT. SURRATT BOARDINGHOUSE -- NIGHT (**FLASHBACK**)

DOWNSTAIRS, Anna cooks a meal for many. UPSTAIRS, Mary enters her son's bedroom to find John busy packing.

MARY  
Wash up, Johnnie. Supper will be ready shortly.

JOHN SURRATT  
I can't stay, mama. I have to leave town straightaway.

MARY  
What could be more pressing than fried chicken?

JOHN SURRATT  
Nothing that need worry you. Just some cotton speculating, that's all.

MARY  
Don't sport with me, son! You're not stepping outside this house.

JOHN SURRATT  
Don't speak to me like I'm a child.

MARY  
You and Anna are all the family I've got left. I'll be damned if I let you run off and do something else foolish.

JOHN  
"Foolish!" What I'm fighting for is far more important than any of us.

MARY  
Sweetheart, nine tenths of our army is buried underground. You think they'll wait until we grow another? The war is all but over, love. There is nothing more you can do.

JOHN  
The war is far from over, mother. There's still much we can do!

John turns to leave. Mary grabs hold.

MARY  
John, please.

JOHN  
Unhand me, mother.

But Mary won't let go. John pushes Mary as he tries to break free. She stumbles, banging her face on the table -- cutting her eyebrow. Blood begins to trickle down her face.

BOOTH (O.S.)  
 (shouts from downstairs)  
 John, are you coming or not?

JOHN SURRETT  
 For God's sake, mother, if this cause  
 ain't worth dying for, what is?

He turns and exits. Off Mary's dismay we CUT BACK TO --

AIKEN (O.S.)  
 And this happened when?

PRESENT TIME: INT. MARY'S CELL --

A SCAR, now healed, is above Mary's RIGHT EYE.

MARY  
 April 3rd.

AIKEN  
 Eleven days prior to the  
 assassination?

Mary nods. Tears are streaking her face.

AIKEN (CONT'D)  
 So then you admit your son did  
 conspire to murder President Lincoln?

MARY  
 I don't know.

AIKEN  
 May God help you.

Aiken turns for the door.

MARY  
 Honestly, I don't. Lord, I pray  
 not. I only know that I did not.  
 (a beat)  
 I swear.

Mary's hand is on the Bible. Off Aiken and Mary in silence.

EXT. ARSENAL PENITENTIARY -- MOMENTS LATER, DUSK

As Aiken exits the front gate.

He stops and turns back toward the prison -- with a look of  
 stunned disbelief.

And then continues on his way...

EXT. BOARDINGHOUSE -- SHORT TIME LATER

Aiken purposefully ascends the front stoop. He salutes the  
 new SOLDIER posted out front, and enters without knocking.

INT. BOARDINGHOUSE -- CONTINUOUS

Aiken beelines for Anna, who is sweeping up shattered glass.

AIKEN  
You knew about the train ticket,  
didn't you?

ANNA  
And good evening to you, Colonel.  
Did you see my mother?

AIKEN  
She's fine.

ANNA  
You told her not to worry about me?

Again, Aiken lies.

AIKEN  
Yes, I told her. Why didn't you  
just give me the ticket? Instead of  
hoping I'd find it.

Anna ascends a ladder to fix a broken window.

ANNA  
Because you never would've offered  
it in Court.

AIKEN  
What are you talking about?

ANNA  
Chain of Custody: the ability to  
guarantee evidence from collection  
to presentation in Court.

Off Aiken's surprised look, Anna explains --

ANNA (CONT'D)  
Counselor, a boardinghouse with no  
guests leaves one with plenty of  
spare time.

Then nods to a stack of law journals nearby.

AIKEN  
Then you're aware I can't possibly  
defend your mother unless I know  
what's coming next.

ANNA  
Meaning?

AIKEN  
I believe you know what witnesses  
the prosecution may call, and the  
evidence they'll use against her.

ANNA

Wonderful, Mr. Aiken. Now, you're accusing me of "building the nest". At least you're introducing reasonable doubt for my mother.

Smash! Anna whacks a broken pane from the window.

AIKEN

Do you need some help?

ANNA

I can manage.

AIKEN

Please let me do it.

ANNA

Thanks just the same. But my father and brother's example taught me never to depend on a man.

A beat.

AIKEN

How long did you know Lt. Wiechmann was working for the Confederacy?

ANNA

A while. And he didn't work hard enough.

AIKEN

Excuse me.

ANNA

Lou was too much of a coward to devote himself to the Cause. That's why I'd never consider marrying him.

AIKEN

He proposed to you?

ANNA

Don't seem so surprised by the notion, Mr. Aiken. Fact is, I was in love with a man -- not a boy. Lt. Wiechmann didn't like that.

AIKEN

You really think that's why he testified against your mother?

ANNA

*For it is written, vengeance is mine.*

AIKEN

Any other Louis Wiechmanns I need to be prepared for?

Anna, atop the ladder, turns and catches Aiken's eye wandering up the back of her skirt.

ANNA

Are you more interested in me or  
defending my mother, Colonel?

AIKEN

I'm interested in the truth. Starting  
with: where's your brother?

ANNA

I don't have the slightest idea.

AIKEN

Then perhaps you'll level with me  
about what I can expect next at trial.

Several beats ensue.

AIKEN (CONT'D)

You're going to have to learn to  
"depend" on me, Miss Surratt.

Anna thinks on it.

Finally, she descends the ladder. She gestures Aiken into  
the PARLOR -- the exact spot where Booth and the others met.  
As Anna and Aiken begin to go over the case, we CUT TO --

HOLT (O.S.)

...Let us proceed with events  
immediately following the  
assassination of President Lincoln.

PULL BACK: INT. ARSENAL PRISON - COURTROOM -- NEXT MORNING

MAJOR H.W. SMITH, precise in manner and response, fills the  
WITNESS BOX. (The Major was seen earlier reporting to Stanton  
immediately after the assassination.) The prosecutor, HOLT,  
is beside him, as the case against Mary Surratt continues.

HOLT

Major Smith, what were your duties  
that night?

MAJOR SMITH

I was charged with finding John  
Surratt.

INT. SURRATT BOARDINGHOUSE - PARLOR -- NIGHT (**FLASHBACK**)

A DOZEN POLICEMEN ransack the house, flipping over furniture,  
paintings and rugs. A PATROLMAN approaches Major Smith.

PATROLMAN #1

No sign of the son.

PATROLMAN #2 comes down the stairs.

PATROLMAN #2

Major, take a look.

He hands the Major a stack of card-sized PICTURES.

PATROLMAN

We found these upstairs in the  
daughter's bedroom.

Pointing at Anna Surratt, still in her nightshirt. Louis  
Wiechmann is nearby, looking fearful.

INSERT: Each IMAGE as the Major flips through them:

-- First, a half-dozen DAGUERREOTYPES of CONFEDERATE GENERALS,  
including pictures of Generals Lee, Beauregard and Jackson.

-- Then, a PRINTED CARD featuring the seal of the state of  
Virginia with Confederate flags.

-- And lastly, a color LITHOGRAPH of a nursery fable, titled:  
**"Morning, Noon & Night"**.

The Major examines the fable more closely. He flips it over,  
revealing a PHOTO on the reverse side of **JOHN WILKES BOOTH**.

MAJOR SMITH

Young lady, does this belong to you?

Mary shields her daughter.

MARY

This young lady belongs to me!

PRESENT TIME: INT. COURTROOM --

Holt holds up the CARD baring the Virginia state seal.

HOLT

Major. Please read aloud what's  
inscribed here.

The Major positions his reading glasses.

MAJOR SMITH

*Sic semper tyrannis.*

HOLT

Can you translate?

MAJOR SMITH

Of course. "Thus always for tyrants."

HOLT

Are these words familiar to you?

MAJOR SMITH

Indeed. Booth yelled them after he  
butchered our President.

HOLT

And you found the same -- just an  
hour later -- in her daughter's  
bedroom next to a photo of the  
assassin himself?

MAJOR SMITH  
Like a shrine, sir.

AIKEN  
That's preposterous. *Sic semper tyrannis* is the state motto of Virginia. This is hardly proof of a shrine to Booth.

General Hunter interjects with contempt.

GENERAL HUNTER  
No more proof is needed, Colonel.

Aiken is stunned silent.

HOLT  
Major Smith, please tell us what happened next.

MAJOR SMITH  
As I was fixin' to take the Surratts down to headquarters for questioning, I heard a commotion outside...

...The sound of several men SHOUTING.

INT. SURRETT BOARDINGHOUSE - FOYER -- NIGHT (**FLASHBACK**)

Major Smith draws his gun before opening the back door. Lewis Payne (Booth's TALL ASSOCIATE, who attacked the Secretary of State) is standing in the doorway.

Payne is sweating profusely -- like the fugitive he is -- with PICKAXE in hand. He is surrounded by TWO SOLDIERS.

SOLDIER #1  
We found him sneaking around outside.

PAYNE  
I told these imbeciles a lady inside asked me to dig a gutter for her.

MAJOR SMITH  
At this time of night?

PAYNE  
In the morning. I just wanted to know what time I should start.

Major Smith turns to Anna, who is watching from the doorway.

MAJOR SMITH  
Is this true?

Anna says nothing. Major Smith calls into the PARLOR.

MAJOR SMITH (CONT'D)  
Mrs. Surratt. Come here a moment.

Major Smith spots BLOODSTAINS on the back of Payne's sleeve. He takes the pickaxe from his hand.

MAJOR SMITH (CONT'D)

Did you hire this gentleman to do a job for you?

MARY

Absolutely not. I've never seen him before in all my life.

PRESENT TIME: INT. COURTROOM --

Holt stands beside Lewis Payne at the prisoners' dock.

HOLT

Is this man, Lewis Payne, the one she denied knowing?

MAJOR SMITH

Yes, sir.

HOLT

The same man, who has confessed to boarding at the Surratt's several times -- prior to daggerin' the Secretary of State and his kin.

MAJOR SMITH

Yes.

HOLT

Thank you, Major. Nothing further.

Holt sits down triumphantly. Aiken rises.

AIKEN

Are you aware Mr. Payne boarded at the Surratt's under an alias, claiming to be a Baptist minister from Baltimore named Wood?

MAJOR SMITH

That's what she claimed.

AIKEN

Supposing it was the truth. Supposing Mrs. Surratt simply failed that night to recognize Wood, the preacher, in the guise of Payne, the ditch digger.

MAJOR SMITH

Not possible. He stood barely two paces in front of her.

Aiken pulls a LETTER from his briefcase.

AIKEN

Your honor, I present the court with a notarized letter from Dr. Sanford Wilkerson, a well respected optometrist in town.

Aiken presents the letter to General Hunter.

AIKEN (CONT'D)

Mary Surratt has been a patient under his care for the past six years, suffering from severe presbyopia -- more commonly known as farsightedness.

General Hunter examines the letter. But not before having to put on a pair of READING GLASSES himself.

AIKEN (CONT'D)

Major Smith, it was late at night. The defendant was dressed for sleep. Isn't it possible she merely had trouble seeing him?

MAJOR SMITH

Well, I uh..

AIKEN

A simple yes or no.

MAJOR SMITH

Yes, it's possible...I suppose.

AIKEN

So, it's also possible you -- or rather we -- might also be wrongfully accusing her of disloyalty too?

Major Smith holds up the daguerreotypes.

MAJOR SMITH

I think these more than indicate her allegiances, Colonel.

AIKEN

Have you not seen the like in stores around town?

MAJOR SMITH

Yes, of course, but...

AIKEN

So, do you intend to arrest me too?

Aiken presents to the Court an identical set.

AIKEN (CONT'D)

What's next? Rounding up everyone whose name rhymes with General Lee?

Several laugh aloud, including Baker and Catherine.

MAJOR SMITH

Course not.

AIKEN

Then I dare say, we ought to presume the accused is innocent unless we have proof beyond a reasonable doubt.

(MORE)

AIKEN (CONT'D)

(a beat)

A thirst for vengeance, Major, is not enough to avenge this crime.

Even Hamilton has to admire Aiken's commanding presence....

INT. REVERDY JOHNSON'S HOME -- LATER THAT EVENING

Reverdy Johnson is eating his supper ALONE.

The doorbell rings. A STEWARD goes to answer the door. Reverdy calls out.

REVERDY JOHNSON

I'll take the transcript in here.

MAN'S VOICE (O.S.)

Sure you don't want me to read it aloud?

Reverdy instantly recognizes the voice, looks up. It's STANTON. He hands Reverdy the transcript.

STANTON

You're associate is putting up quite a spirited defense. Reminds me of a lawyer I faced 35 years ago.

REVERDY JOHNSON

He learned to fight in your army.

STANTON

Our young men certainly have been through four years of hell.

REVERDY JOHNSON

And we older ones better ensure it was worth the fight.

STANTON

Reverdy, you've done as much for our nation as anyone I know.

REVERDY JOHNSON

Feeling's mutual, Ed.

STANTON

Don't you think it's time us war horses called a truce?

REVERDY JOHNSON

Not if you insist on staging this abomination.

STANTON

What you consider an 'abomination' will do more to keep the peace than any paper treaty could.

REVERDY JOHNSON

How'd you convince yourself of that?

STANTON

Because it will deter the South from conspiring again. And discourage the North from seeking revenge.

REVERDY JOHNSON

What about the rule of law?

STANTON

For God's sake, we've never known an enemy like this. They enjoy our freedom at the same time they plot to destroy us. Your actions only serve to aid them -- by eroding our unity and diminishing our resolve.

REVERDY JOHNSON

By abandoning our laws we become just like them.

Stanton begins to leave.

STANTON

You may prefer eating alone, Senator. But do you really want the Colonel doing so the rest of his life?

(a beat)

If he continues this way, this case will destroy him. You know I'm right about this.

Off Reverdy Johnson taking this in...

BAKER (O.S.)

So, this one time we were surrounded by a rebel column...

PULL BACK: INT. PRIVATE RESIDENCE - DINING ROOM -- SAME

Aiken is seated at an elegant DINING TABLE surrounded by friends -- notably Baker and Hamilton. Catherine is across from Aiken. Baker is mid-story.

BAKER

Their General yells out, "I demand you surrender immediately!" Well, Freddie shouts back, "My compliments, General. But we don't surrender!"

All eyes are once again on Aiken.

BAKER (CONT'D)

"Hope you said your prayers," the General replies. "Cause they're 400 of us. And only 100 of you!"

Aiken pretends not to revel in the attention.

BAKER (CONT'D)

"Heck, we've got less than that," Freddie hollers back.

(MORE)

BAKER (CONT'D)

"But we don't surrender. So, shut up and come get some." And with that, Freddie pulls down his pants and bares his ass.

FEMALE GUEST

No, he didn't.

BAKER

As the moon is my witness.

Laughter.

FEMALE GUEST #2

So, did they come?

Hamilton jealously glares at his date.

BAKER

Six times. And each time the General shouts out, "I won't ask you again. Now, surrender at once."

(a beat)

"Pray don't," Freddie shouts back. "For we never surrender!" And then he blows a tremendous fart in their direction.

FEMALE GUEST #3

He didn't!

BAKER

His seventh was so deadly it sent them runnin' for their lives!

The TABLE erupts in laughter.

CATHERINE

Doesn't seem like the Colonel ever intends to surrender.

BAKER

Only for the right woman.

Baker smiles reassuringly at Catherine.

HAMILTON

Appears the Colonel has surrendered to one -- she's fair, fit and 45.

AIKEN

I don't see why the Lieutenant insists on bringing his mother into this.

More laughter. Hamilton seethes. Baker attempts to pacify.

BAKER

Freddie, why don't you tell us what your conspirator is really like. I'm sure we'd all like to know.

FEMALE GUEST #1  
 (contemptuously)  
 I understand she's a Catholic.

FEMALE GUEST #2  
 Is it true she wears black from head-  
 to-toe as if she's in mourning?

AIKEN  
 Perhaps, by papal decree.

HAMILTON  
 How did you do it, Fred?

AIKEN  
 How did I do what?

HAMILTON  
 Destroy that Major on cross like  
 that? The doctor's letter, the  
 postcards... You didn't bluff your  
 way through this one.

As Baker raises his artificial leg --

BAKER  
 My leg's falling asleep. Let's go  
 dance.

HAMILTON  
 You knew what was coming, didn't  
 you, Fred? Those meetings with the  
 Surratt girl seem to be paying off.

An awkward silence. Baker glances at Catherine.

BAKER  
 Are you through, Bill?  
 (Hamilton says nothing)  
 Good. Now, let's dance.

Baker rises. The others follow suit. We HOLD ON Aiken and  
 Catherine -- still seated...

...Gradually, PIANO MUSIC begins to fill the room.

PULL BACK: INT. SALON -- LATER

As Baker is now at a piano, playing/singing, "*The Children  
 of the Battle Field*". He has a sonorous voice. But only  
 Aiken is around to hear it.

BAKER  
 Upon the Field of Gettysburg  
 The full moon slowly rose,  
 She looked, and saw 10,000 brows  
 All pale in death's repose...

Baker continues singing as Aiken is deep in thought and wine.  
 Catherine enters the room.

CATHERINE

If I had known it was a wake, I'd  
have dressed more appropriately.

Aiken turns to take in Catherine's floral dress.

AIKEN

You're the vision of perfection,  
Catherine.

CATHERINE

You lie, pass gas and never surrender.  
Quite a catch.

(a beat)

Why defend her, Freddie?

AIKEN

Not you too, Catherine.

CATHERINE

Is it because of Senator Johnson? I  
know your father and he were very  
close. But you don't owe it to either  
of them.

AIKEN

Of course not.

CATHERINE

Does it have to do with Anna Surratt?

Aiken is taken aback.

AIKEN

Bill is an ass.

CATHERINE

I understand she's very beautiful.

AIKEN

Catherine, please.

CATHERINE

I accepted not hearing from you for  
18 months. The front must've been  
horrible. But I will not accept  
your silence on why you're defending  
her.

AIKEN

I don't know.  
(off her skepticism)  
Honestly, Catherine. I don't.

Catherine can see Aiken means it. A beat.

CATHERINE

Just one more thing.

AIKEN

You're the one who doesn't  
"surrender". What? What do you  
need to know?

CATHERINE

Does the Colonel still remember how  
to dance?

They exchange looks.

He holds out his hand. She takes it. Baker starts to play  
a slow waltz on the piano. With each turn across the floor,  
the distance between Aiken and Catherine becomes less.

Aiken inhales Catherine's scent as she grasps his shoulder.  
His eyes begin to fall to half-staff. His head rests against  
hers. It looks as if Aiken is finally going to surrender.

Suddenly, he pulls away.

CATHERINE (CONT'D)

What is it?

AIKEN

There's something I need to ask you.

CATHERINE

Of course, Freddie. You can ask me  
anything?

Off Catherine waiting expectantly...

AIKEN (O.S.)

I want you to wear this in court  
today.

PULL BACK: INT. MARY'S CELL -- NEXT MORNING

As Aiken presents Mary with Catherine's floral DRESS. Mary  
doesn't take it.

MARY

I want the truth from you this time.

Aiken knows exactly what she's after.

AIKEN

Anna never went missing.

MARY

She's been helping you all along?

Aiken nods.

MARY (CONT'D)

How could you lie to me about such a  
thing?

AIKEN

I needed to know the truth about  
your son.

MARY

Nothing they do to me could compare to the torture of not knowing my daughter was ok.

AIKEN

I'm sorry.

Aiken pulls out NEWSPAPER CLIPPINGS from his briefcase.

MARY

Please leave.

AIKEN (CONT'D.)

(reads from a clipping)

"Mrs. Surratt looks no less masculine than the male prisoners on trial -- removing any doubt a woman like her could be capable of such a crime."

(re. other clippings)

The others are less kind.

Aiken holds out the dress. Mary refuses it.

MARY

It matters none to me what they think.

AIKEN

It matters to me. This country has never executed a woman. We need those Generals to begin seeing their own wives in you.

Mary grimaces momentarily, but conceals it from Aiken.

MARY

You speak of womanhood with such reverence, Mr. Aiken. Yet, we aren't trusted enough to vote, while a former slave now can as long as he has \$250.

(heavy Southern drawl)

Yes, I'm certain y'all would prefer I acted like a good Southern lady. Met my fate in that pretty dress with a painted face. But, I'd prefer to act naturally. And take the consequences like a man.

AIKEN

Please. Ma'am. Wear the dress, smile at those Generals and pray they show you some mercy.

Mary holds a beat. She starts undressing in front of Aiken.

AIKEN (CONT'D)

What are you doing?

MARY

Just obeying orders, Colonel.

She drops her black dress to the floor. Starts unlacing her corset. She is now standing in a calf-length chemise. She slips off her pantalettes, and tosses it into the bucket.

MARY (CONT'D)  
Come now, Freddie, don't be shy.  
Surely, you've undressed a woman.

AIKEN  
You're insane.

Mary presses up against Aiken, seductively.

MARY  
I'm just showing you how I'd please  
those Generals.

AIKEN  
Stop it!

Aiken pushes Mary to the ground, just as her son did at the boardinghouse. But this time Mary doesn't get up.

AIKEN (CONT'D)  
Ma'am?  
(no response)  
Ma'am. Are you alright?

Aiken spots her chemise in the bucket, stained BLOOD RED.  
Aiken calls out.

AIKEN (CONT'D)  
Call a doctor.

Mary remains crumpled, clutching her belly.

AIKEN (CONT'D)  
Call a doctor. NOW!

...A door marked: **SECRETARY of WAR**

PULL BACK: INT. WAR DEPT. - STANTON'S OFFICE -- LATER

An AIDE intercepts Aiken outside Secretary Stanton's door.

STANTON'S AIDE  
I'm sorry, sir. No one sees Mr.  
Stanton without an appointment.

Joseph Holt emerges from inside.

HOLT  
Good morning, Colonel. Perhaps I  
can be of assistance.

AIKEN  
If you can arrange a meeting for me  
with the Secretary. My client is  
not well.

HOLT

So I heard. Just a touch of the woman's curse, thank goodness. She'll be well enough to continue with her trial within a few days. In the meantime, we'll pursue our case against the other Conspirators.

AIKEN

My client requires a proper meal and some fresh air. Otherwise, I can not assure you she'll be fit for trial. Which is why I must see the Secretary -- immediately.

HOLT

Unfortunately, he's quite busy right now. Perhaps, you'd take a turn with me instead.

Aiken hesitates.

HOLT (CONT'D)

Please, Colonel.

Aiken reluctantly follows Holt outside.

EXT. PENNSYLVANIA AVENUE -- CONTINUOUS

As Aiken and Holt continue their conversation across swampy Pennsylvania Avenue. The WHITE HOUSE looms in the background.

HOLT

One of the Conspirators refuses to be guarded by a Negro. Another will only eat his mother's cooking. We can't accommodate every whim.

AIKEN

I'm merely asking you stop treating her like a savage.

HOLT

How dare you accuse US of savagery?

An AMPUTEE crosses in front of Holt and Aiken's path.

HOLT (CONT'D)

Have you forgotten how our own were treated by the rebels? Thousands starved to death at Andersonville. Not to mention the horrors for those held at Libby and Liggett's Farm.

AIKEN

It hardly enhances our cause to act as the enemy would.

HOLT

Security demands it.

AIKEN

Mary Surratt is not a present danger,  
I assure you.

HOLT

Can you say the same about her  
daughter?

AIKEN

Anna Surratt? Of course. But I'm  
sure you've been tracking her every  
move.

HOLT

Not well enough. She disappeared  
last night.

AIKEN

What? Where is she?

HOLT

I thought you might know.

AIKEN

I have no idea.

HOLT

Then I can only conclude she does  
not wish to be found -- much like  
her brother.

Both men pass inside the prestigious CENTURY CLUB.

INT. CENTURY CLUB - STAIRCASE -- CONTINUOUS

As Aiken and Holt continue up the Club's GRAND STAIRCASE.

HOLT

...Counselor, I appreciate your zeal  
in defending your client. But I  
hardly think it prudent to do so at  
your own peril.

AIKEN

"Peril"?

HOLT

You exhibit a bright future, dear  
boy. Don't dim it by mounting  
unnecessary campaigns.

AIKEN

You offer me no other alternative.

Holt freezes, makes certain NO ONE else is listening.

HOLT

I think I know a way to save both  
your client -- and yourself.

A beat.

HOLT (CONT'D)

I'll deny ever telling you this.  
Understood?

Off Aiken nodding...

EXT. COURTYARD, U.S. ARSENAL PRISON -- LATE AFTERNOON

A beautiful late Spring day.

Aiken spots Mary across the open-air courtyard. She has made a swift recovery -- exercising in the sunlight, her arms now free of chains. She is wearing the dress given to her by Aiken, the plunging neckline tempered by a shawl.

Father Walter passes Aiken, after having prayed with Mary.

AIKEN

Good Morning, Father.

FATHER WALTER

Colonel.

Aiken approaches Mary tentatively.

MARY

You should've pushed me down a month ago, if that's what it took to spell me from that cage. Feel that sun. Now, all I need is a few boiled oysters with Spanish olives.

(giddy)

Your mama ever boil oysters for you, Frederick?

Aiken is taken aback by Mary's use of his first name.

AIKEN

No, ma'am. I never had the good fortune to taste my mother's cooking.

MARY

She doesn't cook?

AIKEN

She passed when I was born.

MARY

I feel for your loss -- and hers.

(a beat)

Some day I'll make oysters for you -- with Spanish olives, of course. You must never eat 'em without the olives.

AIKEN

I look forward to it.

Aiken struggles for the right words.

AIKEN (CONT'D)

Mary. I, uh...

MARY

Young man, I don't believe I've seen you at a loss for words.

Aiken comes right out with it.

AIKEN

Do you know where your son is hiding?

MARY

(laughs)  
My Johnnie! 'Course not!

AIKEN

The government believes you do.  
That you're in contact.

MARY

From here?

AIKEN

Ma'am, you need to tell us where he is.

MARY

"US!" Whose side are you on?

AIKEN

I'm trying to save your life.

MARY

By suggesting I trade my son's life for my own. Seems more like you're trying to save yourself.

AIKEN

How dare you! You think I asked to defend you?

MARY

'Course not. But every time you walk out those gates, something pulls you back inside. Well, if you're looking to slip out the back door, you'll have to unlock it yourself. Because I have no idea where my son is hiding.

AIKEN

How about your daughter?

MARY

You've already played that card, Mr. Aiken. Now, if you please, I wish to enjoy the rest of this glorious day. There may not be many more left.

Mary resumes her exercises.

AIKEN (O.S.)

Are you absolutely certain?

PULL BACK: INT. CAPITOL -- REVERDY'S OFFICE -- EARLY EVENING

As Aiken now confers with Reverdy Johnson.

REVERDY JOHNSON

The Secretary assures me they don't have her.

AIKEN

Anna chose to flee? Why would she do that?

REVERDY JOHNSON

Perhaps she's as guilty as her brother.

AIKEN

Do you believe that?

REVERDY JOHNSON

It matters none. Fact is with two children abandoning Mrs. Surratt, it'll only be seen one way -- their mother must be guilty.

AIKEN

I think Mary may be innocent.

REVERDY JOHNSON

Is that so? Well, "Mary" and "Anna", they're my concern now. Your wish is granted, Fred. I'm taking you off the case.

Reverdy rises, heads for the door.

INT. AIKEN'S OFFICE -- CONTINUOUS

Aiken chases after Reverdy.

AIKEN

But you said I had to prove her guilty.

REVERDY JOHNSON

You haven't proven she's not.

AIKEN

So, you don't think I'm up to the task of defending her?

REVERDY JOHNSON

Quite the contrary. I just think it's best for all concerned that I take over from here.

AIKEN

But your presence in that courtroom will antagonize those generals. You said so yourself.

REVERDY JOHNSON

I can manage.

But Aiken soon realizes Reverdy isn't only referring to the case as he's just followed his boss inside the --

WATER CLOSET --

Embarrassed, Aiken quickly exits. Reverdy closes the door.

REVERDY JOHNSON (O.S.)

(calls out)

Few will soon forget on whose side you fought here, Fred. Trust me, it's a lonely place to be.

AIKEN

(calls back)

Sir, a man must be willing to walk on faith alone. You said so yourself.

REVERDY JOHNSON

This habit of quoting me back to me is most irritating.

Flush. Reverdy reemerges from the water closet.

REVERDY JOHNSON (CONT'D)

You've got your mother's conviction. And your father's annoying habits.

Reverdy returns to his office with Aiken in tow...

INT. REVERDY'S OFFICE -- CONTINUOUS

AIKEN

With all due respect, I never knew my mother. And my father only through his books. So, the only bad habits I picked up are from you -- sir.

(a beat)

Mary Surratt is entitled to a defense. So, I shall defend her.

Reverdy thinks on it.

REVERDY JOHNSON

Are you sure you want this?

AIKEN

Unfortunately. Yes.

REVERDY JOHNSON

Very well, Fred.

(another beat)

So, tell me, how do you intend to convince the Generals she's innocent after they hear she was carrying a package from Booth -- just hours before he murdered Lincoln?

AIKEN

According to her daughter, she was merely returning a favor to Booth.

REVERDY JOHNSON

Dr. Mudd did Booth a favor by fixin' his broken leg. Now, he's facing life in prison. Edward Spangler held Booth's horse outside Ford's Theater and is looking at hard labor. So, don't do your client any "favors" by offering that as a defense.

AIKEN

What do you suggest I do?

REVERDY JOHNSON

If it's John Surratt they want, then present him to those Generals on a platter. It's the only chance she's got.

AIKEN

How? I haven't a clue where he is. And if all the resources of the Government can't find him, I hardly think I will by hour's end.

REVERDY JOHNSON

I don't mean in body -- in spirit. You must prove to them her son is responsible -- not her.

AIKEN

Mary won't like it. She insists on leaving him out of it.

REVERDY JOHNSON

Better to hate you alive, than love you from the grave.

A long beat as we CUT TO --

FULL SCREEN: on an ARTIST'S SKETCH of the next WITNESS.

PULL BACK: INT. U.S. ARSENAL PRISON - COURTROOM -- NEXT DAY

As we reveal the SKETCH is being drawn by a member of the Military Commission -- GENERAL LEWIS WALLACE. (Note: General Wallace is perpetually sketching throughout the trial.)

HOLT

Mr. Lloyd, you are employed by Mary Surratt, are you not?

JOHN LLOYD, 54, rotund and ruddy-cheeked, wears a Panama hat, white suit and as many folds on the back of his red neck as around his waist.

LLOYD

Yes, sir. I run a tavern started by her late husband many years ago.

Aiken looks over at Mary. She looks away.

HOLT

On the afternoon President Lincoln was assassinated, did Mrs. Surratt pay you a visit?

LLOYD

Yes, sir. Indeed. In the company of Lt. Louis Wiechmann.

EXT. MARYLAND COUNTRYSIDE -- TAVERN - AFTERNOON (**FLASHBACK**)

Mary and Wiechmann ride atop a BUGGY along a COUNTRY ROAD. A wooden TAVERN sits atop a rolling plain. Wiechmann guides the buggy up to the PORCH as Lloyd rushes out to greet them.

PRESENT TIME: INT. COURTROOM --

Holt continues his line of questioning.

HOLT

Mrs. Surratt gave you a package, did she not?

LLOYD

Yes, sir. C'rect, sir. A small package, wrapped in newspaper...

EXT. TAVERN -- AFTERNOON (**FLASHBACK**)

As Mary hands the WRAPPED PACKAGE to Lloyd on his back porch.

PRESENT TIME: INT. COURTROOM --

HOLT

Did she tell you where the package came from?

LLOYD

She told me it came from John Wilkes Booth.

The Gallery begins to stir.

HOLT

From 'Booth!' And what exactly did she give you?

AIKEN

Objection!

HOLT

Objection?

AIKEN

Yes. There's no proof the defendant knew herself. He just testified the package was wrapped.

HOLT

She damn well handed it to him.

AIKEN

Mr. Booth was friends with John Surratt -- not the defendant.

Mary glares at Aiken.

GENERAL HUNTER

Objection overruled. The witness will answer the question.

HOLT

Mr. Lloyd, what was inside?

LLOYD

Field glasses, sir.

HOLT

Are these the ones?

Holt holds up a pair of BINOCULARS. Lloyd inspects them.

LLOYD

'Xactly.

HOLT

Did she give you any instructions?

LLOYD

Sir?

HOLT

Instructions, Mr. Lloyd. Instructions which might affect this trial?

The QUESTION puzzles both Aiken and Mary. Lloyd reacts to "**instruction**" as though it were a CODE.

LLOYD

Oh, yes...yes, sir.

(as if memorized)

She told me: "Lloyd, get those shooting irons ready. There'll be parties here tonight who'll call for them."

MARY

You liar!

Mary screams out. General Hunter slams his gavel.

GENERAL HUNTER

Control yourself, ma'am. Such outbursts will only prejudice your case.

Mary guffaws.

GENERAL HUNTER (CONT'D)

You find that amusing?

MARY

I just don't see how I could possibly further prejudice this case.

GENERAL HUNTER

Counselor, control your client!

Aiken turns to Mary. But he, too, can barely contain his own amusement at Mary's quip. They share a quick smile.

HOLT

'Shooting irons!' To what was she referring?

LLOYD

Army rifles, sir. Hidden in the joists above my storeroom.

HOLT

By whom?

LLOYD

By her son, John. Six weeks earlier.

Lloyd glares over at Mary.

HOLT

And were these weapons called for as per the defendant's instructions?

LLOYD

Yes, sir. Around midnight, sir, the night of the assassination. By two men on horses. One of 'em I'd seen before...

Lloyd points at DAVID HEROLD, 22, inside the prisoners' dock. Herold bows his head.

LLOYD (CONT'D)

...The other kept his mount. He was a stranger to me, and seemed to have injured his leg.

EXT. TAVERN -- MIDNIGHT (**FLASHBACK**)

Booth, with a broken ankle, remains atop his HORSE outside Lloyd's tavern. His identity is concealed behind his collar.

Herold dismounts from his ride and follows Lloyd inside.

LLOYD (V.O.)

I fetched the rifles and field glasses, supposing they were the parties Mrs. Surratt had meant.

Herold returns moments later with the SUPPLIES in hand.

LLOYD (V.O.)

The two of 'em rode off so fast, they could've outrun creation and give it two mile the start.

Booth and Herold race into the night.

PRESENT TIME: INT. COURTROOM --

HOLT

Thank you, Mr. Lloyd. Thank you very much. Your witness, Colonel.

Holt returns to his seat, a smug grin on his face.

AIKEN

Mr. Lloyd, you just testified Lt. Wiechmann accompanied the defendant that afternoon?

LLOYD

That's right.

AIKEN

So then I can correctly assume he'd also testify to having heard Mrs. Surratt's instructions to you?

LLOYD

No.

AIKEN

"No"? But they were seated side by side.

LLOYD

She took me out by the wood pile and told me out of earshot.

AIKEN

You're saying no one else heard this conversation? Just you and her?

LLOYD

That's just the way it happened. Sir.

AIKEN

Of course it is.

Aiken and Holt exchange glances.

AIKEN (CONT'D)

When did you first learn the President had been assassinated, Mr. Lloyd?

LLOYD

No one will ever forget the moment they heard. I was told early the next morning by a Captain Cottingham, who was searching for the assassins.

AIKEN

No doubt, you were most upset!

LLOYD

Indeed. I got myself right smart in liquor the remainder of the day.

AIKEN

In fact, you're right smart most days. Aren't you, mate?

LLOYD

I enjoy a round or two.

AIKEN

You shared a few with the defendant's late husband, isn't that right?

LLOYD

Every now and again.

AIKEN

You were fond of him, weren't you?

LLOYD

He was always good for a laugh.

AIKEN

And for overlooking a debt.

LLOYD

We had an understanding.

AIKEN

Which you and the defendant don't. In fact, the day she and Mr. Wiechmann visited the tavern, Mrs. Surratt inquired about a significant sum you owed her late husband. Isn't that correct?

LLOYD

Yeah, so?

AIKEN

So, you have a financial stake in the outcome of this trial.

LLOYD

If you're suggesting I aim to profit from our President's death, I've got a good mind to put you in the ground.

AIKEN

Your words, Mr. Lloyd, not mine.

Lloyd stands up as if he's going to attack Aiken.

HOLT

Objection! This courageous witness is a former policeman. He deserves our gratitude, not unfounded accusations.

GENERAL HUNTER  
Sustained. Mr. Aiken, show the witness some respect.

AIKEN  
Yes, General. Thank you, Mr. Lloyd. We're all so indebted to you.  
(a beat)  
May I continue, your honor?

General Hunter nods.

GENERAL HUNTER  
Please be seated, Mr. Lloyd.

Lloyd does as told. Reverdy enters the back of the courtroom.

AIKEN  
Mr. Lloyd, when this Captain Cottingham visited you after the assassination, did he ask anything in reference to the assassins?

LLOYD  
He asked if any parties had passed through. Naturally, I told them about the two I knew.

Aiken withdraws a document from his files.

AIKEN  
According to this witness report, you didn't actually inform him until two days later.

LLOYD  
I was frightened is all.

AIKEN  
Perhaps, you feared you might be considered an accessory.

LLOYD  
I told him it was through the Surratts that I'd gotten myself in such a difficulty.

AIKEN  
John Surratt to be more precise. After all, he's the one who concealed those "shooting irons" inside your tavern months earlier. Not you.

LLOYD  
That's right.

AIKEN  
Perhaps, he threatened to foreclose on your tavern if you refused.

Lloyd looks confused. Mary leans forward in her chair.

AIKEN (CONT'D)  
 Were those John Surratt's  
 "instructions" to you?

LLOYD  
 (getting Aiken's gist)  
 Yes, exactly. He said he'd take it  
 away from me if I didn't do what he  
 said.

HOLT  
 Objection. There's no evidence John  
 Surratt did anything of the sort.  
 And since Mr. Surratt's whereabouts  
 are unknown at this time --

AIKEN  
 -- As the General said, Mr. Surratt's  
 absence from this proceeding is Mr.  
 Surratt's problem.

By quoting Hunter's own words, he's forced his hand --

GENERAL HUNTER  
 Objection overruled.

AIKEN  
 So, if John Surratt could implicate  
 a dear friend of his father's, like  
 yourself, who's to say he didn't do  
 the same to his own mother as well.

Mary lunges at the rail.

MARY  
 Stop this. Stop this right now.

HOLT  
 Objection.

AIKEN  
 Or that the only crime Mary Surratt  
 may be guilty of is having given  
 birth to her son, John.

MARY  
 How dare you! You have no right.

General Hunter bangs his gavel repeatedly.

HOLT  
 Objection, your honor. This is an  
 outrage.

GENERAL HUNTER  
 Objection sustained. Mr. Aiken, I'm  
 warning you.

AIKEN  
 But sir --

GENERAL HUNTER  
That will be all, counselor!

One of the MEMBERS of the COMMISSION points to his WATCH.  
General Hunter takes it as a CUE and abruptly changes course.

GENERAL HUNTER (CONT'D)  
As you know, tonight marks  
Washington's celebration honoring  
our soldiers. We shall adjourn now  
to prepare our faces for this  
evening's festivities. Mr. Lloyd,  
you may step down.

Lloyd exits the WITNESS BOX, very satisfied with himself.  
Aiken says to Lloyd under his breath --

AIKEN  
So, what did they promise you?

HOLT  
Objection, your honor!

GENERAL HUNTER	AIKEN
Counselor, control yourself.	Bet a case of whiskey is all it took.

Aiken and Lloyd begin to square off as if to fight.

GENERAL HUNTER  
Control yourself. Or I will hold  
you in contempt.

A BAILIFF steps between Aiken and Lloyd, quickly escorting  
the latter outside. General Hunter slams his gavel.

GENERAL HUNTER (CONT'D)  
We'll reconvene promptly at 09:00.  
(to Aiken)  
And when we do, young man, you'd  
better comport yourself in a more  
appropriate manner. Or else you'll  
find yourself in the brig alongside  
the others.

Hunter slams his gavel. Holt looks at Aiken as if to say:  
"you're playing with fire." Mary glares at him with contempt.

Reverdy Johnson looks distressed for Aiken. There's no  
turning back now.

...FIREWORKS explode into the NIGHT SKY.

PULL BACK: EXT. WASHINGTON CITY -- NIGHT

The NATION'S CAPITAL consumed in CELEBRATION, its MONUMENTS  
bathed in light. We HOLD ON a BANNER that reads:

**The Century Club  
Honors  
OUR FIGHTING HEROES**

PULL BACK: INT. CENTURY CLUB - ENTRANCE -- NIGHT

GUESTS pass beneath the banner on their way to the grand ballroom upstairs. WALTZ music filters down from above.

The Century Club is filled with the POWERS-THAT-BE and POWERS-TO-BE, mostly attired in their finest military dress.

Aiken enters quite dapper in his dress whites. Eager for a festive night-on-the-town. Catherine is on his arm.

They pass the Club Steward, OTIS, on his way upstairs.

AIKEN/CATHERINE  
Good evening, Otis.

OTIS  
Evenin', Colonel. Miss Morgan.

Suddenly, Otis' expression changes from welcome to alarm.

OTIS (CONT'D)  
Just a minute, Colonel Aiken. Can I have a word?

Otis ushers Aiken out of Catherine's earshot.

OTIS (CONT'D)  
They're tellin' me I ain't allowed to let you in there.

AIKEN  
What are you talking about?

As Catherine waits patiently, she spots a BULLETIN BOARD posted nearby.

DEAR MEMBERS:

*...Reverend Peale has agreed to...  
...Construction will begin on...*

Finally **SETTLING** on:

**...The membership of MR. FREDERICK AIKEN  
has been rescinded effective immediately  
as a result of conduct unbecoming  
The Century Club.**

**E.M. Stanton  
Chairman, Board of Governors**

Suddenly, the sound of LAUGHTER -- Hamilton, with beauty in tow, and Baker arriving. Aiken turns to Baker.

AIKEN (CONT'D)  
Nick, would you please take Catherine inside for me.

BAKER  
Is everything alright?

AIKEN

Everything's fine. I'll join you as soon as I can. Go ahead, darling. Enjoy the evening. Gentleman.

Aiken turns and heads for the door. Baker extends his arm.

BAKER

Even on one I can outdance him.

CATHERINE

And one less foot for me to step on. Another night, Nick.

Catherine kisses Baker on the cheek, and heads for the door.

OTIS

Shall I call you a carriage, Miss Morgan?

CATHERINE

Thank you, Otis.

Hamilton calls out.

HAMILTON

Sure you don't want to join us, Catherine?

She turns and glares at Hamilton. And heads out the door without answering.

EXT. CENTURY CLUB -- MOMENTS LATER

Catherine exits. Otis motions for a carriage to pull forward. Aiken suddenly appears.

AIKEN

I've got it, Otis.

Aiken helps Catherine into the CARRIAGE.

CATHERINE

I saw the announcement.

AIKEN

I'll take care of it in the morning. I'm sorry about this evening.

Tears begin to fill her eyes.

CATHERINE

I'm sorry too.

She slips off her engagement ring and returns it to Aiken. The Carriage rides off. Aiken is now the outsider, and ALONE.

...A flash of LIGHTNING.

PULL BACK: EXT. WASHINGTON CITY - STREET -- LATER

As BOLTS now light up the sky, replacing the fireworks. They illuminate Aiken, who walks alone in a torrential RAIN.

A THUNDERCLAP echoes overhead. A UNION BAND marches past, joyfully playing "Yankee Doodle" in the downpour.

Aiken is forlorn and soaking wet. He spots a PUB ahead -- **THE BLUE GOOSE & OYSTER BAR** -- and quickly ducks inside.

INT. BLUE GOOSE SALOON & OYSTER BAR -- CONTINUOUS

Aiken enters the pub, which is filled with a much ROUGHER CROWD than the upper crust at the Century Club gala.

All eyes seem to follow him as he removes his drenched Union coat, and settles on a stool at the end of the bar.

AIKEN

Whiskey.

BARTENDER

Got none.

AIKEN

How 'bout that bottle over there?

Aiken points to a WHISKEY BOTTLE, three-quarters full.

BARTENDER

I don't want no trouble, Colonel.

He gestures to the PATRONS, all fixed on Aiken. A BLOCK-HEAD leans in from Aiken's right, glaring at Aiken's uniform.

BLOCK-HEAD

(southern accent)

Yanks ain't welcome here.

Several MORE TOUGHS now circle behind. There's no mistaking now this is a Rebel bar.

Nervously, Aiken rises to leave. A BARREL-CHEST blocks him.

BARREL-CHEST

You're the one defending that Surratt women, aren't you?

Aiken nods as he prepares for the worst.

BARTENDER

Why didn't you say so?

Suddenly, the entire pub descends upon Aiken. But instead of attacking him, they're hailing Aiken like a hero.

HOLD ON: Aiken's expression registering his DISMAY.

CUT TO:

INT. AIKEN'S RESIDENCE -- A SHORT TIME LATER

Aiken stumbles home dripping wet and drunk.

He crosses inside his modest flat -- legal briefs, army mementoes and dirty clothes are strewn about.

Framed DAGUERREOTYPES fill his mantel, including one of a young woman (Aiken's MOTHER). A closer look reveals she's inside a coffin, her death portrait. Another image is of a young Aiken with his very formal-looking FATHER. A portrait of PRESIDENT LINCOLN is the last photo shown.

Aiken's windows are also broken like Anna's -- a ROCK pile is on the sill. One is inscribed: **DIE REBEL DIE.**

Aiken begins removing his soggy clothes to prepare for sleep -- suddenly, a HAND grabs his bare shoulder from behind.

Aiken whirls, takes the attacker's feet out from under him, knocks him to the ground, and pins him...pins HER!

FAMILIAR VOICE (O.S.)  
Frederick, stop. It's me.

As we reveal ANNA SURRATT, with Aiken straddling her, one hand to her throat, another raised to strike.

AIKEN  
What the hell.

Aiken, now suddenly sober, relaxes his grip.

ANNA  
She's very beautiful.  
(Off Aiken's confusion)  
I saw you go in your club tonight.

Aiken rolls off of Anna.

AIKEN  
Anna. They think you're as guilty as your brother. Where have you been?

A long beat. Then softly --

ANNA  
You still want to know where he is?

Another beat.

AIKEN  
You don't have to do this. No one should have to choose between their mother and their brother.

ANNA  
I found out how...

Aiken cuts her off.

AIKEN

Please. I never should've put you  
in this position. I'm so sorry.

ANNA

Can you save my mother without him?  
(no reply)  
Can you, Fred?

A long pause.

AIKEN

Probably not.

Anna's eyes fill with tears. Aiken desperately wants to  
comfort her. She desperately wants to be comforted. Instead,  
she hands him a NOTE and flees. Off Aiken's turmoil...

...A splash of WATER.

PULL BACK: INT. CATHEDRAL -- EARLY MORNING MASS

As we reveal a BABY being BAPTIZED. Proud PARENTS and  
GRANDPARENTS surround a PRIEST performing the ritual bath.

Aiken watches the tender scene from a rear pew.

The Priest, his identity still obscured, passes the Infant  
off to an ASSOCIATE, then exits through a side door.

Aiken follows behind.

AIKEN (O.S.)

I'm told you know the whereabouts of  
John Surratt.

PULL BACK: INT. CHAPEL ANNEX -- MOMENTS LATER

The Priest's identity is now revealed -- FATHER JACOB WALTER  
(the Cleric twice shown visiting Mary in jail.) Aiken shows  
him the note on Anna's stationary with Walter's name on it.

FATHER WALTER

You've been misinformed.

AIKEN

I need to see him right away.

FATHER WALTER

Not possible, Colonel. As I told  
Miss Surratt, I can only pass along  
a message. We believe it safer for  
everyone concerned.

AIKEN

'We'?

Father Walter pinches his cleric's COLLAR.

FATHER WALTER

A few of us have chosen to provide  
him sanctuary.

AIKEN

You don't seem troubled by your choice.

FATHER WALTER

You prefer he, too, be crucified by this mob?

AIKEN

'Crucified'!

Aiken's loud exclamation brings one of Father Walter's ASSOCIATES to the CHAPEL DOOR. Aiken lowers his voice.

AIKEN (CONT'D)

John Surratt is hardly the 'Prince of Peace.' He's accused of murder and treason. Concealing him is not only immoral, Father, its illegal.

FATHER WALTER

(clutching a Bible)

My laws are written here, counselor. My allegiance to God.

AIKEN

Forgive me, Father, but that's a bunch of cock-and-bull. The Bible bears just as many interpretations as does anything else. It does not give you the authority to decide right from wrong.

FATHER WALTER

You prefer Stanton having the power instead?

A beat.

FATHER WALTER (CONT'D)

I will pass along a message, Colonel. But John Surratt, alone, will choose whether or not to turn himself in.

Off Father Walter...

GENERAL HUNTER (O.S.)

Colonel Aiken, do you wish to call a witness in defense of the accused?

PULL BACK: INT. PRISON - COURTROOM -- A SHORT WHILE LATER

The courtroom is sweltering like an inferno. Many fan themselves with little relief.

AIKEN

Yes, your honor. I do. Will Miss Anna Surratt please step forward.

Anna Surratt enters the courtroom.

As Anna is seated inside the WITNESS BOX, she gets her first glimpse of her mother, nearly moving both to tears.

Aiken, sensing Anna is coming apart, steps near. Just as he's about to say something --

ANNA  
(resolute)  
I'm fine.

As we CUT TO --

EXT. FOREST -- SAME

A flock of GEESE fly over a secluded LOG CABIN, tucked inside a dense WILDERNESS. A RIVER roars beside.

A MAN in a dark suit wades across the river towards a YOUNG FISHERMAN casting for SALMON. A closer look reveals the suited man is a GRAY-HAIRED CLERIC. He bears an ENVELOPE, which he hands to the Young Fisherman.

A closer look reveals the Young Fisherman is JOHN SURRATT, as we CUT BACK TO --

INT. COURTROOM -- SAME

Aiken stands beside Anna at the witness box.

AIKEN  
Miss Surratt, when is the last time you saw your brother, John?

ANNA  
Monday, the 3rd of April.

Aiken turns to the Commission for emphasis.

AIKEN  
Eleven days prior to the assassination. Did he say where he was headed?

She shakes her head.

GENERAL HUNTER  
Please answer for the record.

ANNA  
He did not. He only told me he had to leave town.

AIKEN  
Miss Surratt, was your brother involved in a conspiracy to assassinate President Lincoln and other members of the Government?

Anna looks at her mother, then looks away.

ANNA  
I can't say.

AIKEN

You can't? Or you won't?

ANNA

I don't know if he was involved. I only know that my mother was not.

Aiken glances at Wiechmann, seated in the gallery.

AIKEN

According to Lt. Wiechmann, your mother "welcomed" these prisoners into her boardinghouse with open arms.

ANNA

It's not true. He's lying.  
(turns to Wiechmann)  
How could you? She would sit up and wait for you at night, the same as for my own brother.

HOLT

Objection.

GENERAL HUNTER

Miss Surratt. You will address this Commission, not the gallery. Is that understood?

Anna nods.

AIKEN

Did your mother object to these men being at the boardinghouse?

ANNA

She said she did not understand why strange persons should call there.

AIKEN

Then why didn't she refuse them?

ANNA

She supposed their object was to see my brother.

AIKEN

John Surratt?

ANNA

Yes.

AIKEN

So she was merely treating them politely as any lady would?

ANNA

Yes.

AIKEN  
 What about John Wilkes Booth? Did she object to him as well?

ANNA  
 Mr. Booth was not a stranger.

AIKEN  
 In fact, he was friends with your brother, John. Was he not?

Mary calls out to Aiken.

MARY  
 That is enough.

Anna glances at her mother.

AIKEN  
 Please answer the question, Miss Surratt.

Anna proceeds, tentatively.

ANNA  
 I never asked my brother what his friendship was to Booth.

AIKEN  
 But the fact remains, Mr. Booth frequently called on your brother.

ANNA  
 Yes.

Aiken presents a piece of evidence already presented in court -- the picture called "Morning, Noon and Night".

AIKEN  
 Does this belong to you?

ANNA  
 It was given to me by that man, Wiechmann.

AIKEN  
 But it was you who put the photo of John Wilkes Booth behind it?

ANNA  
 Yes. I went to a daguerrean gallery one day to get a picture taken. I saw some photographs of Mr. Booth there, and being acquainted with him, I bought one, and took it home.

AIKEN  
 Your brother must've been pleased you thought so highly of his friend.

ANNA

When my brother saw it, he told me to tear it up and throw it in the fire. And that if I did not, he would take it from me.

AIKEN

Why? Why would your brother tell you to do that?

ANNA

You'll have to ask him.

AIKEN

Thank you, Miss Surratt. That will be all. Your witness.

He turns to Holt.

HOLT

We have nothing, your honor. The People view Miss Surratt's situation with compassion. And can understand how she'd be moved to conceal her mother's guilt, even offering up her own brother as a sacrificial lamb.

ANNA

But I'm telling the truth. My mother is innocent.

HOLT

The truth is based in fact -- not emotion.

AIKEN

The truth, sir, is the truth. Not what you choose to make of it.

GENERAL HUNTER

If there are no further questions, the witness may stand down.

ANNA

You've got to believe me.

GENERAL HUNTER

Please call your next witness, Mr. Aiken.

Anna remains in the witness box.

GENERAL HUNTER (CONT'D)

Miss Surratt, you are dismissed.

Anna tentatively begins to leave the witness box. She looks to her mother. Mary looks back with disappointment.

AIKEN

Your honor, everyone else I wish to call has either been silenced by jail or the threat of one.

HAMILTON  
 (asides to Baker)  
 Disloyalty surrounds itself with  
 disloyal friends.

Anna overhears Hamilton on her way to the door.

GENERAL HUNTER  
 I take it then the defense rests.

Aiken glances at Mary. She won't even look at him. Aiken turns back towards General Hunter -- and nods. Anna holds a moment at the door, devastated. As she exits, we CUT TO --

...A SALMON flipping for its life inside a WICKER CREEL.

PULL BACK: EXT. FOREST -- DAY

As JOHN SURRATT sits mournfully beside his fishing basket, the opened ENVELOPE in hand, flapping in the wind.

AIKEN (O.S.)  
 After the most thorough investigation  
 in our nation's history...

PULL BACK: INT. COURTROOM -- SAME

As Aiken begins his closing argument.

AIKEN  
 ...the government's entire case  
 against Mary Surratt rests on three  
 acts alone:

The courtroom is rapt -- Baker, Catherine, even Hamilton.

AIKEN (CONT'D)  
 1.) That she befriended John Wilkes  
 Booth and his fellow Conspirators;  
 2.) That she carried a package from  
 Booth with "instructions" the day of  
 the assassination; and  
 3.) That she failed to recognize  
 the prisoner, Lewis Payne, at the  
 time of her arrest.

Aiken rises from his chair.

AIKEN (CONT'D)  
 By themselves, these three acts  
 constitute no crime. You, or I,  
 might've done the same. But the  
 prosecution insists she did so with  
 evil intent -- largely on the  
 testimony of two witnesses: Louis  
 Wiechmann and John Lloyd.

Aiken glances at WIECHMANN and LLOYD in the Gallery.

AIKEN (CONT'D)

Yet, all the facts suggest they should be on trial. At best, their own actions undermine their credibility. At worst, they've done the unspeakable -- gained their freedom by falsely accusing another of their crime.

(crossing the courtroom)

But let there be no doubt why Mary Surratt is here today. It is because of one person: her son, John.

(his back to Mary)

John Surratt invited Booth and his associates into her home. She did not. And he hid the rifles and ammunition inside Lloyd's tavern. Not her.

Aiken spots Reverdy, who nods his approval.

AIKEN (CONT'D)

If John Surratt was part of this conspiracy, I hope he receives every punishment known to man. But if Mary Surratt can be convicted on such insufficient evidence, then none of us is safe.

Aiken pauses in front of Baker and Hamilton.

AIKEN (CONT'D)

To preserve the Union, I'd have given my life. Now, I find myself without a side. Neither with the North or against the South. My friends have become foes -- my enemies, allies.

(looks at Hamilton)

But to abide by our Constitution is not a question of latitude and longitude -- North or South. It's about what kind of nation are we. One ruled by laws? Or by the fury of our People?

Aiken examines a picture of Lincoln.

AIKEN (CONT'D)

What enemy should we fear most? Lincoln was asked. Will it come from Europe, Africa or Asia? No, he replied. If we're to be destroyed, it'll be from within. By failing to protect our Constitution and its laws.

He puts the image of Lincoln back down.

AIKEN (CONT'D)

So, if we are willing to die on the battlefield defending our nation against a hostile force... then we,

(MORE)

AIKEN (CONT'D)  
 too, must safeguard our founding  
 principles with our lives.  
 (a beat)

Above all, we must never sacrifice  
 our sacred rights -- out of a desire  
 for revenge -- when so many have  
 given their lives to preserve them.

Aiken returns to his seat, and glances at Mary. A small nod  
 expresses her gratitude. Out of the corner of his eye, Aiken  
 spots Catherine, who is visibly moved.

HOLT (O.S.)  
 Gentlemen. One bullet may have killed  
 our beloved President.

Holt begins his rebuttal.

HOLT  
 One bullet, but not one man!

We close on a WIDE SHOT of the CROWDED courtroom...

SLOW DISSOLVE TO:

The same WIDE SHOT of the courtroom, only now it's EMPTY --  
 indicating the TRIAL is OVER.

EXT./INT. FOREST -- LOG CABIN - NEXT DAY

The sound of nature fills the secluded log cabin.

John Surratt leans over a DESK with a bottle of BOURBON beside  
 as he agonizes over what to do.

INT. MARY'S CELL -- SAME

Aiken enters.

AIKEN  
 They're still deliberating. It's a  
 good sign.

Mary says nothing.

AIKEN (CONT'D)  
 I'm sorry I went after your son like  
 that. I felt I had no choice.

After several moments.

MARY  
 How 'bout we forget about the trial  
 for a while?

Aiken nods, pulls a deck of cards from his jacket pocket.

MARY (CONT'D)  
 Surely, there must be others you'd  
 prefer to play with.

AIKEN

I'm afraid I've lost my seat at the card table.

MARY

I reckon' that's true.

She takes the cards from Aiken's hands.

MARY (CONT'D)

Both my father and husband went to their eternal rest without a dime cause of these fifty-two.

AIKEN

Perhaps, you'd fancy this instead?

He withdraws a flask from his undercoat, which he smuggled inside. She takes the flask.

MARY

I fancy both -- straight up and seven card stud.

And she starts shuffling -- like a pro.

MARY (CONT'D)

Hopefully, my luck's about to change. What are we wagering?

AIKEN

Always the clothes on our backs.

A beat. Then Mary smiles. Aiken finds a spot across from her, on the floor. As she starts to deal, we hear --

MILITARY COMMISSION (O.S.)

(shouting, in unison)

Aye!

...NINE HANDS raised high in the air.

PULL BACK: INT. ELEGANT DINING ROOM -- NOON

As the NINE MEMBERS of the Military Commission are seated around a long dinner table with General Hunter at the head.

GENERAL HUNTER

Well then, we're all agreed on the penalty of death for the prisoners -- Herold, Atzerodt and Payne.

(a beat)

What about the woman?

Several Generals are barely paying attention as they feast on prime rib. GENERAL WALLACE, the perpetually sketching judge, draws a CHARIOT RACE on his place setting.

GENERAL HUNTER (CONT'D)

Regarding Mary Surratt. How many in favor, Gentleman?

STANTON (O.S.)  
 Damn it, Joseph! I told you she  
 must be punished to the full extent.

PULL BACK: INT. WAR DEPARTMENT - STANTON'S OFFICE -- LATER  
 SECRETARY STANTON is irate. HOLT attempts to appease him.

HOLT  
 Only four of the nine agreed with  
 your recommendation. The majority  
 favored a more merciful sentence -  
 life in prison - on account of her  
 age and sex.

STANTON  
 How else will her son surrender if  
 he's not forced to offer his life  
 for hers?

HOLT  
 I understand, sir. Unfortunately,  
 the Generals' minds are already made.

STANTON  
 Perhaps, not.

A long beat. Stanton's EYES remain hard and cold.

MARY (O.S.)  
 This Yank' up North comes home after  
 chopping some wood...

PULL BACK: INT. MARY'S CELL -- SHORT WHILE LATER  
 Aiken and Mary have now shared a few -- jokes and drinks.

MARY  
 ...Says to his wife, "Honey, my hands  
 are freezing."  
 (Aiken takes a drink)  
 "Put 'em between my thighs," she  
 replies, "That'll warm 'em up."

Aiken freezes mid-gulp.

MARY (CONT'D)  
 After lunch, he goes out and chops  
 some more wood. Says, "Sweetheart,  
 my hands are really freezing!"  
 "Well, put 'em between my thighs,"  
 (Mary downs her drink)  
 Before bed, the Yank' goes out one  
 more time to get 'em through the  
 night. "Dear, my hands are frozen,"  
 he says as he walks back inside.  
 For goodness sake," his wife replies,  
 "don't your ears ever get cold?"

Aiken spits his drink. Both he and Mary enjoy the moment.

Mary's smile slowly disappears.

MARY (CONT'D)

He hates me.

AIKEN

Pardon?

MARY

My son. It wasn't Lincoln he despised. It was me.

AIKEN

I don't follow.

MARY

I refused to have him turn out like his father. I wouldn't let him out of my sight. Kept him so close I made him sit out the entire War. Finally, he got the courage to break free, and become what he always wanted - what you are, Frederick.

AIKEN

What's that?

MARY

Your own man.

A long beat.

MARY (CONT'D)

Go to her.

Off Aiken's confusion, Mary says solemnly --

MARY (CONT'D)

I'm not looking forward to it. But I'm ready for what they have in store for me. Anna is not.

AIKEN

I'm not leaving you.

MARY

Please, Frederick. She's not as strong as she thinks.

Off Aiken taking this in --

INTERCUT: Shiny **DRESS SHOES** with worn RIDING BOOTS.

**Crossing cobblestone.** Traversing prison grounds.  
**Ascending wooden steps.** Climbing a steel staircase.

**A painted FRONT DOOR swings open...**

PULL BACK: EXT. /INT. SURRETT BOARDINGHOUSE -- DUSK

Revealing Aiken, in **dress shoes**, standing in the doorway. Anna, her eyes swollen red with tears, averts Aiken's eyes.

And then an IRON GATE pivots on its hinges...

PULL BACK: INT. MARY'S CELL -- SAME

Revealing a SOLDIER, barely 19, in riding boots. Mary looks him in the eye, as he begins reading aloud from a document.

YOUNG SOLDIER  
After mature consideration of the  
evidence...

As we INTERCUT from image-to-image, accompanied by the Young Soldier reading the verdict --

INT. CAPITOL, REVERDY JOHNSON'S OFFICE

Senator Johnson pulls a well-worn PAMPHLET off his shelf.

YOUNG SOLDIER (V.O.)  
...The Commission finds the said  
accused -- Mary Eugenia Jenkins  
Surratt...

As we CUT TO --

INT. LOG CABIN

John Surratt pours himself another drink.

YOUNG SOLDIER (V.O.)  
...GUILTY of conspiring to kill and  
murder Abraham Lincoln, President of  
the United States and Commander-in-  
Chief of the Army and Navy...

As we CUT BACK TO --

INT. BOARDINGHOUSE

Aiken follows Anna in as she attempts to conceal her distress.

YOUNG SOLDIER (V.O.)  
...GUILTY of conspiring to kill and  
murder, Andrew Johnson, Vice President  
of the United States...

As we CUT TO --

EXT. CENTURY CLUB

Baker, Hamilton and pals exit the Club joking and laughing. They are met by Catherine and several girlfriends.

YOUNG SOLDIER (V.O.)  
...GUILTY of conspiring to kill and  
murder, William H. Seward, Secretary  
of State of the United States...

As we CUT BACK TO --

INT. CELL

Mary's stoic expression remains unchanged.

YOUNG SOLDIER (V.O.)  
 ...The Commission does, therefore,  
 sentence you, Mary Surratt...

The Soldier stops, looks up at Mary before continuing, as we quickly CUT from one image to another --

-- Reverdy reading from the Constitution...  
 -- John Surratt downing his drink...  
 -- Aiken and Anna remain in silence, her back to him...

And then we CUT BACK TO --

INT. CELL

Mary calmly nods for the Soldier to continue reading.

YOUNG SOLDIER (V.O.)  
 ...To be hanged by the neck until  
 she be dead.

Mary maintains her "face" until the Young Soldier exits... then buckles, just a bit, from what she's just been told.

As we CUT BACK TO --

INT. BOARDINGHOUSE

Anna and Aiken remain in silence for several beats. Finally, Aiken says softly...

AIKEN  
 You were in love with Booth. That's  
 why you didn't burn his photo.

After a moment...

ANNA  
 I swear I had no idea what he was  
 capable of.

We HOLD ON Anna, as we CUT TO --

INT. BOARDINGHOUSE - KITCHEN -- NIGHT (**FLASHBACK**)

John Surratt storms inside as Anna, in an apron with her hair up, is preparing supper.

JOHN SURRETT  
 Booth is crazy. He's gonna get us  
 into trouble -- or worse.

ANNA  
 Calm down, John. Just tell me what  
 happened.

JOHN SURRETT  
 He told me to pack a bag. He didn't  
 say where I'm going. He just insists  
 I leave town tonight.

ANNA

Ok. Then go pack your bag.

JOHN SURRATT

Ma won't let me go -- even if I wanted.

ANNA

What he's fighting for... what we're fighting for is more important than any of us.

JOHN SURRATT

Richmond's fallen. The War is over.

ANNA

The War is far from over, John.  
There's still much we can do!  
(John doesn't budge)  
Don't be like Pa. Have the courage  
to see something through.

John angrily turns away, and storms up the stairs.

MAN'S VOICE (O.S.)

Impressive.

Anna is startled. Booth is standing in the kitchen doorway.

ANNA

Mr. Booth.

BOOTH

Anna. Looking as lovely as ever.

ANNA

"Lovely". Indeed, you are a fine actor.

Anna removes her apron in an attempt to make herself presentable.

ANNA (CONT'D)

How long have you been there?

BOOTH

Long enough to know the Cause would be better off with more like you.

ANNA

Thank you, Mr. Booth. That's a compliment I will accept.

There is an undeniable chemistry here.

Off-screen, Mary and her son are in a heated conversation.  
(NOTE: The rest of this scene is familiar from earlier in the script -- only we saw it from Mary's POV, not Anna's.)

MARY (O.S.)

There's nothing more you can do.

JOHN SURRATT (O.S.)  
The war is far from over, Mother.  
And there's still much I can do!

BOOTH  
Does he not have an original thought?

ANNA  
Think what you will, Mr. Booth, but  
he's still my brother.

BOOTH  
My apologies, Miss Surratt. I'll  
see to it he makes you proud.

MARY (O.S.)  
John, please.

JOHN SURRATT (O.S.)  
Unhand me, Mother.

Suddenly, there is a CRASH upstairs. Silence follows. Anna moves towards the stairs, but Booth grabs her arm.

BOOTH  
(shouts upstairs)  
John, are you coming or not?

Moments later, John Surratt comes down the stairs, a packed bag in hand. He blows past Anna, and says to Booth.

JOHN SURRATT  
Let's go.

Booth and Anna exchange a look. Booth follows John Surratt out the front door.

Several moments later, Mary comes down the stairs. She is bleeding from a cut above her eye.

Off Mary exchanging a long look with Anna, we CUT BACK TO --

PRESENT TIME: INT. BOARDINGHOUSE -- AFTERNOON

Anna, tears now streaking her face, is holding a WANTED POSTER featuring John Surratt.

ANNA  
It should be my face on this -- not  
his.

Aiken remains silent.

ANNA (CONT'D)  
I am such a coward. He's my younger  
brother. I should've protected him.  
But instead, I pushed him into it.

AIKEN  
You didn't know exactly what you  
were pushing him into.

ANNA

I know now. And yet I still told  
you where to find him, and damned  
him on the stand.

AIKEN

You did so to save your mother.

ANNA

They need to know what I did.

AIKEN

To what end? Because it will help  
your mother none.

ANNA

But it's the truth.

AIKEN

Does she know?

Anna nods.

AIKEN (CONT'D)

Then no one else needs to.

And Aiken turns for the door, and exits, leaving Anna alone.

EXT. BOARDINGHOUSE -- CONTINUOUS

Aiken begins to descend the steps. He hesitates a moment,  
thinks on it, and then continues on his way.

INT. CELL

Mary, at her cell window, soaks in the late afternoon  
sunlight, as we hear, off screen --

PAPER BOY (O.S.)

DEATH BY HANGING! DEATH BY HANGING

PULL BACK: EXT. WASHINGTON STREET

As a DOZEN CUSTOMERS surround a PAPER BOY, who is chanting  
the headlines aloud, almost gleefully.

PAPER BOY

Mary Surratt To Meet Her Doom...  
Four Assassins Die Tomorrow at Noon

Aiken happens upon the excitement, still unaware. As the  
crowd slowly parts, the headline is revealed to him:

**FOUR CONSPIRATORS TO BE EXECUTED**

-----

**Herold, Atzerodt, Payne**

**&**

**MARY SURRETT**

-----

**Others Get Prison Terms**

Aiken looks up from the paper and spots Catherine -- along with his mates -- across the street.

Aiken takes off. Only Catherine sees him scurrying away. While the others chatter about the impending executions, Catherine remains apart, with a look of dismay, as we cut to --

FULL SCREEN: Of a ROCK, wrapped with the latest newspaper, surrounded by shattered GLASS...

PULL BACK: INT. BOARDINGHOUSE - FOYER

Revealing Anna, slumped, sobbing, with the rock beside her. It's clear she's now heard the news.

INT. U.S. CAPITOL - AIKEN'S OFFICE -- MOMENTS LATER

Aiken, in disbelief. Reverdy Johnson is behind his desk.

AIKEN

Mudd, Arnold and O'Laughlin got life in prison instead of death. And Spangler only a half a dozen years.

REVERDY JOHNSON

Stanton doesn't want their sons. Any word from hers?

Aiken shakes his head.

REVERDY JOHNSON (CONT'D)

Then there's nothing more you can do.

AIKEN

There has to be something.

REVERDY JOHNSON

Fred, you've done everything you possibly could. Better than I would have done. But your only allegiance now must be to yourself.

AIKEN

There are at least a dozen grounds on which to appeal this verdict.

REVERDY JOHNSON

And you know there's no appealing it. That's why Stanton tried her in a military court.

AIKEN

What about petitioning the President for a stay?

REVERDY JOHNSON

The President signed the execution order. It's over.

AIKEN

Can you get me in to see him? I'll  
plead her case directly...

Reverdy cuts him off.

REVERDY JOHNSON

If John Surratt won't sacrifice  
himself, son, why should you? She's  
not your mother.

AIKEN

And you're not my father.

CHOIR BOY (O.S.)

Colonel Aiken?

A CHOIR BOY, 12, is standing in the doorway. Aiken nods.

CHOIR BOY

This here's for you.

The Boy passes him a NOTE. Aiken quickly reads it, then  
grabs his jacket and heads for the door.

REVERDY JOHNSON

Stanton will destroy you if you  
persist. Freddie, this is not a war  
you can win.

But Aiken is gone, as we CUT TO --

...The SOUND of screeching across a stone floor.

PULL BACK: INT. ARSENAL PRISON - SECOND FLOOR -- DUSK

A GUARD pushes a CART down the second-story CATWALK, stopping  
in front of DAVID HEROLD'S CELL. He passes a TRAY inside.

HEROLD receives the BEER and SANDWICH, his FINAL MEAL.

LEWIS PAYNE chews on a FAT CIGAR.

GEORGE ATZERODT cradles a BOTTLE of BOURBON.

PULL BACK: INT. MARY SURRATT'S CELL -- MAGIC HOUR

Aiken enters with Mary's TRAY. He raises the cover.

MARY

Boiled oysters!

AIKEN

And some laudanum to calm the nerves.

Aiken hands her a small bottle filled with liquid.

MARY

My goodness, you remembered the  
spanish olives.

AIKEN

It wasn't I.

Aiken nods toward the door, as Anna suddenly appears. Anna freezes in the doorway. Doesn't know what to do.

Mary opens her arms. Anna rushes into them. For the first time in a long while Anna is allowed to be a young girl again.

Mary cradles Anna in her arms. She takes in every inch.

MARY

I think this is what I'm going to miss most.

ANNA

Please, Mama. Don't...

Aiken moves toward the door to give them privacy.

MARY

You've heard from my son, Frederick, haven't you?

Aiken stops in his tracks.

MARY (CONT'D)

Fred.

AIKEN

I'm sorry.

MARY

Don't be. He's safe this way. These smell delicious, Anna. Let's just enjoy your oysters, shall we? Come, Frederick.

AIKEN

I'm going to appeal to Father Walter one last time.

MARY

I forbid you.

AIKEN

If I can produce your son, you just might live.

MARY

If you "produce" my son, they will hang him alongside of me.

AIKEN

You don't know that. For God's sake, Mary, make Father Walter tell us where they're hiding him.

MARY

I'll do no such thing. Some day, John will be found.

(MORE)

MARY (CONT'D)

Hopefully then, vengeance will no longer rule the day.

Anna can remain silent no longer.

ANNA

This is my fault.

MARY

Hold your tongue.

She glances at Aiken.

ANNA

He knows, Ma. He knows I pushed John into this.

MARY

You poor dear. You must put your mind at ease.

ANNA

I will never forgive myself.

MARY

You are not to blame, Anna.

AIKEN

Nor you, Mary. It is your son who should be held accountable. Forget what he did to the country. Look at what he's done to your family.

MARY

I assure you, Frederick, we will all be summoned before the judgment bar of God -- where every knee must bend and every tongue confess.

ANNA

Please, Ma. Let me tell them.

MARY

Shhh, my sweet. I've lived a blessed life. I'm at peace with this. One day, when you have a child, you'll understand why it must be this way.

(a beat)

All I ask is that you be there for your brother -- more than you've ever been.

A long beat.

MARY (CONT'D)

Promise me.

ANNA

I'll try, Mother.

MARY

Good. Now, let's eat.

Aiken turns for the door.

MARY (CONT'D)

Frederick. It's over. You must stop pursuing John. Is that clear?

A beat.

AIKEN

I will stop pursuing John. You have my word.

And Aiken departs.

The sound of HAMMERING fills Mary's cell. As Mary pulls Anna closer to her, we CUT TO --

The PRISON COURTYARD below, where WORKMEN are beginning to construct the GALLOWS. The SETTING SUN envelops the PRISON in a fiery orange.

INT. MANSION - SITTING ROOM -- SAME

Catherine is meeting with several SOCIETY WOMEN. We don't know exactly what is being said except that she's arguing with passion -- and seems to be convincing a few.

INT. WAR DEPT. - HOLT'S OFFICE -- EARLY EVENING

As Aiken pleads with Holt, far less successfully.

HOLT

The death sentence is signed, Colonel. There's nothing I can do.

AIKEN

I'm not asking to overturn the verdict -- merely for a stay. So, I can petition for a new trial, in a civil court, before a jury of her peers.

HOLT

Then, you'll have to speak directly with the President. He's the only one who can grant such a delay.

Aiken begins to leave. Holt calls out.

HOLT (CONT'D)

I dare say, you have a better chance overturning this building than getting him to save your client. Lest, he arouse suspicion his own hands have Lincoln's blood on them.

Aiken seems about to disclose John Surratt's whereabouts.

HOLT (CONT'D)  
 Something you wish to tell me,  
 Colonel?

Aiken considers, then shakes, No.

HOLT (CONT'D)  
 In that case, dear boy, there's  
 nothing more you can do.

EXT. GARDEN -- EARLY EVENING

Catherine is now surrounded by a larger crowd of SOCIETY WOMEN -- all near her age. Seems she's won more converts to her side, though her exact cause is not yet clear to us.

EXT./INT. WHITE HOUSE -- SAME

The lights are on UPSTAIRS in the President's private residence, but he's nowhere to be found DOWNSTAIRS.

Aiken appeals to two graybeards -- CONGRESSMAN KING and SENATOR LANE -- just inside the front FOYER.

AIKEN  
 All I require is a few moments of  
 the President's time.

CONGRESSMAN KING  
 I've already told you, Colonel, the  
 President won't interfere with the  
 Court's ruling. This is a military  
 matter, and must be taken up with  
 the War Department

AIKEN  
 And I just told you, they're insisting  
 the decision is up to the President.

SENATOR LANE  
 We're sorry.

AIKEN  
 Congressman King. Senator Lane. At  
 least, permit me to ask President  
 Johnson for a week's delay.

SENATOR LANE  
 The judges have ruled, and there's  
 nothing the President can do.

Off Aiken appearing to have run out of options, we CUT TO --

...The SOUND of shattered GLASS.

PULL BACK: INT. MARY SURRATT'S CELL - SAME

As Mary smashes the empty laudanum bottle into pieces. She checks Anna, who is in a laudanum-induced deep sleep, before selecting the largest SLIVER. Mary begins to raise the knife-like shard up towards her THROAT...

Slice...Slice...SLICE... STRANDS of HAIR falling gently into her lap. Mary starts WEAVING the LOCKS together as the sound of HAMMERING fills the room like a rhythmic DIRGE...

EXT. U.S. CAPITOL BUILDING -- EVENING

As the MOON rises high in the sky.

INT. AIKEN'S OFFICE -- CONTINUOUS

Aiken enters, crestfallen, seemingly nothing more he can do. To his surprise, Reverdy Johnson is seated behind his desk -- surrounded by LEGAL TOMES.

REVERDY JOHNSON  
Pull up a chair, Freddie. We've got  
a long night ahead.

Aiken does as told. The men start working away, their heads buried in case law. After several beats --

REVERDY JOHNSON (CONT'D)  
Know any jokes?

AIKEN  
Matter of fact I do.

INT. U.S. ARSENAL PRISON - COURTYARD -- MIDNIGHT

HAMMERING continues into the night. The SCAFFOLD is now HALF-COMLETE.

DISSOLVE TO:

INT. U.S. ARSENAL PRISON - COURTYARD -- DAWN

As FIRST LIGHT appears revealing the hammering has CEASED -- the SCAFFOLD is now COMPLETE.

**JULY 7, 1865**

INT. U.S. CAPITOL - REVERDY JOHNSON'S OFFICE -- SAME

SUNLIGHT catches Aiken in the EYE. He looks at Reverdy, who is writing away, then glances at the WALL CLOCK, which reads:

**6:05 A.M.**

Suddenly, CATHERINE appears in the doorway accompanied by a DOZEN WOMEN in their Sunday best.

AIKEN  
Catherine? What are you doing here?

CATHERINE  
We wish to help your client.

AIKEN  
How?

CATHERINE

By petitioning the President on her behalf.

AIKEN

You're serious.

Catherine nods. So do the other women.

AIKEN (CONT'D)

It's a very kind gesture. Thank you. But I've tried. It's impossible to even get through the door.

CATHERINE

Perhaps, the daughters of a senator, congressman, two ambassadors and a cabinet member may persuade him to let us in.

Aiken looks at Reverdy for his response.

REVERDY JOHNSON

"Impossible" may have been a bit strong, Fred. Ladies, good luck.

Reverdy, Catherine exchange smiles. Aiken is clearly touched. Reverdy hands Aiken a DOCUMENT he's been working on.

REVERDY JOHNSON (CONT'D)

Frederick. Run.

Catherine gives Aiken a kiss, as he rushes out the door.

INT. U.S. CAPITOL - MOMENTS LATER

Aiken sprints across STATUARY HALL past the BUSTS of our Founding Fathers, then out the Capitol doors.

...Pounding and POUNDING.

PULL BACK: EXT. TOWNHOUSE -- A SHORT WHILE LATER

Aiken beats on the FRONT DOOR of a three-story BROWNSTONE, along a quiet, residential street.

No street TRAFFIC outside. No LIGHTS on inside. No ANSWER.

Aiken pounds again and again. Moments later, a fragile, OLD MAN opens the door, still tying on his robe.

OLD MAN

What in God's name?

AIKEN

Justice Wylie.

OLD MAN/JUSTICE WYLIE

Who are you?

AIKEN

Frederick Aiken, your honor. I have an application here for a writ of *habeas corpus*.

JUSTICE WYLIE

Are you daft, young man? It's barely light.

AIKEN

It can't wait, sir. The Supreme Court of the District of Columbia is out last hope.

JUSTICE WYLIE

What's this about?

AIKEN

Mary Surratt.

Wylie becomes agitated.

JUSTICE WYLIE

I can't help you, son. I'm sorry. Now, please go.

Aiken holds up the WRIT APPLICATION.

AIKEN

Please, sir. Either you act now - or else an innocent woman will die.

Wylie begins to close his door... then pauses to reconsider. He checks the street both ways before waving Aiken inside.

EXT. WHITE HOUSE -- SAME

Catherine leads her small army inside the White House, past the gatekeepers -- SENATOR LANE and CONGRESSMAN KING.

INT. JUDGE'S STUDY -- SHORT WHILE LATER

MRS. WYLIE enters with tea and biscuits. Aiken anxiously waits as Justice Wylie reviews his WRIT.

JUSTICE WYLIE

During the War, Lincoln suspended a number of our rights -- including the writ of *habeas corpus*, which you seek here today. If he hadn't, we might've lost the Union. So, how can you argue with his decision? What good is our Constitution if our nation is destroyed?

Aiken looks distraught.

JUSTICE WYLIE (CONT'D)

But then again, what good is our nation without our Constitution...

Off Aiken's expression changing to relief --

INT. WAR DEPARTMENT - HOLT'S OFFICE -- SHORT WHILE LATER

As Aiken slams the WRIT down on Holt's desk. Holt, caught off-guard, shaving foam still on his face, examines the WRIT.

HOLT  
You had no right, Colonel.

AIKEN  
Wrong, "dear boy". It's our Constitutional right. She should be released no later than noon.

Aiken exits. Holt turns to an aide.

HOLT  
Sergeant. Find Secretary Stanton -- immediately!

EXT. WHITE HOUSE -- SHORT TIME LATER

As Catherine and her group emerge from the White House, Stanton rushes inside. Catherine looks on with concern.

INT. ARSENAL PRISON - MARY'S CELL -- SHORT WHILE LATER

Anna has a look of shock.

ANNA  
So there'll be a civil trial next time? No generals?

AIKEN  
No generals.

Anna can barely believe Aiken's news. Mary too.

MARY  
Bless you, son.

Mary regards Aiken as if he were her own. He's clearly moved. Anna and Mary embrace. Aiken glances out the window.

AIKEN'S POV: From the window down into the COURTYARD below -- FOUR CHAIRS are being set up atop the HANGING PLATFORM.

Aiken's face fills with panic.

As he turns back from the window, SOLDIERS suddenly appear at Mary's door. Leading the way is the prison's COMMANDANT.

COMMANDANT  
Ma'am, it's time.

AIKEN  
What are you doing?

COMMANDANT  
We need to prepare her with the others.

AIKEN

The only preparing should be for her release.

The Commandant glances toward Anna.

COMMANDANT

I advise sedating the young lady.

ANNA

You'll do no such thing.

Aiken presents the Judicial Order.

AIKEN

I've got a writ that says Mary Surratt is to be released into my custody.

COMMANDANT

Colonel. The President just suspended your writ.

He hands Aiken the Executive Order from the War Department.

COMMANDANT (CONT'D)

I'm sorry. She's to hang alongside the others no later than noon. Now, step aside. We've got less than an hour.

On the Commandant's signal, the Soldiers move Aiken aside.

ANNA

Frederick. Do something.

Anna clutches her mother. Mary slips a HAIR BRACELET she's woven from her own locks onto her daughter's wrist.

MARY

I'll always be with you.

ANNA

Please. Tell them they can't.

Aiken scans the Executive Order. His expression indicates there's nothing he can do. As the Soldiers begin to escort Mary, she clasps her BIBLE and ROSARY beads.

MARY

No mother was ever more proud, Anna. Frederick. Thank you.

Aiken steadies Anna. But it's as if he's steadying himself. Suddenly, Anna pulls away from Aiken.

ANNA

Let go of her.

And she pounces on the soldiers. They quickly restrain Anna, as the Prison Doctor injects her with a sedative.

MARY  
Please, God. Don't  
let them hurt her.

ANNA  
No. Mama. No....

Anna screams as her mother is being led away. Mary, stricken with concern, calls out.

MARY  
I love you, darling.

Anna crumbles as Aiken catches her.

AIKEN  
I've got her, Mary. It's ok.

Mary, seeing that Aiken has Anna, relaxes slightly, then calls out to Aiken.

MARY  
Proverbs 29:16, Frederick. Promise  
you won't forget.

AIKEN  
I promise.

And Mary disappears from view. As Anna begins to fade from exhaustion and the sedative, she mumbles aloud.

ANNA  
I'll never forgive myself.

AIKEN  
It's ok, Anna. It's ok.

Anna gently lays Anna down. The Commandant retrieves Mary's white HANDKERCHIEF from the cell floor, and hands it to Aiken.

COMMANDANT  
Proverbs 29:16?

Aiken repeats by rote, staring off, in shock.

AIKEN  
*"When the wicked are in authority,  
transgressions increase.  
(a beat)  
But the righteous will look upon  
their downfall."*

INT. WAR DEPARTMENT - STANTON'S OFFICE -- SHORT WHILE LATER

Aiken rushes past Stanton's AIDE.

STANTON'S AIDE  
Sir, you can't enter without an  
appointment...

Aiken ignores the Aide, and bursts inside STANTON'S OFFICE.

He finds the War Secretary seemingly OBLIVIOUS to events beyond -- reading a paper, while devouring a hearty breakfast.

STANTON

You're too late, counselor. You had your chance.

Stanton's Aide rushes inside.

AIDE

I'm so sorry, Mr. Secretary.

Stanton waves the Aide off.

AIKEN

For God's sake, she's innocent.

STANTON

I didn't sentence her, the Court did.

AIKEN

At your request, no doubt.

STANTON

Assuming I could, why would I ever choose to do such a thing?

AIKEN

Revenge.

STANTON

Goodness, no. I'd never go to such lengths out of vengeance.

(a beat)

But to assure the safety and security of this nation, indeed, I'd do anything.

AIKEN

But you want her son.

STANTON

At this point, I'll settle for either one.

AIKEN

Like a human sacrifice?

STANTON

Just think of her as another casualty of war.

He points to a stack of CASUALTY PHOTOS from the war.

AIKEN

On which side?

STANTON

Union over Disunion.

AIKEN

Not the Union I fought for. Nor the one Lincoln gave his life to save.

(MORE)

AIKEN (CONT'D)

No Union is worth preserving unless  
it guarantees justice for all.

STANTON

Words for rallying the troops, Colonel --  
Not for running a nation.

AIKEN

If you permit this injustice, I  
promise you'll regret the day.

STANTON

Is that a threat, young man?

AIKEN

It's a prediction.

...A slip of PAPER with "**MARY SURRATT**" written across it.

PULL BACK: INT. ARSENAL PRISON - COURTYARD -- NEAR NOON

Mary's NAME is put inside a BOTTLE. The bottle is then placed  
inside a GUN CRATE bearing a "**WINCHESTER**" label.

The CRATE is set next to THREE identical BOXES -- each with  
a bottled name inside -- "**ATZERODT**," "**HEROLD**" and "**PAYNE**".

The FOUR COFFINS now wait to be filled alongside the GALLOWS.  
Nearby, a SOLDIER passes the PRISON COMMANDANT a NOTE.

SOLDIER

Captain, the prisoner, Lewis Payne,  
just made this confession.

COMMANDANT

What's it about?

SOLDIER

The woman, sir. He swears she's  
innocent!

(a beat)

What if it's the truth?

Both remain in SILENCE as the HANGMAN tests the ROPE.

MATCH CUT TO:

Aiken tugging on a HORSE'S REINS.

BEGIN MONTAGE:

(No dialogue, just music)

Aiken races across town in a horse-drawn BUGGY, desperate to  
reach Mary before it's too late.

A GUARD unlocks a METAL DOOR as the PRISONERS -- Atzerodt,  
Herold, Payne and Mary Surratt -- are led from their CELLS.  
Mary clenches ROSARY BEADS firmly in her RIGHT HAND.

The Prison Doctor tends to Anna inside Mary's cell. He places her hand across her chest -- Mary's HAIR BRACELET now rests on Anna's heart.

Aiken abandons his buggy in TRAFFIC, and begins weaving his way through the crowd. He throws off his UNION JACKET as a passing carriage rides over it, grinding it into the ground.

Inside the PRISON COURTYARD, HUNDREDS of SPECTATORS and PRESS excitedly await the spectacle about to happen.

A Soldier opens a BLACK PARASOL over Mary's head to chivalrously shield her from the broiling midday SUN. The FOUR PRISONERS are now led across the COURTYARD, forced to pass a GAUNTLET of onlookers on their way to the GALLOWS.

Aiken navigates a gauntlet of his own OUTSIDE the PRISON WALLS as VENDORS gleefully hawk LEMONADE and CAKES.

Mary ascends the GALLOWS where the HANGMAN now awaits. Aiken pushes past the MOBS, racing inside the PRISON WALLS. Father Walter, now by Mary's side, administers FINAL RITES.

The other THREE PRISONERS are readied, with WHITE HOODS covering their heads to conceal their panicked faces. The HANGMAN removes Mary's BONNET and VEIL, fastening her hands behind her back, and her skirt about her knees.

Aiken rushes inside the COURTYARD, past BAKER and CATHERINE, desperate to see Mary before it's too late.

He spots Mary. She sees him too. A SMALL SMILE springs to her lips. Aiken SMILES BACK, wiping tears from his eyes.

He nods one LAST TIME to her. And she to him.

The HANGMAN places the HOOD and NOOSE over Mary's head, as Aiken looks away -- unable to watch any more.

Aiken feels a HAND on his shoulder. It belongs to REVERDY JOHNSON, who buttresses Aiken for what's about to happen.

The PRISON COMMANDANT claps THREE TIMES --

Followed by FOUR SOLDIERS, who knock away the support beams beneath the platform holding up the PRISONERS --

The HANGING PLATFORM swings down on its hinges as Mary and the others jerk downward with a terrifying...

THUMP!

Then, silence -- a long deafening SILENCE -- broken, finally, by the sound of a FLASH BULB.

We HOLD ON an image of the scaffold, as Mary Surratt becomes yet another CASUALTY PHOTO of the war.

SLOW DISSOLVE TO:

...A GAVEL being struck repeatedly with a thump.

JUDGE FISHER (O.S.)  
 ...On the charge of conspiring to  
 assassinate President Abraham Lincoln.

PULL BACK: INT. CRIMINAL COURT -- DAY

As JUDGE GEORGE FISHER, 54, attempts to quiet the PACKED  
 COURTROOM with his gavel.

JUDGE FISHER  
 Gentlemen of the jury, have you agreed  
 upon a verdict?

**WASHINGTON, D.C. CRIMINAL COURT**

-----  
**AUGUST 10, 1867 - TWO YEARS LATER**

The FOREMAN, 43, rises.

FOREMAN (O.S.)  
 No, your honor. We have not.

The FOREMAN & JURY are distinct for being indistinct -- 12  
 CIVILIANS mixed equally of Northerners and Southerners.

FOREMAN  
 We are deadlocked on the eighth ballot  
 as we were on the first.

JUDGE FISHER  
 Do you think you'll ever reach a  
 unanimous verdict in this matter?

The Foreman looks troubled and weary.

FOREMAN  
 No, your honor. I'm afraid not.

JUDGE FISHER  
 In that case, I declare a mistrial.  
 The defendant is hereby free to leave.

But the DEFENDANT, now revealed, hardly looks free -- JOHN  
 SURRATT looks more like a prisoner of guilt.

His sister, ANNA, is beside him. She shows no sign of joy,  
 or even relief. Instead, she glances to the back of the  
 courtroom to FREDERICK AIKEN, just a bystander now.

Aiken nods to Anna. John Surratt attempts to see where Anna  
 is looking. But when he does, Aiken is long gone.

...The sound of WEEPING

PULL BACK: INT. COURTHOUSE -- BATHROOM - SHORT WHILE LATER

As we reveal John Surratt is sobbing inconsolably, his face  
 buried into the wall. He senses someone watching, and turns.

The POV on John Surratt belongs to Aiken, who just stares at  
 him without a word. John Surratt gathers his emotions.

JOHN SURRETT  
You're Frederick Aiken, aren't you?

Aiken nods.

JOHN SURRETT (CONT'D)  
I...I never...I wish to thank you  
for the kindness you showed my mother.

Aiken says nothing.

JOHN SURRETT (CONT'D)  
Believe me, Mr. Aiken, I never thought  
they'd kill her. She committed no  
crime.

AIKEN  
Well, now you have your freedom.

JOHN SURRETT  
I killed my mother. I will never be  
free.

Neither says a word. Tears streak Surratt's face. Aiken  
removes a white HANDKERCHIEF from his pocket.

AIKEN  
It belonged to her. I hope it  
comforts you in your grief.

Aiken begins to leave.

JOHN SURRETT  
Keep it, Colonel. She now belongs  
to you.

Aiken pauses a moment and decides to keep the handkerchief.  
He exits without a word as we HOLD ON John Surratt's grief.

EXT. CRIMINAL COURTHOUSE -- HALLWAY - DAY

Aiken exits the majestic building. He is met by Catherine  
and Baker. He spots Anna across the way, in conversation.  
Aiken excuses himself, and walks over to Anna.

Anna greets him with a warm smile.

ANNA  
It's good of you to come, Frederick.  
I'd like you to meet my husband.  
William Tonry, this is...

WILLIAM TONRY  
It's an honor, Mr. Aiken.

WILLIAM TONRY, mid-20s, shakes Aiken's hand.

Anna lovingly grabs her belly, which we now realize is  
pregnant. Her mother's hair bracelet is apparent.

ANNA

If she's a girl, we're naming her  
Mary.

AIKEN

Your mother would like that.

An awkward beat.

AIKEN (CONT'D)

I should be getting back.

Anna nods sweetly.

AIKEN (CONT'D)

Congratulations to you both.

WILLIAM TONRY

It was nice meeting you.

Aiken smiles, and rejoins Catherine and Baker.

As they descend the Courthouse steps, several YOUNG TURKS watch Aiken with a look of awe -- reminiscent of Aiken with his buddies spotting luminaries at the start of the story.

One of the young turks begins to approach Aiken, but his buddy grabs him.

YOUNG TURK #1

You can't just go up to him without  
an introduction.

We pull back as Aiken crosses beneath a grand STATUE of LADY JUSTICE -- a SCALE, in one hand, and SWORD, in the other

We continue pulling back until Aiken and the others are SWALLOWED by the People below ...

BEGIN END CREDITS:

(titlecards accompanied by relevant images)

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The year after the Conspirators' trial the **SUPREME COURT** ruled military trials of U.S citizens were unconstitutional.

Few were surprised a jury -- half from the North and half from the South -- could not agree on a verdict in the matter of **JOHN SURRATT**. He was never tried again.

-----

**EDWIN STANTON** was fired by President Johnson after discovering he had forced the Commission to change Mary Surratt's sentence from life to death. Stanton never held office again.  
(IMAGE: Stanton barricading himself inside his office.)

**JOSEPH HOLT** denied his role in the plot with Stanton, and spent the rest of his life trying to clear his own name.  
(IMAGE: Holt being hounded by the press.)

-----

None of the **GENERALS** ever served on another Military Commission. But **GENERAL LEWIS WALLACE** did achieve renown of a different sort, as the author of **BEN HUR**.  
 (IMAGE: Wallace sketching chariot races at the deliberations.)

**CONGRESSMAN PRESTON KING** and **SENATOR JAMES LANE**, both reportedly guilt-ridden at having helped prevent a stay of execution, committed suicide soon after Mary Surratt's death.  
 (IMAGE: The pair blocking Aiken from seeing the President.)

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**JOHN SURRATT** married a relative of Francis Scott Key, the author of "*The Star Spangled Banner*." He was the father of seven and worked as an auditor until his death in 1916.  
 (IMAGE: John still weighted with guilt.)

-----

**ANNA SURRATT** and her husband had four children. Fired by the War Department for marrying Anna, **WILLIAM TONRY** went on to earn the first honorary degree in chemistry from Georgetown University. The couple named their eldest, Mary.  
 (IMAGE: Anna showing her hair bracelet to her daughter, Mary.)

-----

**SENATOR REVERDY JOHNSON** continued battling to safeguard the Constitution. He was instrumental in saving President Johnson from impeachment by a partisan group led by Edwin Stanton.  
 (IMAGE: Johnson happily eating his dinner alone.)

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**FREDERICK AIKEN** left the law and became a journalist. But kept his promise to Mary Surratt, continuing to fight injustice as the first city editor of **THE WASHINGTON POST**.  
 (IMAGE: Aiken, Catherine by his side, putting out the paper.)

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In 1869, **PRESIDENT JOHNSON** granted full unconditional pardons to the only conspirators still living -- **SAMUEL MUDD, EDWARD SPANGLER** and **SAMUEL ARNOLD**. He ordered the bodies of the others be exhumed and returned to their families.

**MARY SURRATT** was given a proper burial by her daughter, **ANNA**, outside of Washington, D.C. **FREDERICK AIKEN** was by her side.  
 (IMAGE: Mary's headstone in Mt. Olivet Cemetery near D.C.)

DISSOLVE TO:

EXT. THE SURRATT BOARDINGHOUSE -- (IN 1865)

The boardinghouse, DARK, but for a single LIGHT on upstairs.

DISSOLVE TO:

EXT. THE SURRATT BOARDINGHOUSE -- (IN 2008)

The boardinghouse, exactly as it is TODAY, looking the same, but now identified by the bright NEON SIGN:

\*

**WOK & ROLL RESTAURANT**

With the dome of the U.S. CAPITOL, the WHITE HOUSE and the rest of the NATION's CAPITAL beyond.

FADE TO BLACK: