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INT. DANNY KAFFEE'S APARTMENT. NIGHT

After JO's exit, DANNY picks up the file box he'd thrown down during his rant only to throw it to the floor, again. He exits to the kitchen...

SAM stands and crosses to the box. He begins putting papers and files back into the box...

DANNY returns with a bottle of whiskey and two filled tumblers...

KAFFEE

Stop cleaning up.

SAM continues picking up and organizing the mess...

KAFFEE (CONT'D)

Sam. Stop cleaning up.

SAM stops and looks at KAFFEE...

KAFFEE (CONT'D)

Do you think if we'd been able to find Markinson it would've made a difference?

SAM

No. I don't know. Who knows what Markinson knew. Maybe he was just a coward with a conscience.

Pause. DANNY offers a tumbler to SAM...

KAFFEE

You want a drink?

SAM

Yeah.

Pause...

KAFFEE

Is your father proud of you?

SAM

Don't do this to yourself.

KAFFEE

Is he? Is he very proud of you?

SAM

Sure.

KAFFEE

I'll bet he is. I'll bet your dad bores the shit out of the neighbors, guys he works with, aunts, uncles..."Sam made Law Review...Sam--Sam's got a big case he's making--he's arguing--he's making an argument."

Pause...

KAFFEE (CONT'D)

I think my father would have enjoyed seeing me graduate from law school. I think he would have liked that...an awful lot.

Pause...

KAFFEE (CONT'D)

I'm very angry about that, Sam.

SAM

I know you are.

KAFFEE

I have to call Ross. I said I'd
call him at home before midnight.

SAM

I'll call him. Do you have the
number?

KAFFEE

In my book. In my briefcase.

*SAM stands, picks up KAFFEE's briefcase. He scratches his
thumb on the security tag...*

SAM

Ow shit!

KAFFEE

What?

SAM

I cut myself on your damn security
tag.

KAFFEE

God. I never took it off.

*KAFFEE removes the tag, puts the case down on the floor, then
examines the security tag he had put on his briefcase at
GITMO. He stops for a moment...*

SAM

If you give me Ross's number. I'll
call him.

Pause...

SAM (CONT'D)

Danny.

KAFFEE

It galls me.

SAM

What?

KAFFEE

It galls me.

SAM

I can't hear you.

KAFFEE

It galls me.

SAM

Yeah. We need to call Ross.

KAFFEE

Call him. Tell him thanks a lot,
but no deal.

(MORE)

KAFFEE (CONT'D)

Tell him I'm requesting a 24-hour
continuance to subpoena Colonel
Jessep.

SAM

What?

KAFFEE

I've been going after the wrong
guy.

SAM

What're you talking about?

KAFFEE

Do you remember when we flew back
from Cuba?

SAM

It was around six.

KAFFEE

Do you remember our flight code?

SAM

Why would I remember--

KAFFEE

AF-40. Doesn't have any windows,
but it flies.

SAM

Yeah I remember that but--

KAFFEE

Do you remember the wrong log book they sent Jo? The one that galled her? The Tower Chief's Log from Andrews?

SAM

AF-40. AF-40 MAM.

KAFFEE

MAM Matthew A. Markinson. Coward with a conscience. Why it took me five weeks to figure it out is beyond me. But given time I'll think of a way to blame it on you. Let's go, you gotta prep me for Jessep and I need Jo to write the motion for the continuance.

SAM

Look. Wait. Let's just siddown with Ross. If Jessep tampered with evidence, we might be able to get a new deal.

KAFFEE

I don't want Jessep on evidence tampering. I want him to say he ordered the Code Red. Let's go.

SAM

You still need a witness.

KAFFEE

I have a witness.

SAM

A dead witness.

KAFFEE

And in the hands of a lesser attorney, that would be a problem.

SAM

You're gonna trip Jessep?

KAFFEE

I'm not gonna trip him. I'm gonna lead him right where he's dying to go.

SAM

I don't think you can do it.

KAFFEE

I know you don't. Let's go.

SAM

Doesn't that mean anything to you?

KAFFEE

A great deal. But let me ask you this. What if I'm twice as good as you think I am? What if I'm not some half-assed clown of a Phi Beta Kappa used car salesman?

SAM

You'd still need a window. He has no weakness. He won't let you near him.

KAFFEE

He has a weakness.

SAM

What?!

KAFFEE

He thinks he was right. Let's go.

SAM

You shoot at Jessep and miss,
Randolph'll cite you--listen to me--
Randolph'll cite you for contempt.
If they decide to teach you a
lesson, they'll slap you with a
dishonorable discharge and that'll
be stapled to every job application
you ever fill out.

KAFFEE

Life's like that sometimes. Let's
go.

SAM

You're that sure.

KAFFEE

Yeah.

SAM

He's gonna confess.

KAFFEE

Yeah. You know why?

SAM

No.

KAFFEE

Because he has honor. And he has a
Code. And I'm twice as good as you
think I am. Let's go.

BLACKOUT.