

Outrageous Conduct

ART, EGO, AND THE TWILIGHT ZONE CASE

Stephen Farber and Marc Green



To Emery S. Green and the memory of Lester J. Farber, whose dedication to the law and whose love of life inspired us to know the value of both.

Copyright © 1988 by Stephen Farber and Marc Green

All rights reserved. No part of this book may be reproduced or utilized in any form or by any means, electronic or mechanical, including photocopying, recording or by any information storage and retrieval system, without permission in writing from the Publisher. Inquiries should be addressed to Permissions Department, William Morrow and Company, Inc., 105 Madison Ave., New York, N.Y. 10016.

Library of Congress Cataloging-in-Publication Data

Farber, Stephen.
Outrageous conduct.

1. Landis, John, 1951——Trials, litigation, etc. 2. Spielberg, Steven, 1947——Trials, litigation, etc. 3. Trials (Homicide)—California.

4. Twilight zone (Motion picture) I. Green, Marc, 1943——II. Title.

KF224.L33F37 1988—345.73′02525—88-10432
ISBN 0-877-95948-X—347.3052525

Printed in the United States of America

First Edition

1 2 3 4 5 6 7 8 9 10

BOOK DESIGN BY JAYE ZIMET

"Hollywood was not on trial. What was on trial was one single instance of outrageous conduct. We don't tolerate it elsewhere in our society, and Hollywood should be no exception."

-LEA D'AGOSTINO, PROSECUTOR IN THE TWILIGHT ZONE CASE

"I was rather nervous about having spoken out. I was a little concerned about safety because I've been around a few other accidents where people have died, and it's been something I don't like to see. And I just—and this was too outrageous to let go on. I had to say something. A lot of people said, 'Well, you're crazy. You may never work again.'"

—RANDAL ROBINSON, CAMERA ASSISTANT, TESTIFYING BEFORE THE LOS ANGELES COUNTY GRAND JURY

"Your conduct with regard to the defense in the *Twilight Zone* case is outrageous and inexcusable.... Is Warner Bros. attempting to strangle the defense so that we do not point our finger at executives in high places who are trying to cover their asses?"

—HARLAND BRAUN, DEFENSE ATTORNEY, IN A LETTER TO JOHN SCHULMAN, VICE-PRESIDENT AND GENERAL COUNSEL OF WARNER BROS.

"We must do something in this country to reduce the time, complexity, and costly nature of our system of justice. It was outrageous to try this case. If it was wrong, it was a civil wrong, and somebody should be made to pay."

-JAMES NEAL, DEFENSE ATTORNEY

"No deceptions, no lies, no overt chicanery is going to change the fact that three people died in a terrible accident."

-JOHN LANDIS, MOVIE DIRECTOR

CONTENTS

PROLOGUE | 11

Part One

2 3 4 5 6 7	RISING STAR 23 TWO OF A KIND 40 NEXT STOP, THE TWILIGHT THE ROAD TO DISASTER CHANCE OF A LIFETIME SAFETY LAST 101 THE CHILDREN'S HOUR	70 85	56
	THE CHILDREN'S HOUR INTO THE NIGHT 126	113	

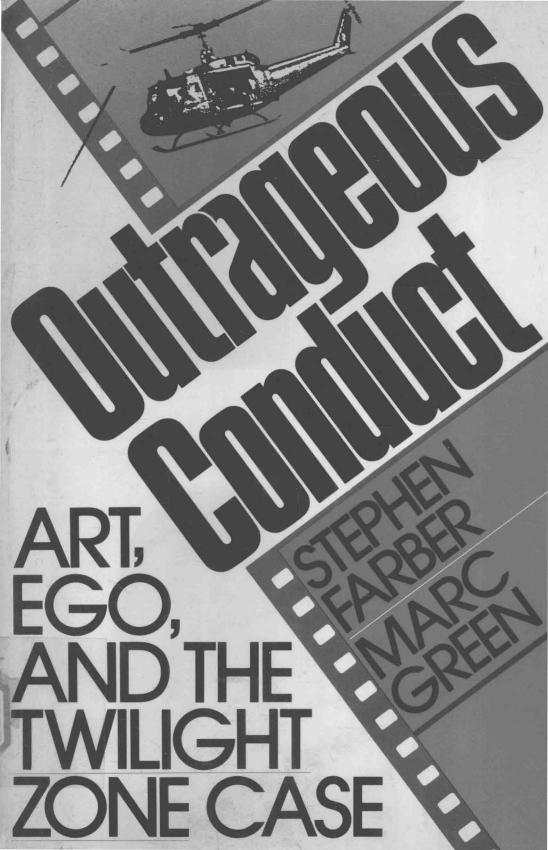
Part Two

9	THE MORNING AFTER	145	
	STONEWALLING 153		
11	BACK TO THE TWILIGHT Z	ONE	171
12	SHADOW OF A DOUBT	181	
13	HOLLYWOOD SHUFFLE	201	
	DRESS REHEARSAL 217	7	
15	NO EXIT 228		

Part Three

16	A TRIAL CAST 249		
17	WITNESSES FOR THE PROS	SECUTION	265
18	DUBIOUS ACHIEVEMENTS	287	
	THE BEST DEFENSE 303		
20	PROPINQUITY 326		

- 21 THE VERDICT | 343
 22 INDUSTRIAL LIGHT AND MAGIC | 369
 EPILOGUE | 376
 - EPILOGUE | 376 SOURCES AND ACKNOWLEDGMENTS | 381 INDEX | 385



Praise for Farber and Green's previous book, HOLLYWOOD DYNASTIES:

"A serious and entertaining account, several cuts above the Hollywood gush."

-PETER BISKIND, The Washington Post Book World

"Engrossing...Stephen Farber and Marc Green make a convincing anecdotal case for the proposition that being born (or marrying) into the movie business is a high benefit/high risk affair."

-JAMES LARDNER, The New York Times Book Review

"Farber and Green deliver a probing, absorbing report different from the plethora of shallow books about Hollywood." —Publishers Weekly

"This is first-rate Hollywood social history, both readable and informative."

-Library Journal

"As full of compelling intrigue as good soap opera...Farber and Green are astute students of film."

-GREG KILDAY, The Los Angeles Herald-Examiner

"Of all the new batch of books about show biz, this is by far the most perceptive."

—The Hollywood Reporter

ISBN: 0-87795-948-X

Outrageous Conduct

ALSO BY STEPHEN FARBER AND MARC GREEN

Hollywood Dynasties

Outrageous Conduct

ART, EGO, AND THE TWILIGHT ZONE CASE

Stephen Farber and Marc Green



To Emery S. Green and the memory of Lester J. Farber, whose dedication to the law and whose love of life inspired us to know the value of both.

Copyright © 1988 by Stephen Farber and Marc Green

All rights reserved. No part of this book may be reproduced or utilized in any form or by any means, electronic or mechanical, including photocopying, recording or by any information storage and retrieval system, without permission in writing from the Publisher. Inquiries should be addressed to Permissions Department, William Morrow and Company, Inc., 105 Madison Ave., New York, N.Y. 10016.

Library of Congress Cataloging-in-Publication Data

Farber, Stephen.
Outrageous conduct.

1. Landis, John, 1951——Trials, litigation, etc. 2. Spielberg, Steven, 1947——Trials, litigation, etc. 3. Trials (Homicide)—California.

4. Twilight zone (Motion picture) I. Green, Marc, 1943—
II. Title.

KF224.L33F37 1988 345.73'02525 88-10432

F224.L33F37 1988 345.73'02525 88-10432 ISBN 0-877-95948-X 347.3052525

Printed in the United States of America

First Edition

1 2 3 4 5 6 7 8 9 10

BOOK DESIGN BY JAYE ZIMET

CONTENTS

PROLOGUE 11

Part One

1	RISING STAR 23		
2	TWO OF A KIND 40		
3	NEXT STOP, THE TWILIGHT	ZONE	56
4	THE ROAD TO DISASTER	70	
	CHANCE OF A LIFETIME	85	
	SAFETY LAST 101		
	THE CHILDREN'S HOUR	113	
8	INTO THE NIGHT 126		

Part Two

9	THE MORNING AFTER	145	
10	STONEWALLING 153		
11	BACK TO THE TWILIGHT Z	ONE	171
12	SHADOW OF A DOUBT	181	
13	HOLLYWOOD SHUFFLE	201	
14	DRESS REHEARSAL 21	7	
15	NO EXIT 228		

Part Three

- 16 A TRIAL CAST | 249 17 WITNESSES FOR THE PROSECUTION | 265 18 DUBIOUS ACHIEVEMENTS | 287
- 19 THE BEST DEFENSE | 303
- 20 PROPINQUITY | 326
- 21 THE VERDICT | 343
- 22 INDUSTRIAL LIGHT AND MAGIC | 369
 EPILOGUE | 376
 SOURCES AND ACKNOWLEDGMENTS | 381
 INDEX | 385

"Hollywood was not on trial. What was on trial was one single instance of outrageous conduct. We don't tolerate it elsewhere in our society, and Hollywood should be no exception."

—LEA D'AGOSTINO, PROSECUTOR IN THE TWILIGHT ZONE CASE

"I was rather nervous about having spoken out. I was a little concerned about safety because I've been around a few other accidents where people have died, and it's been something I don't like to see. And I just—and this was too outrageous to let go on. I had to say something. A lot of people said, 'Well, you're crazy. You may never work again.'"

—RANDAL ROBINSON, CAMERA ASSISTANT, TESTIFYING BEFORE THE LOS ANGELES COUNTY GRAND JURY

"Your conduct with regard to the defense in the *Twilight Zone* case is outrageous and inexcusable.... Is Warner Bros. attempting to strangle the defense so that we do not point our finger at executives in high places who are trying to cover their asses?"

—HARLAND BRAUN, DEFENSE ATTORNEY, IN A LETTER TO JOHN SCHULMAN, VICE-PRESIDENT AND GENERAL COUNSEL OF WARNER BROS.

"We must do something in this country to reduce the time, complexity, and costly nature of our system of justice. It was outrageous to try this case. If it was wrong, it was a civil wrong, and somebody should be made to pay."

-JAMES NEAL, DEFENSE ATTORNEY

"No deceptions, no lies, no overt chicanery is going to change the fact that three people died in a terrible accident."

-JOHN LANDIS, MOVIE DIRECTOR



PROLOGUE

hortly after 2:00 on the morning of July 23, 1982, actor Vic Morrow paced nervously in front of a mock Vietnamese village that had been erected in the Indian Dunes park just north of Los Angeles. After three straight weeks of night shooting, the entire company was feeling worn down. Now it was almost over. The last scene to be shot that night was also the very last scene in John Landis's episode of *Twilight Zone—The Movie*. It would show the destruction of the Vietnamese village in a series of enormous explosions. Everyone knew the first take had to be perfect, because once the village was demolished, the cost of rebuilding it would be prohibitive.

Vic Morrow had participated in difficult and dangerous scenes before, but tonight he felt particularly keyed up. On the one hand, the *Twilight Zone* film—produced by Landis and Steven Spielberg—represented his biggest career break in more than a decade, and he wanted the climax to be thrilling. Yet Morrow could not help but feel uneasy as he watched the Huey helicopter approach the village for a final rehearsal; years earlier he had had a premonition that he was going to die in a helicopter crash.