

# City By the Sea

Filmmakers love “creative license” when it comes to telling true stories—it allows the writer remake history. Sophocles probably did it, Shakespeare certainly did, and for the most part, nobody minds. The makers of *City by the Sea* had to take plenty of creative license to turn their story into a workable drama, but at the end of the day, they still had a problem: Should they call their film a true story?

When it comes to telling true stories, filmmakers love “creative license.” Is the real story unsatisfying? Was the real person at the center of the story “unrelatable?” Creative license lets the writer remake history. Sophocles probably did it, Shakespeare certainly did, and for the most part, nobody minds.

The writers of *Khartoum*, for example, felt they needed their hero, British General Charles Gordon, to confront his nemesis, the Mahdi, in person. Later, the story goes, someone complained about the scene to the Mahdi’s great-grandson, pointing out that Gordon and his ancestor never really met. “But they should have!” answered the younger Mahdi, proving that the self-proclaimed leader of a Sudanese jihad might have more in common with a Hollywood development executive than either would care to admit.

The makers of *City by the Sea* had to take plenty of creative license to turn their story into a workable drama, but at the end of the day, they still had a problem: Should they call their film a true story? It was no simple question. The film’s story is adapted from an article by a Pulitzer Prize-winning journalist, the late Mike McAlary, about a hero cop whose father and son were both murderers. Its central characters, Vincent and Joseph LaMarca, are real people, and the producers had to secure Vincent’s life rights to make the movie.

So *City by the Sea* seems to pass the “walks like a duck, talks like a duck” test. Yet the film is careful not to advertise itself in any way as a true story.

“We all felt strongly about that,” explains Matthew Baer, producer of *City by the Sea* and head of Brad Grey Films. “The fundamental elements, the villain, the girlfriend, the other characters, weren’t in the article. We’re not saying it’s based upon a true story. The credit says ‘Based on an article by Mike McAlary.’” The story of how McAlary’s article became a film, and how it changed along the way, shows just how important creative license can be in turning an untidy true story into a commercially viable screenplay.

## Baiting the Hook

*City by the Sea* is a Warner Brothers release, directed by Michael Caton-Jones and starring Robert DeNiro, James Franco, and Frances McDormand. It’s produced by Elie Samaha, Baer and Brad Grey, with Roger Paradiso and Dan Kloves as executive producers. Ken Hixon (*Inventing the Abbotts*) wrote the screenplay. McAlary’s article, which ran in the September 1997 issue of *Esquire*, even had a different title: “Mark of a Murderer.” The piece is a vivid character study of Vincent, a man scarred by being separated from his own father’s crime and yet unable to connect with his own son.

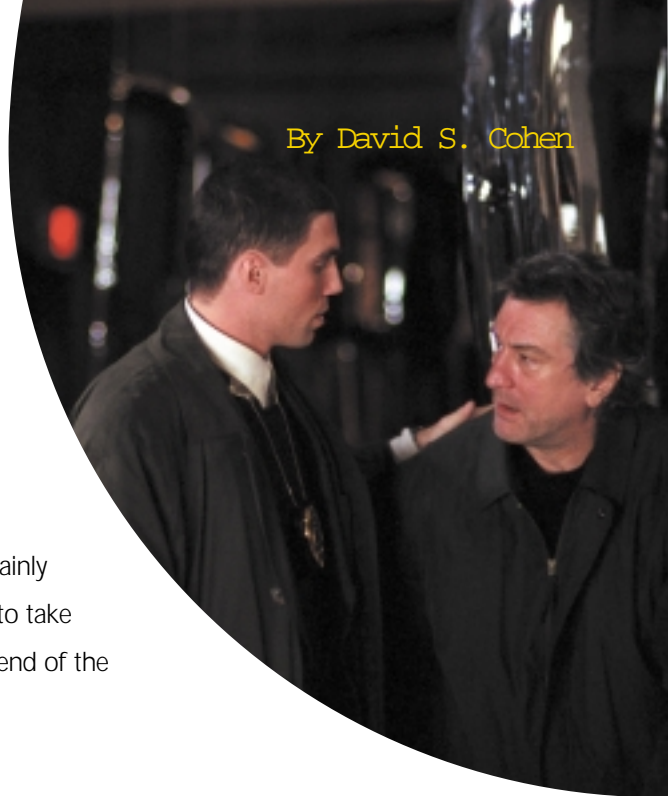
It tells the story of three generations of men in the same family. In the 1950s, Angelo LaMarca kidnapped a baby in an attempt to extort money from a well-to-do family. He later abandoned the baby in the woods, and was eventually convicted and executed for the child’s murder. His son

Vincent was ostracized by his classmates, but was all but adopted by the police who had captured Angelo. Vincent grew up to be a highly decorated policeman.

Vincent’s private life though, was marred by a bitter divorce and estrangement from Joey, one of his sons. Joey became a drug addict and petty criminal who eventually killed a drug dealer in a robbery. The New York tabloids seized on the story of Vincent, a cop from a family of killers, wondering in print about a “murder gene.” Joey fled, was eventually captured and imprisoned, leaving Vincent to wonder about his failings as a father and determined to be a good grandfather to his other son’s little boy.

Dan Kloves, a New York publicist, passed the article to Brad Grey several months before it was due to appear in print. Grey gave it to Baer, who was immediately convinced that it could and should be a movie. “I loved the article,” remembers Baer. “It was such a unique three generation story, and utterly original. And it was written with a great deal of visual style to it.” Brad Grey Films had a first-look deal at Universal. “I begged them to buy it,” remembers Baer, but Universal passed.

Undeterred, Baer and Grey brought the article to Warner Brothers, a studio known for its corporate, high-concept approach to moviemaking. Why would this blockbuster-oriented studio buy a character study of a retired cop, even one with a tragic family history?





All Photos by: Phillip V. Canuso

Robert De Niro and Frances McDormand in Franchise Pictures' drama *City by the Sea*, distributed by Warner Bros. Pictures.

Left: Anson Mount and Robert De Niro in *City by the Sea*.

Baer knew the story needed a hook if any studio was going to bite, so he made two key changes to the true story. First, he took Vincent out of retirement and made him the lead investigator on the murder that Joey committed. "We told them you've seen a detective trying to track down a suspect movies, but you've not seen one where the prime suspect was his son. That hook was one of the main reasons Warner Brothers bought the article."

Baer also added a fourth generation to the saga. "At the end of the article, it talks about Vincent saying 'all I want to do is be a good grandfather,'" says Baer. "I wanted to make the grandson an active part of the story, thereby adding a fourth generation to the LaMarca story," says Baer, so he made the grandson Joey's boy, and therefore a child at risk.

With those two changes in place, the story had its hook. Warner Brothers optioned the article and secured Vincent LaMarca's life rights. By the time the article ran in *Esquire*, Baer was looking for a screenwriter.

Baer wanted to make a film about the consequences of abandonment, parental responsibility, and reconciliation between a father and his son. He wanted a character-oriented writer who could handle a strong drama. It proved a more difficult order than he expected, and, despite reading many writing samples, it took months for him to find a writer who had the style he was looking for.

## An Accidental Screenwriter

Ken Hixon never set out to be a writer. In fact, he only found show business by accident. A youthful "malcontent," the Indianapolis native needed something to do after he was booted from the Cub Scouts at age 12 for smoking. "My mother had taken Saturday afternoon acting classes at the local civic theater," he explains, lighting up a Marlboro Light. "She had the inspiration to enroll me, and I took to it like a duck to water. I loved it."

He went on to study acting at the American Conservatory Theater in the early 70s, then moved to Los Angeles to become "a working class actor." His most visible role was probably as "The Doctor" on *The Dukes of Hazzard*, but most of his work was as a day player in TV and occasional films, including George Romero's *Knightriders*.

"It was great training, especially for writing," recalls Hixon in a midwestern baritone that sounds eerily like the voice of Wilson, Tim Allen's neighbor on *Home Improvement*. He became interested in directing, but given his modest acting credits, he decided his best

route to the director's chair was through screenwriting. Then, to his own surprise, he got hooked on writing. "It excited me," he explains, "because you get to play all the parts, you see. I could play parts I never got in real life: old women, adolescents, insane people, murderous people."

He also discovered he liked working alone. "I enjoyed coming from such a public craft, that literally cannot be published alone, to something that could be. All my life I'd been waiting for the phone to ring to have permission to work. Actors have to have permission to work. Writers don't, and I like that."

After two scripts with a partner, he decided to go solo. The third script accidentally launched his writing career.

"A buddy of mine's father had died and we were smuggling his cremated remains to Canada," he explains. "I'm up on this island two and a half miles north of Toronto, and I get this phone call." On the phone was the head of a major talent agency. "He says 'I'd like to represent you.' I'm thinking still as an actor, and I said 'oh I have representation.' He said 'oh, you, do?' I said, well yeah. He said 'I'd really like to represent this script.' Now I'm dumbfounded. I don't know what he's talking about."

It would take some time for Hixon to piece together the backstory. Before leaving for Canada, he'd left the only copy of his new script in his car. His wife had driven across town to visit George Romero's wife, who was visiting from Pittsburgh. Mrs. Romero asked to read the script, and Mrs. Hixon, not knowing it was the only copy, let her take it. Mrs. Romero in turn, gave it to her husband, who took it back to their home in Pittsburgh, where it came to rest on the back of the Romeros' toilet. Shortly afterwards John Carpenter, a friend of Romero's, came for a visit. Unable to sleep, Carpenter grabbed the script on the back of the toilet. In the morning he called his agent and told them to find this writer.

The script, *Grandview U.S.A.*, wound up being produced with an ensemble cast including Jamie Lee Curtis, Patrick Swayze, Jennifer Jason Leigh and John Cusack. That was 1984; Hixon's been a screenwriter ever since, often doing teleplays and uncredited rewrites on features.

It was his uncredited rewrite of *The Deep End of the Ocean* that caught Baer's attention. "It was fantastic," remembers Baer. "When I read it, I knew. It was such a clearly good match for the material."

Hixon met with Baer and was drawn to the theme of parental responsibility. "To me, part of writing is like quiltmaking. You save scraps of ideas, themes. I'd always been stupefied by how men could abandon their children. I could understand the urge to leave a woman or your significant other. But I was always stupefied at people who had been divorced and said 'I don't see my children anymore.' I felt that, well, this is a great way to exorcise that, a story to delve into the consequences, both on the man and the child."

Hixon got the assignment soon after, in the spring of 1998 and set out to explore the consequences of abandonment and the possibility of redemption for Vincent.

"I think that Vincent is a decent man, but a man who had put it in a box and compartmentalized it. We've all had those experiences. Sometimes they're very slight social things. When you say 'God, I wish I had just said sorry at the time.' And then you don't and now it feels like too many years have gone by. That's why I put in the backstory, where he says 'I tried to [reach out to Joey].' But the point is, with your kids, I believe you never stop trying even if they reject



James Franco and Robert De Niro in Franchise Pictures' drama *City by the Sea*.

you. Vince is a fun character that way because he's all those shades of grey, he's not black and white. He's always struggling toward goodness."

It would take several months for him to hammer out a draft. "I tend to think slow and write fast," says Hixon. "I'll walk around like an actor searching for a character. Sometimes I can't find that key. Sometimes it's as silly as a prop. You pick it up and say 'now I know who MacBeth is.' Or in terms of writing it's tone, or sometimes you figure I know the story but I can't find the tone, and that's when the basket of scraps helps out. Because I'll dump the scraps out on the table like a quiltmaker, say 'you know this would work here.'"

One scrap Hixon pulled from his basket was the film's Asbury Park location. Hixon had visited in-laws in Asbury Park and though the film is set in Long Beach, New York, Asbury Park's decaying boardwalk gave Hixon a sense of Joey's world. It also provided a haunting visual metaphor for Joey's relationship with Vincent.

He faced several major headaches turning the article into a script. First, he was trying to tell the story of young Vincent LaMarca and his father Angelo while also telling the story of the older Vincent LaMarca and his son Joey. His first draft, dated 10/2/98, includes flashbacks to young Vincent. That meant intercutting the stories, in a style reminiscent of *The Godfather, Part 2*.

Baer and Hixon discussed *Godfather 2* and its structure many times as they hashed out the flashbacks. It was the best example they could find of a story intercutting the stories of two generations, if not the only one. "*Godfather 2* had a major advantage," says Baer. "They had done another

movie. You could afford to cut away from Al Pacino for long stretches because you'd already seen a movie with him."

## Getting From A to Z

By his own description, Hixon is drawn to character more than plot. "That's the actor in me," he says flatly. "I want to find the emotions. What gives the character the greatest distance. You always try to get the character to go from A to Z. Sometimes you're lucky to get him to T or U." He was hired because of his touch with character, and it was his main interest in the story, but he still needed to create a plot.

"I just tried to keep it lean and mean, keep it moving forward, and put my energy into the characters," he recalls. "It had to be simple but it had to have an upward build, as emotionally it did. Some movies are stair steps. Up, plateau, up, plateau, up, plateau. Other movies ramp up in a straight line. This is the kind of movie where I try not to stair-step."

The real Vincent LaMarca had watched from his retirement home in Florida as the pursuit of Joey played out. Baer had already decided to make the movie's Vincent the lead investigator on the case. Hixon wanted Joey's world and Vincent's to collide directly. "As it says in the script, he had to make a choice. 'Are you my father or a cop?' I had to give a foundation to that sentiment, where he had to make that choice."

So he invented a shooting incident which would turn up the heat on Joey. Vincent is taken off the case once Joey is identified as a suspect, but Vince's partner stays on the case and goes after Joey with another detective. One is shot by a drug dealer who is lying in wait for Joey.

He also invented a girlfriend for Vincent. Where the real Vincent is remarried and living in Florida, the movie Vincent is single and lives in lower Manhattan. He is in a year-long affair with his neighbor, the box office auditor at the Helen Hayes Theater.

"I wanted her to work at this place where there's a marquee, where you come out of the darkness and it's this pool of bright light, and happy people who've been entertained are coming out." It's the kind of visual image that drives many of Hixon's choices. For similar reasons, he set the murder that launches the plot during bad weather. "I wanted a window flying open in Vincent's bedroom. A storm has blown in—a dark cloud has blown into Vincent's life."

## The Inevitable Question

Director Michael Caton-Jones joined the project in 1998, not long after Hixon. Caton-Jones, a onetime stagehand who had worked his way up through the ranks to become a director, hit it off immediately with the former working class actor turned writer. They had minor differences on how to tell the story, but stayed very much in sync throughout development.

Caton-Jones argued that the flashbacks would simply be impractical, and soon after he came on board, they were dropped and the Vincent/Joey relationship became the story's main focus. That might have been a source of friction, but Hixon was fine with the change. "I think (flashbacks) are best avoided," he says. "Sometimes it's a good writing exercise to include them, or throw in voiceover. That's when you say this is what I was trying to accomplish, but is it that important? Are there other ways I can do it? And then get rid of it."

Other than that change, the changes from Hixon's script to the final shooting script are relatively minor. Baer and Hixon agree that on this film, everyone was on the same page all the way through.

"There was never any disagreement among the three of us about what the movie was supposed to be about, and that made the process incredibly exciting," says Baer. "If the director, producer, and screenwriter have different visions about what the story is about, you're doomed. But the most joyful part of a collaboration is when you all feel the same about what the story is about."

Baer, Hixon and Caton-Jones stood together to answer the inevitable question: "does Joey have to be a murderer?" It's a standard Hollywood concern; the leads must be likable, or at least "relatable," so studios shy from having "sympathetic" characters do anything to offend or repel the audience.

Baer remembers addressing the question of Joey-as-murderer many times. "Any commercial studio would bring that up. But if there's any kind of element of truth to the story, Joey did kill somebody." For Hixon, the answer was simple: "Yes, he has to be a murderer." Caton-Jones agreed.

But in story development, answers are never quite that simple. Yes, Joey kills a man, but what are the details? In Hixon's early draft, Joey deliberately kills a man. He commits murder, period. Yet Hixon always understood that the director

would ultimately stage the killing, and in the end, Caton-Jones chose to make the killing mostly self-defense. As a result, Baer says, there hasn't been a single note complaining that Joey was unsympathetic.

## Searching for Al Pacino

Hixon's script was extremely well received when it began circulating to agents and stars, and by February 1999, press reports had Al Pacino negotiating to play the role of Vincent. In an attempt to lure Pacino, veteran writer Frank Pierson (*Dog Day Afternoon*) was brought in. But the Pacino experiment proved a dead end.

Pacino read Pierson's draft and remained interested, but refused to commit. That put the producers in the position of having to choose between developing the script for a star who hadn't made a commitment to them and choosing another star. They opted to get another actor and returned to Hixon as writer. In the final script, Pierson's contribution can mostly be felt in the dialogue, especially the banter among the detectives.

Robert DeNiro, who had worked with Caton-Jones on *This Boy's Life*, signed to play Vincent in August 1998. The role of Joey went to James Franco, now a rising star but still an unknown at the time. The interplay of DeNiro and Franco as Vincent and Joey turned out to be the film's greatest strength.

It is no coincidence that Hixon, the actor, writes roles meaty roles and rich characters. "You again apply those well-worn rules of acting. Who am I, where am I, where do I come from, where am I going, what do I want? How am I going to get what I want? What's my objective in this scene? What's my superobjective over the course of the whole story? It's just acting 101."

He recommends acting classes for would be screenwriters, even if they have no knack for it. "You're going to learn a lot just being around actors. You need to understand how they think, how they break down a role, how you do a part." he also recommends studying the actors in really good scenes. "See how sometimes actors do so much by doing so little. That it's not so much the words then that are important but the silences."

So when moviegoers sit down to watch *City by the Sea*, an essentially fictional story based upon a non-fiction article, a character-driven movie that was only possible because of creative license or, as Hixon calls

it, "the trickery of screenwriting."

"And it is trickery," he says. "It's contrivance. But you try to do artful contrivances and ones that will give the characters something to do. Expanding it to the full emotional alphabet. Maybe with that, instead of getting to T or U in the alphabet, now we can get to X, Y and Z. That's why those contrivances exist in all dramatic writing from time immemorial. You've just gotta have 'em. Sometimes it's just slight of hand. It's mechanical. You just try to sell them." (1)

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**DAVID S. COHEN** is a freelance writer, photographer, and documentary filmmaker. His articles on film and television have been seen in print outlets around the world, including *US Weekly*, *Premiere* and *Variety* special reports. He recently returned from an extended trip to China where he wrote and produced a television documentary.



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