

A FEW GOOD MEN

screenplay

by

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REVISED THIRD DRAFT

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FADE IN:

1 EXT. A SENTRY TOWER - DUSK

1*

--in the middle of the night, in the middle of nowhere.

We HEAR all the unidentifiable sounds of night in the woods. We also HEAR, very, very faintly, a slow, deliberate drum cadence. And as this starts,

We are looking at the silhouette of a Marine standing guard. He's holding a rifle and staring straight out.

*
*

The drum cadence has been building slightly.

CUT TO

A WIDER SHOT OF THE FENCELINE. And we see by the moonlight that the tall wire-mesh fence winds its way far, far into the distance.

SUBTITLE: UNITED STATES NAVAL BASE, GUANTANAMO BAY CUBA.

The drum cadence continues, and we

CUT TO

1A EXT. A MARINE BARRACKS - NIGHT

1A

Start on a tight shot of feet walking, HINGE to reveal two marines entering the barracks.

*

CUT TO

2 INT. BARRACKS CORRIDOR - NIGHT

2

DAWSON and DOWNEY, two young marines whom we'll get to know later, come down the corridor, then stop when they get to a certain door. The drum cadence is still growing. DAWSON puts his hand on the doorknob and turns it slowly. He opens the door and they walk into

3 INT. SANTIAGO'S ROOM - NIGHT

3

WILLY SANTIAGO, a young, very slight marine, lies asleep in his bunk.

DAWSON kneels down by the bed, puts his hand on SANTIAGO's shoulder and shakes him gently. SANTIAGO opens his eyes, looks at DAWSON, and for a moment there's nothing wrong--

--and then SANTIAGO's eyes fill with terror. He lunges out of the bed--

--but forget about it. In one flash DAWSON and DOWNEY grab him and before the scream can come out, DOWNEY's shoved a piece of cloth into SANTIAGO's mouth.

Everything that happens next occurs with speed, precision and professionalism.

--A strip of duct tape is pulled, ripped, and slapped onto his mouth and eyes--

--A length of rope is wrapped around his hands and feet.

DOWNEY

(quietly)

You're lucky it's us, Willy.

--An arm grabs him tightly around the neck, not choking him, just holding his head still--

--The drum cadence has built to a crescendo. We HEAR four sharp blasts from a whistle and we

SMASH CUT TO

4 EXT. THE WASHINGTON NAVY YARD - DAY

4

and the drum cadence we've been hearing has turned into Semper Fidelis and it's coming from

THE U.S. MARINE CORPS BAND, a sight to behold in their red and gold uniforms and polished silver and brass.

The BAND is rehearsing on the huge and lush parade grounds. *

As the TITLES ROLL, we watch the BAND do their thing from various angles. Incredible precision is the name of the game. Each polished black shoe hitting the ground as if they were all attached by a rod. Each drumstick raised to the same fraction of a centimeter before striking. A RIFLE DRILL TEAM that can't possibly be human. Flags, banners, the works.

SUBTITLE: THE WASHINGTON NAVY YARD, WASHINGTON, D.C.

CUT TO

HIGH ANGLE of the entire band as we end credits.

CUT TO

5 A WOMAN

5

as she walks across the courtyard towards a red brick building. The WOMAN is

JOANNE GALLOWAY, a navy lawyer in her early 30's. She's bright, attractive, impulsive, and has a tendency to speak quickly. If she had any friends, they'd call her JO. As she walks, she mutters to herself...

JO
I'm requesting...I'm...Captain, I'd like to request that I be the attorney assigned to rep--I'd like to request that it be myself who is assigned to represent--

(she stops)
"That it be myself who is assigned to represent"?...Good, Jo, that's confidence inspiring.

We follow JO, still muttering, as she walks into the brick building which bears the seal of the

UNITED STATES NAVY - JUDGE ADVOCATE GENERAL'S CORPS

CUT TO

6 INT. WEST'S OFFICE - DAY

6

As JO enters. CAPTAIN WEST and two other officers, COMMANDERS GIBBS and LAWRENCE, sit around a conference table.

*

GIBBS

Jo, come on in.

JO

Thank you, sir.

GIBBS

Captain West, this is Lt. Commander Galloway. Jo, you know Commander Lawrence.

*

JO

Yes sir.

(to WEST)

Captain, I appreciate your seeing me on such short notice.

WEST

I understand there was some trouble over the weekend down in Cuba.

JO

Yes sir. This past Friday evening. Two marines, Corporal Harold Dawson and Private Loudon Downey, entered the barracks room of a PFC William Santiago and assaulted him. Santiago died at the base hospital approximately an hour later. The NIS agent who took their statements maintains they were trying to prevent Santiago from naming Dawson in a fenceline shooting incident. They're scheduled to have a hearing down in Cuba this afternoon at 1600.

LAWRENCE

What's the problem?

JO

Dawson and Downey are both recruiting poster marines and Santiago was known to be a screw-up. I was thinking that it sounds an awful lot like a Code Red.

JO lets this sink in a moment.

WEST

(under his breath)

Christ.

JO

Sir, I'd like them moved up to Washington and assigned counsel. Someone who can really look into this. Someone who possesses not only the legal skill, but a familiarity with the inner workings of the military. In short, Captain, I'd like to suggest that...I be the one who, that it be me who is assigned to represent them.

(beat)

Myself.

JO looks around the room for a response.

WEST

Commander Galloway, why don't you get yourself a cup of coffee.

JO

Thank you, sir, I'm fine.

WEST

Commander, I'd like you to leave the room so we can talk about you behind your back.

JO

Certainly, sir.

JO gets up and walks out.

WEST

I thought this Code Red shit wasn't going on anymore.

LAWRENCE

With the marines at GITMO? Who knows what the hell goes on down there.

WEST

Well lets find out before the rest of the world does, this thing could get messy. What about this Commander Galloway?

LAWRENCE

She's been working a desk at internal affairs for what, almost a year now.

WEST

And before that?

GIBBS

She disposed of three cases in two years.

WEST

Three cases in two years? Who was she handling, the Rosenbergs?

GIBBS

She's not cut out for litigation.

LAWRENCE

She's a hell of an investigator, Jerry--

GIBBS

In internal affairs, sure. She can crawl up a lawyer's ass with the best of 'em, but when it comes to trial work--

WEST

I know. All passion, no street smarts. Bring her back in.

LAWRENCE goes to the door and motions for JO to come back in.

WEST

Commander, we're gonna move the defendants up here in the morning.

JO

Thank you, sir.

WEST

And I'll have Division assign them counsel.

JO

(beat)

But...not me.

WEST

From what I understand from your colleagues, you're much too valuable in your present assignment to be wasted on what I'm sure will boil down to a five minute plea bargain and a week's worth of paper work.

JO

Sir--

WEST

Don't worry about it. I promise you, division'll assign the right man for the job.

CUT TO

7 OMIT

7

8 OMIT

8

9 EXT. SOFTBALL FIELD - DAY

9

THE RIGHT MAN FOR THE JOB

His name is LIEUTENANT JUNIOR GRADE DANIEL ALLISTAIR KAFFEE, and it's almost impossible not to like him. At the moment he's hitting fungoes to about a dozen LAWYERS who are spread out on the softball field on a corner of the base. The '27 Yankees they're not, but they could probably hold their own against a group of, say, Air Force dentists.

KAFFEE's in his late 20's, 15 months out of Harvard Law School, and a brilliant legal mind waiting for a courageous spirit to drive it. He is, at this point in his life, passionate about nothing...except maybe softball.

KAFFEE

(calling out to the
team)

Alright, let's get two!

He smacks one to the SECOND BASEMAN. The ball bounces through his legs.

SECOND BASEMAN

Sorry!

KAFFEE

Nothing to be sorry about, Sherby. Just look the ball into your glove.

He smacks one out to the same place. It bounces off the heel of SHERBY's glove and into center field.

SHERBY

Sorry!

KAFFEE

You gotta trust me, Sherby. You keep your eyes open, your chances of catching the ball increase by a factor of ten.

SPRADLING, a young naval officer, sweaty and out of breath, walks up behind the backstop.

SPRADLING

Kaffee!

KAFFEE

Let's try it again.

SPRADLING

Kaffee!!

KAFFEE

(turning)

Dave. You seem distraught.

SPRADLING

We were supposed to meet in your office 15 minutes ago to talk about the McDermott case. You're stalling on this thing. Now we either get this done and I mean now, or no kidding, Kaffee, I'll hang your boy from a fuckin' yardarm.

KAFFEE

A yardarm?

(calling out)

Sherby, does the Navy still hang people from yardarms?

SHERBY

(calling back)

I don't think so, Danny.

KAFFEE

(back to SPRADLING)

Dave, Sherby doesn't think the Navy hangs people from yardarms anymore.

(back to the field)

Let's go, let's get two!

He goes back to hitting fungoes.

SPRADLING

I'm gonna charge him with possession and being under the influence while on duty. Plead guilty and I'll recommend 30 days in the brig with loss of rank and pay.

KAFFEE

It was oregano, Dave, it was ten dollars worth of oregano.

SPRADLING

Yeah, well your client thought it was marijuana.

KAFFEE

My client's a moron, that's not against the law.

Swapp! The THIRD BASEMAN takes one in the face.

KAFFEE

Ow. That had to hurt.
(calling out)
Way to keep your head in the play,
Lester! Walk it off!

SPRADLING

I've got people to answer to just like you, I'm gonna charge him.

KAFFEE

With what, possession of a condiment?

SPRADLING

Kaffee--

KAFFEE

Dave, I've tried to help you out of this, but if you ask for jail time, I'm gonna file a motion to dismiss.

SPRADLING

You won't get it.

KAFFEE

I will get it. And if the MTD is denied, I'll file a motion in limine seeking to obtain evidentiary ruling in advance, and after that I'm gonna file against pre-trial confinement, and you're gonna spend an entire summer going blind on paperwork 'cause a Signalman Second Class bought and smoked a dime bag of oregano.

SPRADLING

B Misdemeanor, 20 days in the brig.

KAFFEE

C Misdemeanor, 15 days restricted duty.

SPRADLING

I don't know why I'm agreeing to this.

KAFFEE

'Cause you have wisdom beyond your years. Can you play third base?

10 INT. CONFERENCE ROOM - DAY

10

About 16 NAVY AND MARINE LAWYERS (several of whom are women) are taking their seats around a large conference table.

A PARALEGAL is handing out folders and some photocopied papers to the LAWYERS.

We might notice that one of the lawyers is Lieutenant Junior Grade SAM WEINBERG. Sam's serious and studious looking. If he weren't in uniform, you wouldn't guess that he was a naval officer.

CAPTAIN WHITAKER walks in.

WHITAKER

'Morning.

LAWYERS

(school class)

'Morning Captain Whitaker.

WHITAKER

Sam, how's the baby?

SAM

I think she's ready to say her first word any day now, sir.

WHITAKER

How can you tell?

SAM

She just looks like she has something to say.

KAFFEE walks in.

KAFFEE

Excuse me, sorry I'm late.

WHITAKER

I'm sure you don't have a good excuse, so I won't force you to come up with a bad one.

KAFFEE

Thank you, sir.

WHITAKER

Siddown Danny, this first one's for you. *

He hands KAFFEE some files.

WHITAKER

You're moving up in the world, you've been requested by Division. *

"Oooh"'s and "Ahhh"'s from the other LAWYERS.

(Subtle Note: Kaffee doesn't want to move up in the world.)

KAFFEE

Requested to do what? *

WHITAKER hands him a file.

WHITAKER

Guantanamo Bay, Cuba. A marine corporal named Dawson illegally fires a round from his weapon over the fenceline and into Cuban territory.

KAFFEE

What's a fenceline?

WHITAKER

Sam?

SAM

A big wall separating the good guys from the bad guys.

KAFFEE

Teacher's pet.

WHITAKER

PFC William Santiago threatens to rat on Dawson to the Naval Investigative Service. Dawson and another member of his squad, PFC Loudon Downey, they go into Santiago's room, tie him up, and stuff a rag down his throat. An hour later, Santiago's dead. Attending physician says the rag was treated with some kind of toxin.

KAFFEE

They poisoned the rag?

WHITAKER

Not according to them.

KAFFEE

What do they say?

WHITAKER

Not much. They're being flown up here tomorrow and on Wednesday at 0600 you'll catch a transport down to Cuba for the day to find out what you can. Meantime, go and see Lt. Commander Joanne Galloway at the Pentagon. She's the one who had 'em brought up here. She'll fill you in on whatever she has. Any questions?

*

*

KAFFEE

The flight to Cuba, was that 0600 in the morning, sir?

WHITAKER

It seems important to Division that this one be handled by the book, so I'm assigning co-counsel. Any volunteers?

SAM

No.

WHITAKER

Sam.

SAM

Sir, I have a stack of paper on my desk--

WHITAKER

Work with Kaffee on this.

SAM

Doing what? Kaffee'll finish this up in four days.

WHITAKER

Do various...administrative... you know...things. Back-up. Whatever.

SAM

In other words I have no responsibilities whatsoever.

WHITAKER

Right.

SAM

My kinda case.

CUT TO

11 INT. JO'S OFFICE - DAY

11

JO sits behind her desk. KAFFEE and SAM stand in the doorway.
KAFFEE knocks politely.

JO looks up.

KAFFEE

Hi.

JO

(beat)

Hi.

KAFFEE

I'm Daniel Kaffee. I was told to meet
with--

(checks notes)

--Commander Galloway.

JO is staring at him. KAFFEE doesn't know why.

KAFFEE

About a briefing.

JO is finding this hard to believe.

JO

You're the attorney that Division
assigned?

KAFFEE

I'm lead counsel. This is Sam Weinberg.

SAM

I have no responsibilities here
whatsoever.

JO's deeply puzzled.

JO

(beat)

Come in, please, have a seat.

KAFFEE and SAM come into the office and sit.

JO

Lieutenant, how long have you been in
the Navy?

KAFFEE

Going on nine months now.

JO

And how long have you been out of law
school?

KAFFEE
A little over a year.

JO
(beat)
I see.

KAFFEE
Have I done something wrong?

JO
No. It's just that when I petitioned
Division to have counsel assigned, I was
hoping I'd be taken seriously.

KAFFEE and SAM exchange a look.

KAFFEE
(to JO)
No offense taken, if you were wondering.

SAM
Commander, Lt. Kaffee's generally
considered the best litigator in our
office. He's successfully plea bargained
44 cases in nine months.

KAFFEE
One more, and I get a set of steak
knives.

JO
Have you ever been in a courtroom?

KAFFEE
I once had my drivers license suspended.

SAM
Danny--

KAFFEE
Commander, from what I understand, if
this thing goes to court, they won't
need a lawyer, they'll need a priest.

JO
No. They'll need a lawyer.

During this, she'll hand KAFFEE a series of files, which
KAFFEE will pass to SAM without even glancing at them.

JO
Dawson's family has been contacted.
Downey's closest living relative is
Ginny Miller, his aunt on his mother's
side, she hasn't been contacted yet.

None of this really means anything to KAFFEE.

JO

Would you like me to take care of that?

KAFFEE

Sure, if you feel like it.

JO takes another beat to size this guy up.

JO

One of the people you'll be speaking to down there is the barracks C.O., Colonel Nathan Jessep, I assume you've heard of him.

KAFFEE

(beat)

Who hasn't?

SAM

(to KAFFEE)

He's been in the papers lately. He's expected to be appointed Director of Operations for the National Security Counsel.

Passing KAFFEE another file--

JO

These are letters that Santiago wrote in his 8 months at GITMO- -

SAM

(whispering to KAFFEE)

Guantanamo Bay.

KAFFEE

I knew that one.

JO

He wrote to the fleet commander, HQ, Atlantic, the Commander of the Marine Corps, even his senator. He wanted to be transferred off the base. Nobody was listening. You with me?

*
*
*

KAFFEE

Yes.

JO

Finally he wrote to the Naval Investigative Service--

She hands it to KAFFEE who hands it to SAM--

JO
(continued)
--where he offered information about
Corporal Dawson's fence-line shooting in
exchange for a transfer.

KAFFEE
Right. Is that all?

JO
(beat)
Lieutenant, this letter makes it look
like your client had a motive to kill
Santiago.

KAFFEE
Gotcha.
(beat)
And Santiago is....who?

JO
(beat)
The victim.

KAFFEE
(to SAM)
Write that down.
(to JO)
Am I correct in assuming that these
letters don't paint a flattering picture
of marine corps life in Guantanamo Bay?

JO
Yes, among other--

KAFFEE
And am I further right in assuming that
a protracted investigation of this
incident might cause some embarrassment
for the security counsel guy.

JO
Colonel Jessep, yes, but--

KAFFEE
Twelve years.

JO
I'm sorry?

KAFFEE
I'll get it knocked down to Involuntary
Manslaughter. Twelve years.

JO
You haven't talked to a witness or
looked at a piece of paper.

KAFFEE

Pretty impressive, huh?

JO

You're gonna have to go deeper than just--

KAFFEE

Commander, do you have some sort of jurisdiction here that I should know about?

JO

My job is to make sure you do your job. I'm special counsel for Internal Affairs, so my jurisdiction's pretty much in your face. Read the letters. You're not under any obligation, but I'd appreciate a report when you get back from Cuba.

KAFFEE

Sure.

KAFFEE gets up without waiting for JO to say--

JO

You're dismissed.

KAFFEE

Sorry, I always forget that.

KAFFEE's gone. SAM's standing in the doorway.

SAM

He's a little preoccupied.

(beat)

The team's playing Bethesda Medical next week.

JO

Tell your friend not to get cute down there. The marines in Guantanamo are fanatical.

SAM

About what?

And in VOICE OVER we HEAR--

SANTIAGO (V.O.)

"Dear Sir,"

JO

About being marines.

CUT TO

12 EXT. GITMO BARRACKS - DAY 12*

A SERIES OF SHOTS - DAY

And while we HEAR the letter read in V.O., what we're seeing is this: SANTIAGO's life in Guantanamo Bay over the last 8 months. He had a rough time of it.

The shots should include:

-- Santiago arriving late for an inspection line up outside the barracks. He is being dressed down by his Sergeant. *

*
*

13 EXT. GITMO OBSTACLE COURSE - DAY 13*

-- SANTIAGO trying to negotiate the obstacle course. He's matted with sweat. A SERGEANT runs up along side, grabs his back, and pushes him to keep up with the group. SANTIAGO falls, struggles to get back up and keep running and

*

CUT TO

14 EXT. ROCKY HILL - DAY 14 *

-- SANTIAGO running with the squad of MARINES again, this time down a rocky hill. It's hot as hell and it looks like he's gonna pass out.

He stumbles, and the SERGEANT picks him up and pushes him down the hill. He rolls about 30 feet before he stops.

15 OMIT 15*

16 INT. MESS HALL - DAY 16*

-- SANTIAGO sitting alone in the mess hall, not a friend within four seats of him and

Over this, we HEAR

SANTIAGO (V.O.)

"...My name is PFC William T. Santiago. I am a marine stationed at Marine Barracks, Rifle Security Company Windward, Second Platoon Delta. I am writing to inform you of my problems with my unit here in Cuba and to ask for your help. I've fallen out on runs before for several reasons such as feeling dizzy or nauseated, but on May 18th, I'd fallen back about 20 or 30 yards going down a rocky, unstable hill. My sergeant grabbed me and pushed me down the hill. Then I saw all black and the last thing I remember is hitting the deck. I was brought to the hospital where I was told I just had heat exhaustion and was explained to by the doctor that my body has trouble with the hot sun and I hyperventilate. I ask you to help me. Please sir. I just need to be transferred out of RSC. Sincerely, PFC William T. Santiago. U.S. Marine Corps."

At this point, with SANTIAGO's letter still in V.O., we

CUT TO

17 INT. JESSEP'S OFFICE - DAY

17

THE LETTER - DAY

It's the last paragraph of the letter we've been hearing, and at the moment, we can't see the hands that are holding it.

SANTIAGO (V.O.)

"P.S. In exchange for my transfer off the base, I'm willing to provide you with information about an illegal fence line shooting that occurred the night of August 2nd."

And as these last words are spoken, we

PULL BACK TO REVEAL

COLONEL NATHAN R. JESSEP, who drops the letter he's been reading on his desk, where it joins a stack of other letters just like it.

JESSEP's a born leader, considered in many circles to be one of the real fair-haired boys of the Corps. He's smart as a whip with a sense of humor to match.

As soon as he drops the letter, he says

JESSEP

Who the fuck is PFC William T. Santiago.

He's talking to his two senior officers. LT. COLONEL MARKINSON is in his late 40's. He's a career marine and a nice guy in a world where nice guys may not finish last, but they sure as shit don't finish first. LT. JONATHAN JAMES KENDRICK is 26, from Georgia, and an Academy graduate. If you asked him, he'd tell you that the gates to heaven are guarded by the U.S. Marine Corps.

KENDRICK

Sir, Santiago is a member of Second Platoon, Bravo.

JESSEP

Yeah, well, apparently he's not very happy down here at Shangri-La, 'cause he's written letters to everyone but Santa Claus asking for a transfer. And now he's telling tales about a fenceline shooting.

He tosses the letter over to MARKINSON. MARKINSON is looking it over. JESSEP is waiting for a response.

JESSEP

Matthew?

MARKINSON

I'm appalled, sir.

JESSEP

You're appalled? This kid broke the Chain of Command and he ratted on a member of his unit, to say nothing of the fact that he's a U.S. Marine and it would appear that he can't run from here to there without collapsing from heat exhaustion. What the fuck's going on with Bravo Company, Matthew?

MARKINSON

Colonel, I think perhaps it would be better to hold this discussion in private.

KENDRICK

That won't be necessary, Colonel, I'll handle the situation.

MARKINSON

The same way you handled the Curtis Barnes incident? You're doing something wrong, Lieutenant, this--

KENDRICK

My methods of leadership are--

MARKINSON

Don't interrupt me, I'm still your superior officer.

JESSEP

And I'm yours, Matthew.

The room calms down for a moment.

JESSEP

I want to know what we're gonna do about this.

MARKINSON

I think Santiago should be transferred off the base. Right away.

JESSEP

He's that bad, huh?

MARKINSON

Not only that, but word of this letter's bound to get out. The kid's gonna get his ass kicked.

JESSEP

Transfer Santiago. Yes. I suppose you're right. I suppose that's the thing to do. Wait. Wait. I've got a better idea. Let's transfer the whole squad off the base. Let's--on second thought--Windward. The whole Windward division, let's transfer 'em off the base. Jon, go on out there and get those boys down off the fence, they're packing their bags.
(calling out)

Tom!

The ORDERLY comes in from the outer office.

ORDERLY

Sir!

JESSEP

Get me the President on the phone, we're surrendering our position in Cuba.

ORDERLY

Yes sir!

JESSEP

Wait a minute, Tom.

The ORDERLY stops.

JESSEP

Don't call the President just yet. Maybe we should consider this for a second. Maybe--and I'm just spit balling here--but maybe we as officers have a responsibility to train Santiago. Maybe we as officers have a responsibility to this country to see that the men and women charged with its security are trained professionals. Yes. I'm certain I once read that somewhere. And now I'm thinking that your suggestion of transferring Santiago, while expeditious, and certainly painless, might not be in a manner of speaking, the American way. Santiago stays where he is. We're gonna train the lad. You're in charge, Jon. Santiago doesn't make 4.6-4.6 on his next proficiency and conduct report, I'm gonna blame you. Then I'm gonna kill you.

*
*

KENDRICK

Yes sir.

MARKINSON

I think that's a mistake, Colonel.

JESSEP

Matthew, I believe I will have that word in private with you now. Jon, that's all. Why don't you and I have lunch at the "O" club, we'll talk about the training of young William.

KENDRICK

Yes sir, I'd be delighted to hear any suggestions you have.

JESSEP

Dismissed.

KENDRICK is gone.

JESSEP

Matthew, sit, please.

MARKINSON sits.

JESSEP

What do you think of Kendrick?

MARKINSON

(beat)

I don't know that--

JESSEP

I think he's kind of a weasel, myself. But he's an awfully good officer, and in the end we see eye to eye on the best way to run a marine corps unit. We're in the business of saving lives, Matthew. That's a responsibility we have to take pretty seriously. And I believe that taking a marine who's not yet up to the job and packing him off to another assignment, puts lives in danger.

MARKINSON starts to stand--

JESSEP

Matthew, sit down.

(beat)

We go back a while. We went to the Academy together, we were commissioned together, we did our tours in Vietnam together. But I've been promoted up through the chain with greater speed and success than you have. Now if that's a source of tension or embarrassment for you, well, I don't give a shit. We're in the business of saving lives, Lt. Colonel Markinson. Don't ever question my orders in front of another officer.

JESSEP grabs his hat and walks out, leaving MARKINSON sitting all alone, and we

CUT TO

18 EXT. QUANTICO - MAIN GATE - EARLY MORNING

18*

It's maybe a little hazier today than it was yesterday. An M.P. is waving a procession of three Military Police sedans and a fourth unmarked car through the gate. The cars drive through and we

CUT TO

19 EXT. THE BRIG - EARLY MORNING

19*

Another red-brick building. A few M.P.'s stand out front as the cars pull up. As soon as they come to a stop, all the doors swing open and various uniformed and non-uniformed officers hop out and move to the unmarked sedan where they escort DAWSON and DOWNEY, in handcuffs, out of the car. HAROLD DAWSON's a handsome, young, black corporal. Intense, controlled, and utterly professional.

LOUDEN DOWNEY's a 19-year-old kid off an Iowa farm. He's happiest when someone is telling him exactly what to do.

DAWSON's his hero.

The two prisoners stand still for a moment. They might as well be in Oz.

DOWNEY

Hal?

DAWSON doesn't say anything.

DOWNEY

Is this Washington, D.C.?

M.P.

Alright, let's move.

CUT TO

20 EXT. SOFTBALL FIELD - DAY
and KAFFEE's at it again.

20

KAFFEE

Alright, let's get tough out there!

JO walks up from behind the backstop.

JO

Excuse me.

KAFFEE

You want to suit up? We need all the help we can get.

JO

No, thank you, I can't throw and catch things.

KAFFEE

That's okay, neither can they.

JO

I wanted to talk to you about Corporal Dawson and Private Downey.

KAFFEE

Say again?

JO

Dawson and Downey.

KAFFEE

(beat)

Those names sound like they should mean something to me, but I'm just not--

JO
Dawson! Downey! Your clients!

KAFFEE
The Cuba thing! Yes! Dawson and Downey.
(beat)
Right.
(pause)
I've done something wrong again, haven't I?

JO
I was wondering why two guys have been in a jail cell since this morning while their lawyer is outside hitting a ball.

KAFFEE
We need the practice.

JO
That wasn't funny.

KAFFEE
It was a little funny.

JO
Lieutenant, would you feel very insulted if I recommended to your supervisor that he assign different counsel?

KAFFEE
Why?

JO
I don't think you're fit to handle this defense.

KAFFEE
You don't even know me. Ordinarily it takes someone hours to discover I'm not fit to handle a defense.

JO just stares.

KAFFEE
Oh come on, that was damn funny.

JO moves close to KAFFEE to say this with a degree of confidentiality.

JO
I do know you. Daniel Allistair Kaffee, born June 8th, 1964 at Boston Mercy Hospital. Your father's Lionel Kaffee, former Navy Judge Advocate and Attorney General of the United States, died 1985.
(MORE)

JO (cont'd)

You went to Harvard Law, then you joined the Navy, probably because that's what your father wanted you to do, and now you're just treading water for the three years you've gotta serve in the JAG Corps, just kinda layin' low 'til you can get out and get a real job. And if that's the situation, that's fine, I won't tell anyone. But my feeling is that if this case is handled in the same fast-food, slick-ass, Persian Bazaar manner with which you seem to handle everything else, something's gonna get missed. And I wouldn't be doing my job if I allowed Dawson and Downey to spend any more time in prison than absolutely necessary, because their attorney had pre-determined the path of least resistance.

KAFFEE can't help but be impressed by that speech.

KAFFEE

Wow.

(beat)

I'm sexually aroused, Commander.

JO

I don't think your clients murdered anybody.

KAFFEE

What are you basing this on?

JO

There was no intent.

KAFFEE

The doctor's report says that Santiago died of asphyxiation brought on by acute lactic acidosis, and that the nature of the acidosis strongly suggests poisoning.

(beat)

Now, I don't know what any of that means, but it sounds pretty bad.

JO

Santiago died at one a.m. At three the doctor was unable to determine the cause of death, but two hours later he said it was poison.

KAFFEE

Oh, now I see what you're saying. It had to be Professor Plum in the library with the candlestick.

JO

I'm gonna speak to your supervisor.

KAFFEE

Okay. You go straight up Pennsylvania Avenue. It's that big white house with the pillars in front.

JO

Thank you.

KAFFEE

I don't think you'll have much luck, though. I was assigned by Division, remember? Somebody over there thinks I'm a good lawyer. So while I appreciate your interest and admire your enthusiasm, I think I can pretty much handle things myself.

JO

Do you know what a Code Red is?

KAFFEE doesn't, but he doesn't say anything.

JO

What a pity.

CUT TO

21 INT. THE BRIG - LATE AFTERNOON

21*

A GUARD is leading KAFFEE and SAM down to a holding room where DAWSON and DOWNEY wait.

*
*

GUARD

Officer on deck, ten-hut.

DAWSON and DOWNEY come to attention. Through the following, the GUARD will unlock the cell door and let the lawyers in.

DAWSON

Sir, Lance Corporal Harold W. Dawson sir. Rifle Security Company Windward, Second Platoon, Bravo.

KAFFEE

Someone hasn't been working and playing well with others, Harold.

DAWSON

Sir, yes sir!

DOWNEY

Sir, PFC Loudon Downey.

KAFFEE
I'm Daniel Kaffee, this is Sam Weinberg,
you can siddown.

DAWSON and DOWNEY aren't too comfortable sitting in the presence of officers, but they do as they're told. KAFFEE's pulled out some documents, SAM's sitting on one of the cots taking notes.

KAFFEE
(to DAWSON)
Is this your signature?

DAWSON
Yes sir.

KAFFEE
You don't have to call me sir.
(to DOWNEY)
Is this your signature?

DOWNEY
Sir, yes sir.

KAFFEE
And you certainly don't have to do it twice in one sentence. Harold, what's a Code Red?

DAWSON
Sir, a Code Red is a disciplinary engagement.

KAFFEE
What does that mean, exactly?

DAWSON
Sir, a marine falls out of line, it's up to the men in his unit to get him back on track.

KAFFEE
What's a garden variety Code Red?

DAWSON
Sir?

KAFFEE
Harold, you say sir and I turn around and look for my father. Danny, Daniel, Kaffee. Garden variety, typical. What's a basic Code Red?

DAWSON
Sir, a marine has refused to bathe on a regular basis. The men in his squad would give him a G.I. shower.

KAFFEE
What's that?

DAWSON
Scrub brushes, brillo pads, steel
wool...

SAM
Beautiful.

KAFFEE
Was the attack on Santiago a Code Red?

DAWSON
Yes sir.

KAFFEE
(to DOWNEY)
Do you ever talk?

DAWSON
Sir, Private Downey will answer any
direct questions you ask him.

KAFFEE
Swell. Private Downey, the rag you
stuffed in Santiago's mouth, was there
poison on it?

DOWNEY
No sir.

KAFFEE
Silver polish, turpentine,
anti-freeze...?

DOWNEY
No sir. We were gonna shave his head,
sir.

KAFFEE
When all of a sudden...?

DOWNEY
We saw blood dripping out of his mouth.
Then we pulled the tape off, and there
was blood all down his face, sir. That's
when Corporal Dawson called the
ambulance.

KAFFEE tries not to make too big a deal out of this last piece
of news.

KAFFEE
(to DAWSON)
Did anyone see you call the ambulance?

DAWSON

No sir.

KAFFEE

Were you there when the ambulance got there?

DAWSON

Yes sir, that's when we were taken under arrest.

KAFFEE kinda strolls to the corner of the cell to think for a moment.

SAM

(to DAWSON)

On the night of August 2nd, did you fire a shot across the fenceline into Cuba?

*

DAWSON

Yes sir.

SAM

Why?

DAWSON

My mirror engaged, sir.

KAFFEE

(to SAM)

His mirror engaged?

SAM

For each American sentry post there's a Cuban counter-part. They're called mirrors. The corporal's claiming that his mirror was about to fire at him.

KAFFEE

Santiago's letter to the NIS said you fired illegally. He's saying that the guy, the mirror, he never made a move.

DAWSON says nothing.

KAFFEE

Oh, Harold?

SAM is staring at DAWSON.

KAFFEE

You see what I'm getting at? If Santiago didn't have anything on you, then why did you give him a Code Red?

DAWSON

Because he broke the chain of command, sir.

MasterClass

KAFFEE

He what?

DAWSON

He went outside his unit, sir. If he had a problem, he should've spoken to me, sir. Then his Sergeant, then Company Commander, then--

KAFFEE

Yeah, yeah, alright. Harold, did you assault Santiago with the intent of killing him?

DAWSON

No sir.

KAFFEE

What was your intent?

DAWSON

To train him, sir.

KAFFEE

Train him to do what?

DAWSON

Train him to think of his unit before himself. To respect the code.

SAM

What's the code?

DAWSON

Unit Corps God Country.

SAM

I beg your pardon?

DAWSON

Unit Corps God Country.

KAFFEE

The Government of the United States wants to charge you two with murder. You want me to go to the prosecutor with unit, corps, god, country?

DAWSON stares at KAFFEE.

DAWSON

That's our Code, sir.

KAFFEE takes a long moment. He picks up his briefcase and he and SAM move to the door.

KAFFEE

We'll be back. You guys need anything?
Books, paper, cigarettes, a ham
sandwich?

DAWSON

Sir. No thank you. Sir.

KAFFEE smiles at DAWSON

KAFFEE

Harold, I think there's a concept you
better start warming up to.

DAWSON

Sir?

KAFFEE

I'm the only friend you've got.

And as KAFFEE and SAM walk out the open cell door, DAWSON and
DOWNEY come to attention.

They hold until KAFFEE and SAM are well out of sight, and we

CUT TO

21A EXT. JAG CORPS - ESTABLISHING SHOT - LATE AFTERNOON

21A*

22 INT. KAFFEE'S OFFICE - LATE AFTERNOON

22*

He's packing up stuff into his briefcase at the end of the
work day.

Lt. JACK ROSS, a marine lawyer maybe two years older than
Kaffee, opens the door and walks in..

ROSS

Dan Kaffee.

KAFFEE

Smilin' Jack Ross.

ROSS

Welcome to the big time.

KAFFEE

You think so?

ROSS

I hope for Dawson and Downey's sake you
practice law better than you play
softball.

KAFFEE

Unfortunately for Dawson and Downey, I don't do anything better than I play softball. What are we lookin' at?

ROSS

They plead guilty to Manslaughter, I'll drop the Conspiracy and the Bad Conduct. Twenty years. They'll be home in half that time.

KAFFEE

I want twelve.

ROSS

Can't do it.

KAFFEE

They called the ambulance, Jack.

ROSS

I don't care if they called the Avon Lady, they killed a marine.

KAFFEE

The rag was tested for poison. The autopsy, lab report, even the initial E.R. and C.O.D. reports, they all say the same thing: Maybe, maybe not.

ROSS

The Chief of Internal Medicine at the Guantanamo Bay Naval hospital says he's sure.

KAFFEE

What do you know about Code Reds?

ROSS smiles and shakes his head.

ROSS

Oh man.

He closes the office door.

ROSS

Are we off the record?

KAFFEE

You tell me.

ROSS

(pause)

I'm gonna give you the twelve years, but before you go getting yourself into trouble tomorrow, you should know this: The platoon commander, Lt.

(MORE)

ROSS (cont'd)
Jonathan Kendrick, had a meeting with
the men. And he specifically told them
not to touch Santiago.

KAFFEE holds for a moment. Dawson and Downey neglected to
mention this.

He picks up his briefcase and cleats.

KAFFEE
I'll talk to you when I get back.

ROSS
Hey, we got a little four-on-four going
tomorrow night. When does your plane get
in?

CUT TO

23 EXT. THE PARKING LOT - LATE AFTERNOON

23*

It's dusk and people on the base are going home from work. We
can see the flag being lowered in the background.

KAFFEE's walking toward his car. JO intercepts him and starts
walking along with him.

JO
Hi there.

KAFFEE
Any luck getting me replaced?

JO
Is there anyone in this command that you
don't either drink or play softball
with?

KAFFEE
Commander--

JO
Listen, I came to make peace. We started
off on the wrong foot. What do you say?
Friends?

KAFFEE
Look, I don't--

JO
By the way, I brought Downey some comic
books he was asking for. The kid,
Kaffee, I swear, he doesn't know where
he is, he doesn't even know why he's
been arrested.

Commander-- KAFFEE

JO
You can call me Joanne.

Joanne-- KAFFEE

Or Jo. JO

Jo? KAFFEE

Yes. JO

KAFFEE
Jo, if you ever speak to a client of mine again without my permission, I'll have you disbarred. Friends?

JO
I had authorization.

KAFFEE
From where?

JO
Downey's closest living relative, Ginny Miller, his aunt on his mother's side.

KAFFEE
You got authorization from Aunt Ginny?

JO
I gave her a call like you asked. Very nice woman, we talked for about an hour.

KAFFEE
You got authorization from Aunt Ginny.

JO
Perfectly within my province.

KAFFEE
Does Aunt Ginny have a barn? We can hold the trial there. I can sew the costumes, and maybe his Uncle Goober can be the judge.

JO steps aside and lets KAFFEE get into his car.

JO
I'm going to Cuba with you tomorrow.

KAFFEE

And the hits just keep on comin'.

HOLD on KAFFEE and JO. JO smiles.

CUT TO

24 EXT. SIDEWALK NEWSSTAND - LATE AFTERNOON

24*

KAFFEE IN HIS CAR

He's driving down a Washington street and pulls over at a sidewalk newsstand.

He gets out of his car, leaving the lights flashing, and runs up to the newsstand.

As he plunks his 35 cents down and picks up a newspaper, he engages in his daily ritual with LUTHER, the newsstand operator.

KAFFEE

How's it goin', Luther?

LUTHER

Another day, another dollar, Captain.

KAFFEE

You gotta play 'em as they lay, Luther.

LUTHER

What comes around, goes around, you know what I'm sayin'?

KAFFEE

If you can't beat 'em, join 'em.

LUTHER

At least I got my health.

KAFFEE

Well then you got everything. See you tomorrow, Luther.

LUTHER

Not if I see you first.

And we

CUT TO

25 EXT. RESIDENTIAL STREET - GEOGETOWN - DUSK

25*

A BABY SLEEPING IN A STROLLER

*

PULL BACK TO REVEAL

SAM is pushing the stroller. KAFFEE walks alongside. *

SAM
When Nancy gets back, you're my witness.
The baby spoke. My daughter said a word.

KAFFEE
Your daughter made a sound, Sam, I'm not
sure it was a word.

SAM
Oh come on, it was a word.

KAFFEE
Okay.

SAM
You heard her. The girl sat here,
pointed, and said "Pa." She did. She
said "Pa."

KAFFEE
She was pointing at a fire hydrant. *

SAM
That's right. Pointing, as if to say,
"Pa, look, a fire hydrant." *

KAFFEE
Jack Ross came to see me today. He
offered me twelve years.

SAM
That's what you wanted.

KAFFEE
I know, and I'll...I guess, I mean--
(beat)
I'll take it.

SAM
So?

KAFFEE
It took about 45 seconds. He barely put
up a fight.

SAM
(beat)
Danny, take the twelve years, it's a
gift.

They arrive at the steps of Sam's apartment building. Kaffee
helps Sam up the steps with the baby. *

KAFFEE

You don't believe their story, do you?
You think they ought to go to jail for
the rest of their lives.

SAM

I believe every word they said. And I
think they ought to go to jail for the
rest of their lives.

Baby and stroller are safely up the steps. *

KAFFEE

I'll see you tomorrow.

SAM starts toward the front door, then stops for a moment. *

SAM

Remember to wear your whites, it's hot
down there.

KAFFEE

I don't like the whites.

SAM

Nobody likes the whites, but we're going
to Cuba. You got Dramamine? *

KAFFEE

Dramamine keeps you cool?

SAM

Dramamine keeps you from throwing up,
you get sick when you fly.

KAFFEE

I get sick when I fly 'cause I'm afraid
of crashing into a large mountain, I
don't think Dramamine'll help.

SAM

I've got some oregano, I hear that works
pretty good.

KAFFEE

Yeah, right.

Sam continues toward the entrance to the building. KAFFEE
starts toward his car, then turns around. *

KAFFEE

You know, Ross said the strangest thing
to me right before I left. He said, "The
platoon commander, Lieutenant Jonathan
Kendrick, had a a meeting with the men
and specifically told them not to
touch Santiago."

SAM

(beat)

So?

KAFFEE

I never mentioned Kendrick. I don't even know who he is.

(beat)

What the hell.

(beat)

I'll see you tomorrow.

We hold for a moment on KAFFEE as he gets into his car, then *

CUT TO

26 EXT. THE AIRSTRIP AT GUANTANAMO BAY - DAY

26

The whole place, in stark contrast to the Washington Navy Yard, is ready to go to war. Fighter jets line the tarmac. Ground crews re-fuel planes. Hurried activity.

A 36-seat Air Force Jet rolls to a stop on the tarmac and a stair unit is brought up.

HOWARD, a marine corporal, is waiting by the stairway as the passengers begin to get off. Mostly MARINES, a few SAILORS, a couple of CIVILIANS, and KAFFEE, JO and SAM. KAFFEE and SAM are wearing their summer whites, JO is in khakis.

KAFFEE and SAM stare out at what they see: They're not in Kansas anymore.

HOWARD shouts over the noise from the planes.

HOWARD

Lieutenants Kaffee and Weinberg?

KAFFEE

(shouting)

Yeah.

JO

Commander Galloway.

HOWARD

I'm Corporal Howard, ma'am, I'm to escort you to the Windward side of the base.

JO

Thank you.

HOWARD

I've got some camouflage jackets in the back of the jeep, sirs. I suggest you both put them on.

KAFFEE
Camouflage jackets?

HOWARD
Yes, sir. We'll be riding pretty close
to the fenceline. The Cubans see an
officer wearing white, they think it's
someone they might wanna take a shot at.

KAFFEE turns and glares at SAM.

KAFFEE
Good call, Sam.

CUT TO

27 EXT. CUBAN ROAD - THE JEEP - DAY

27

Tearing along down the road, and now we see

A beautiful expanse of water, maybe 1000 yards across. It's a
section of Guantanamo Bay.

HOWARD
(shouting)
We'll just hop on the ferry and be over
there in no time.

KAFFEE
(shouting)
Whoa! Hold it! We gotta take a boat?!

HOWARD
Yes sir, to get to the other side of the
bay.

KAFFEE
Nobody said anything about a boat.

HOWARD
(shouting)
Is there a problem, sir?

KAFFEE
(shouting)
No. No problem. I'm just not that crazy
about boats, that's all.

JO
(shouting)
Jesus Christ, Kaffee, you're in the Navy
for cryin' out loud!

KAFFEE
(shouting)
Nobody likes her very much.

HOWARD
(shouting)
Yes sir.

The jeep drives on and we

CUT TO

27A EXT. JESSEP'S OFFICE - ESTABLISHING SHOT - DAY

27A

28 INT. JESSEP'S OFFICE - DAY

28

JESSEP, MARKINSON and KENDRICK are standing as the LAWYERS are led in.

JESSEP
Nathan Jessep, come on in and siddown.

KAFFEE
Thank you, sir. I'm Daniel Kaffee, I'm
the attorney for Dawson and Downey. This
is Lt. Commander Joanne Galloway, she's
observing and evaluating--

*

JO
(shaking hands)
Colonel.

JESSEP
Pleased to meet you, Commander.

KAFFEE
Lt. Sam Weinberg. He has no
responsibilities here whatsoever.

JESSEP
I've asked Lt. Colonel Markinson and
Lt. Kendrick to join us.

*

MARKINSON
Lt. Kaffee, I had the pleasure of
meeting your father once. I was a
teenager and he spoke at my high school.

KAFFEE smiles and nods.

JESSEP
Lionel Kaffee?

KAFFEE
Yes sir.

JESSEP
Well what do you know.
(MORE)

JESSEP (cont'd)

Jon, this man's dad once made a lot of enemies down in your neck of the woods. Jefferson vs. Madison County School District. The folks down there said a little black girl couldn't go to an all white school, Lionel Kaffee said we'll just see about that. How the hell is your dad?

KAFFEE

He passed away seven years ago, sir. *

JESSEP

(pause)

Well...don't I feel like the fuckin' asshole.

KAFFEE

Not at all, sir.

JESSEP

Well, what can we do for you, Danny.

KAFFEE

Not much at all, sir, I'm afraid. This is really a formality more than anything else. The JAG Corps insists that I interview all the relevant witnesses.

JO

The JAG Corps can be demanding that way.

JESSEP smiles.

JESSEP

Jonanthan'll take you out and show you what you wanna see, then we can all hook up for lunch, how does that sound?

KAFFEE

Fine, sir.

CUT TO

29 EXT. THE FENCELINE - DAY

29

A SQUAD OF MARINES hikes by as a jeep, carrying KENDRICK and the three LAWYERS cruises down the road. *

We FOLLOW the jeep.

KAFFEE

I understand you had a meeting with your men that afternoon.

KENDRICK

Yes.

KAFFEE

What'd you guys talk about?

KENDRICK

I told the men that there was an informer among us. And that despite any desire they might have to seek retribution, Private Santiago was not to be harmed in any way.

KAFFEE

What time was that meeting?

KENDRICK

Sixteen-hundred.

KAFFEE turns around and looks at SAM.

SAM

(leaning forward)
Four o'clock.

CUT TO

30 INT. THE BARRACKS CORRIDOR - DAY

30

KENDRICK leads the LAWYERS down the corridor to Santiago's room.

Two strips of tape which warn DO NOT ENTER - BY ORDER OF THE MILITARY POLICE are criss-crossed over the closed door. They open the door and step under the tape and walk into

31 INT. SANTIAGO'S ROOM - DAY

31

The room is exactly as it was left that night. The un-made bed, the chair knocked over...

The LAWYERS look around for a moment.

The room is sparse.

KAFFEE goes to the closet and opens it: A row of uniforms hanging neatly. He thumbs through them for a second, but there's nothing there.

He opens the footlocker: Socks, underwear...all folded to marine corps precision... A shaving kit, a couple of photographs, a pad of writing paper and some envelopes...

KAFFEE closes the footlocker.

KAFFEE

Sam, somebody should see about getting this stuff to his parents. We don't need it anymore.

The LAWYERS take a moment.

KAFFEE

Lt. Kendrick--can I call you Jon?

KENDRICK

No, you may not.

KAFFEE

(beat)

Have I done something to offend you?

KENDRICK

No, I like all you Navy boys. Every time we've gotta go someplace and fight, you fellas always give us a ride.

JO

Lt. Kendrick, do you think Santiago was murdered?

KENDRICK

Commander, I believe in God, and in his son Jesus Christ, and because I do, I can say this: Private Santiago is dead and that's a tragedy. But he's dead because he had no code. He's dead because he had no honor. And God was watching.

SAM turns to KAFFEE.

SAM

How do you feel about that theory?

KAFFEE

(beat)

Sounds good. Let's move on.

SAM and KENDRICK walk out the door. JO stops KAFFEE.

JO

You planning on doing any investigating or are you just gonna take the guided tour?

KAFFEE

(beat)
I'm pacing myself.

CUT TO

31A EXT. JESSEP'S HOUSE - ESTABLISHING SHOT - DAY

31A*

CUT TO

32 EXT. BACKYARD - DAY

32

JESSEP, MARKINSON, KENDRICK and the LAWYERS are seated at a table in the backyard overlooking the bay.

TWO STEWARDS clear the lunch dishes and pour coffee. JESSEP's finishing a story.

JESSEP

...and they spent the next three hours running around, looking for Americans to surrender to.

JESSEP laughs. KENDRICK joins him. SAM and KAFFEE force a laugh. MARKINSON forces a smile. JO remains silent.

JESSEP

(to the STEWARDS)
That was delicious, thank you.

STEWARD

Our pleasure, sir.

KAFFEE

Colonel, I just need to ask you a couple of questions about September 6th.

JESSEP

Shoot.

KAFFEE

On the morning of the sixth, you were contacted by an NIS agent who said that Santiago had tipped him off to an illegal fenceline shooting.

JESSEP

Yes.

KAFFEE

Santiago was gonna reveal the person's name in exchange for a transfer. Am I getting this right?

JESSEP

Yes.

KAFFEE

If you feel there are any details that I'm missing, you should feel free to speak up.

JESSEP's not quite sure what to say to this Navy-Lawyer-Lieutenant-Smartass guy who just gave him permission to speak freely on his own base.

JESSEP

Thank you.

KAFFEE

Now it was at this point that you called Lt. Colonel Markinson and Lt. Kendrick into your office?

JESSEP

Yes.

KAFFEE

And what happened then?

JESSEP

We agreed that for his own safety, Santiago should be transferred off the base.

Here's something else KAFFEE didn't know. Neither did JO. SAM jots something down on a small notepad.

MARKINSON doesn't flinch.

KAFFEE

Santiago was set to be transferred?

JESSEP

On the first available flight to the states. Six the next morning. Five hours too late as it turned out.

*

KAFFEE nods.

KAFFEE

Yeah.

There's silence for a moment.

KAFFEE takes a sip of his coffee. Then drains the cup and puts it down.

KAFFEE

Alright, that's all I have. Thanks very much for your time.

KENDRICK

The corporal's got the jeep outside, he'll take you back to the airstrip.

KAFFEE

(standing)

Thank you, sir.

JO

Wait a minute, I've got some questions.

KAFFEE

No you don't.

JO

Yes I do.

KAFFEE

No you don't.

JO

Colonel, on the morning that Santiago died, did you meet with Doctor Stone between three and five?

KAFFEE

Jo--

JESSEP

Of course I met with the doctor. One of my men was dead.

KAFFEE

(to JO)

See? The man was dead. Let's go.

JO

(to JESSEP)

I was wondering if you've ever heard the term Code Red.

KAFFEE

Jo--

JESSEP

I've heard the term, yes.

JO

Colonel, this past February, you received a cautionary memo from the Commander in Chief of the Atlantic Fleet warning that the practice of enlisted men disciplining their own wasn't to be condoned by officers.

JESSEP

I submit to you that whoever wrote that memo has never served on the working end of a Soviet-made Cuban AK-47 Assault Rifle. However, the directive having come from the Commander, I gave it its due attention. What's your point, Jo?

KAFFEE

She has no point. She often has no point, sir. It's part of her charm. We're outta here. Thank you.

JO

My point is that I think Code Reds still go on down here. Do Code Reds still happen on this base, colonel?

KAFFEE

Jo, the colonel doesn't need to answer that.

JO

Yes he does.

KAFFEE

No, he really doesn't.

JO

Yeah, he really does. Colonel?

JESSEP

You know it just hit me. She outranks you, Danny.

KAFFEE

Yes sir.

JESSEP

I want to tell you something, Danny, and listen up 'cause I mean this: You're the luckiest man in the world. There is, believe me gentlemen, nothing sexier on earth than a woman you have to salute in the morning. Promote 'em all I say cause this is true: If you've never gotten a blow job from a superior officer then you're letting the best of life just pass you by.

*
*
*
*

JO's not upset. JO's not mad. But she's gonna ask her question till she gets an answer.

JO

Colonel, the practice of Code Reds is still condoned by officers on this base, isn't it?

JESSEP

You see, my problem is, of course, that I'm a Colonel. I'll just have to keep taking cold showers til they elect some gal President.

JO

I need an answer to my question, sir.

JESSEP

Take caution in your tone, Commander. I'm a fair guy, but this fuckin' heat's making me absolutely crazy. You want to know about Code Reds? On the record I tell you that I discourage the practice in accordance with the Commander's directive. Off the record I tell you that it's an invaluable part of close infantry training, and if it happens to go on without my knowledge, so be it. I run my unit how I run my unit. You want to investigate me, roll the dice and take your chances. I eat breakfast 300 yards away from 4000 Cubans who are trained to kill me. So don't for one second think you're gonna come down here, flash a badge, and make me nervous.

A moment of tense silence before--

KAFFEE

Let's go. Colonel, I'll just need a copy of Santiago's transfer order.

JESSEP

What's that?

KAFFEE

Santiago's transfer order. You guys have paper work on that kind of thing, I just need it for the file.

JESSEP

For the file.

KAFFEE

Yeah.

JESSEP

(pause)

Of course you can have a copy of the transfer order. For the file. I'm here to help any way I can.

KAFFEE

Thank you.

JESSEP

You believe that, don't you, Danny? That I'm here to help anyway I can?

KAFFEE

Of course.

JESSEP

The corporal'll run you by Ordnance on your way out to the airstrip. You can have all the transfer orders you want.

KAFFEE

(to JO and SAM)

Let's go.

The LAWYERS start to leave.

JESSEP

But you have to ask me nicely.

KAFFEE stops. Turns around. SAM and JO stop and turn.

KAFFEE

I beg your pardon?

JESSEP

You have to ask me nicely. You see, Danny, I can deal with the bullets and the bombs and the blood. I can deal with the heat and the stress and the fear. I don't want money and I don't want medals. What I do want is for you to stand there in that faggoty white uniform, and with your Harvard mouth, extend me some fuckin' courtesy. You gotta ask me nicely.

KAFFEE and JESSEP are frozen. Everyone's staring at Kaffee. *

KAFFEE makes his decision.

KAFFEE

Colonel Jessep...if it's not too much trouble, I'd like a copy of the transfer order. Sir.

JESSEP smiles.

JESSEP

No problem.

HOLD for a moment. JO's very disappointed.

JESSEP stands there and watches the LAWYERS as they turn and leave the Officer's Club.

JESSEP

I hate casualties, Matthew. There are casualties even in victory. A marine smothers a grenade and saves his platoon, that marine's a hero.

(MORE)

JESSEP (cont'd)

The foundation of the unit, the fabric
of this base, the spirit of the Corps,
these are things worth fighting for.

MARKINSON looks at the ground.

JESSEP

Dawson and Downey, they don't know it,
but they're smothering a grenade.

MARKINSON looks up as we

CUT TO

33 EXT. ANDREWS AIR FORCE BASE - DUSK 33

As the plane touches down on the runway. *

It's dusk in Washington and

CUT TO

34 EXT. KAFFEE'S APARTMENT BUILDING - ESTABLISHING SHOT - NIGHT 34

34A INT. KAFFEE'S APARTMENT - NIGHT 34A

A little one-bedroom. Just the essential furniture, barely
even that.

KAFFEE's sitting and watching a baseball game on t.v. He's
holding a copy of The Baseball Encyclopedia, normally his
favorite reading material, but right now he's having trouble
keeping his mind on it. He's holding a baseball bat and
fiddling with it. The remnants of a pizza and Yoo-Hoo dinner
sit next to him. His white uniform is in a pile in the corner.
There's a BUZZ at the door. KAFFEE's not expecting anyone. He
goes to the door.

KAFFEE

Who is it?

JO (O.S.)

It's me.

KAFFEE opens the door and JO walks in.

KAFFEE

I've really missed you, Jo. I was just
saying to myself, "It's been almost
three hours since I last saw--"

JO

Markinson's disappeared.

KAFFEE

What?

JO

U.A. Unauthorized Absence.

KAFFEE

I know what it means. When?

JO

This afternoon. Sometime after we left.

KAFFEE

I'll try to find him in the morning.

JO

I already tried.

KAFFEE

You tried? Joanne, you're coming dangerously close to the textbook definition of interfering with a government investigation.

JO hands KAFFEE the file she's been holding.

JO

I'm Louden Downey's attorney.

KAFFEE's stunned. He opens the file and begins to read.

JO

Aunt Ginny. She said she feels like she's known me for years. I suggested that she might feel more comfortable if I were directly involved with the case. She had Louden sign the papers about an hour ago.

KAFFEE looks up. Still too stunned to say anything. Then finally...

KAFFEE

I suppose it's way too much to hope that you're just making this up to bother me.

JO

Don't worry, I'm not gonna make a motion for separation, you're still lead counsel.

KAFFEE hands her back the file.

KAFFEE

Splendid.

JO
I think Kendrick ordered the Code Red.
(beat)
So do you.

CUT TO

MasterClass

35 INT. A HOLDING ROOM IN THE BRIG - NIGHT

35

DAWSON and DOWNEY come to attention as KAFFEE and JO are led in.

DAWSON
Officer on deck, ten hut.

KAFFEE starts in immediately.

KAFFEE
Did Kendrick order the Code Red?

DAWSON
Sir?

KAFFEE
Don't say sir like I just asked you if you cleaned the latrine. You heard what I said. Did Lt. Kendrick order you guys to give Santiago a Code Red?

DAWSON
Yes sir.

KAFFEE
(to DOWNEY)
Did he?

DOWNEY
Yes sir.

KAFFEE
You mind telling me why the hell you never mentioned this before?

DAWSON
You didn't ask us, sir.

KAFFEE
Cutie-pie shit's not gonna win you a place in my heart, corporal, I get paid no matter how much time you spend in jail.

DAWSON
Yes sir. I know you do, sir.

KAFFEE
Fuck you, Harold.

There's some understandable tension in the room, broken by--

JO
Alright. Let's sort this out. There was a platoon meeting on September 6th at four in the afternoon. And Lt.

(MORE)

JO (cont'd)
Kendrick says he gave strict instructions that nothing was to happen to Santiago. Now is that true? I want you to speak freely.

DAWSON
Ma'am, that's correct. But then he dismissed the platoon and we all went to our rooms.

JO
And what happened then?

DAWSON
Lt. Kendrick came to our room, ma'am.

KAFFEE
When?

DAWSON
About five minutes after the meeting broke, sir. About 16:20.

KAFFEE
And what happened then?

DAWSON
Lt. Kendrick ordered us to give Santiago a Code Red.

CUT TO

36 INT. THE GYMNASIUM - NIGHT

36

ROSS is playing a game of full-court basketball with some other OFFICERS.

A door at the far end of the court opens and KAFFEE and JO walk in. They head down the sideline toward Ross.

KAFFEE shouts--

KAFFEE
Jack!

But ROSS is into the game...

KAFFEE
Jack!!

ROSS
(waving him off)
Hang on...

KAFFEE
They were given an order.

ROSS stops cold and looks over at Kaffee. The game flies by him. He motions to the locker room door in the corner of the gym and the three of them make their way to privacy.

JO

How long have you known about the order?

ROSS

I didn't--

(to KAFFEE)

Who is this?

KAFFEE

This is Jo Galloway, she's Downey's lawyer. She's very pleased to meet you.

ROSS

What exactly are you accusing me of, commander?

JO

I'm accusing you of--

They're in the

37 INT. LOCKER ROOM - NIGHT

37

and KAFFEE slams the door shut behind them.

KAFFEE

Jack didn't know about the order. 'Cause if he did and he hadn't told us, Jack knows he'd be violating about 14 articles of the code of ethics. As it is, he's got enough to worry about. God forbid our clients decide to plead not guilty and testify for the record that they were given an order.

ROSS

Kendrick specifically told the men not to touch Santiago.

KAFFEE

That's right. And then he went into Dawson and Downey's room and specifically told them to give him a Code Red.

ROSS

That's not what Kendrick said.

KAFFEE

Kendrick's lying.

ROSS

You have proof?

KAFFEE

I have the defendants.

ROSS

And I have 23 marines who aren't accused of murder and a lieutenant with four letters of commendation.

KAFFEE

Why did Markinson go U.A.?

ROSS

We'll never know.

KAFFEE

You don't think I can subpoena Markinson?

ROSS

You can try, but you won't find him. You know what Markinson did for the first 17 of his 21 years in the corps? Counter-Intelligence. Markinson's gone. There is no Markinson.

Some of the wind has been taken out of Kaffee's sails.

ROSS

Look, Danny, Jessep's star is on the rise. Division'll give me a lot of room to spare Jessep, and the corps, any embarrassment.

KAFFEE

How much room?

ROSS

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

*
*

JO

No deal, we're going to a jury.

KAFFEE

Jo--

ROSS

No you're not.

JO

Why not?

ROSS

'Cause you'll lose, and Danny knows it.
And he knows that if we go to court,
I'll have to go all the way, they'll be
charged with the whole truckload.

(MORE)

MasterClass

ROSS (cont'd)
Murder, Conspiracy, Bad Conduct, and even though he's got me by the balls out here, Danny knows that in a courtroom, he loses this case. Danny's an awfully talented lawyer, and he's not about to see his clients go to jail for life when he knows they could be home in six months.

This is now clear: Ross is as good as Kaffee.

ROSS
That's the end of this negotiation. From this moment, we're on the record. I'll see you tomorrow morning at the arraignment.

ROSS turns and heads back to the gym as we

CUT TO

38 INT. A HOLDING ROOM - NIGHT

38

KAFFEE and JO are sitting at a table. DAWSON and DOWNEY are at parade rest.

*

KAFFEE
Here's the story: The Government's offering Assault and Bad Conduct. Two years. You'll be home in six months.

DAWSON and DOWNEY say nothing.

KAFFEE
"Wow, Kaffee, you're the greatest lawyer in the world. How can we ever thank you?" Fellas, you hear what I just said, you're going home in six months.

DAWSON
I'm afraid we can't do that, sir.

KAFFEE
Do what?

DAWSON
Make a deal, sir.

KAFFEE
What are you talking about?

DAWSON

We did nothing wrong, sir. We did our job. If that has consequences, then I accept them. But I won't say I'm guilty, sir.

KAFFEE can't believe this. He looks over at JO.

KAFFEE

Did you--

(to DAWSON and DOWNEY)

Did she put you up to this?

JO

No.

DAWSON

We have a code, sir.

KAFFEE

Well zippity-doo-dah. You and your code plead not guilty and you'll be in jail for the rest of your life. Do what I'm telling you and you'll be home in six months.

DAWSON just stares at him.

KAFFEE

Do it, Harold. Six months. It's nothing. It's a hockey season.

DAWSON

Permission to-

KAFFEE

Speak!

DAWSON

What do we do then, sir?

KAFFEE

When?

DAWSON

After six months. We'd get a bad conduct discharge right sir?

KAFFEE

Probably.

DAWSON

What do we do then, sir? We joined the Corps 'cause we wanted to live our lives by a certain code. And we found it in the corps.

(MORE)

DAWSON (cont'd)

And now you're asking us to sign a piece of paper that says we have no honor. You're asking us to say we're not marines. If the court decides that what we did was wrong, I'll accept whatever punishment they give. But I believe I was right, sir. I believe I did my job. And I won't dishonor myself, my unit, or the Corps, so that I can go home in six months.

(beat)

Sir.

HOLD ON the four of them for a moment, then

KAFFEE

Commander, I want to talk to Corporal Dawson alone for a minute.

JO waits just a moment before she calls out--

JO

Guard!

(to DOWNEY)

Let's go in another room. Louden, everything's gonna be alright.

The GUARD has shown up and unlocked the cell door.

JO

(to GUARD)

We're gonna go into another holding room.

GUARD

Aye, aye, ma'am.

JO, DOWNEY, and the GUARD are gone.

KAFFEE paces a moment before he says--

KAFFEE

You don't like me that much, do you?

(beat)

Forget it, don't answer that, it doesn't matter.

KAFFEE paces another moment, then sits on the cot. He's trying to choose his tack carefully.

KAFFEE

You know, Downey worships you. He's gonna do whatever you do. Are you really gonna let this happen to him because of a code, Harold?

DAWSON
Do you think we were right?

KAFFEE
It doesn't matter what I--

DAWSON
Do you think we were right?

KAFFEE gets up.

KAFFEE
(beat)
I think you'd lose.

DAWSON
(beat)
You're such a coward, I can't believe
they let you wear a uniform.

KAFFEE stares at DAWSON.

KAFFEE
I'm not gonna feel responsible for this,
Harold. I did everything I could. You're
going to Leavenworth for the better part
of your life, and you know what? I don't
give a shit.

KAFFEE calls out--

KAFFEE
Guard!

KAFFEE and DAWSON are staring each other down. The GUARD shows
up and unlocks the cell door. KAFFEE steps out to leave.

KAFFEE
What happened to saluting an officer
when he leaves the room?

DAWSON holds on KAFFEE. Then DAWSON, a man who would rather
die than breach military protocol, takes his hands and puts
them in his pockets.

The door closes and we

CUT TO

39 INT. THE OFFICE CORRIDOR - NIGHT

39

One light is on at the end of the hall.

CUT TO

40 INT. KAFFEE'S OFFICE - NIGHT

40

SAM has joined KAFFEE and JO. The mood is somber.

KAFFEE

Dawson's gonna go to jail just to spite me. Fine. If he wants to jump off a cliff, that's his business. I'm not gonna hold his hand on the way down.

(to SAM)

I want to get him a new lawyer. How do I do it?

SAM

You just make a motion tomorrow morning at the arraignment. The judge'll ask you if you want to enter a plea. You tell him you want new counsel assigned.

KAFFEE

(beat)

Then that's that.

JO

(beat)

Yeah. One thing, though. When you ask the judge for new counsel, Danny, be sure and ask nicely.

KAFFEE

What do you want from me?

JO

I want you to let 'em be judged! I want you to stand up and make an argument!

SAM

An argument that didn't work for Calley at My Lai, an argument that didn't work for the Nazis at Nuremberg.

KAFFEE

For Christ sake, Sam, do you really think that's the same as two teenage marines executing a routine order that they never believed would result in harm? These guys aren't the Nazis.

There's a pause in the room.

JO

Don't look now, Danny, but you're making an argument.

KAFFEE

(pause)

Yeah.

(MORE)

KAFFEE (cont'd)

(beat)
Tomorrow morning I'll get them a new attorney.

JO

Why are you so afraid to be a lawyer?

KAFFEE

Look--

JO

Were daddy's expectations really that high?

KAFFEE

Please, spare me the psycho-babble father bullshit. Dawson and Downey'll have their day in court, but they'll have it with another lawyer.

JO

Another lawyer won't be good enough. They need you.

(pause)

You know how to win.

(beat)

You know they have a case. And you know how to win. You walk away from this now, and you have sealed their fate.

KAFFEE

Their fate was sealed the moment Santiago died.

JO

Do you believe they have a defense?

KAFFEE

You and Dawson both live in the same dreamland. It doesn't matter what I believe, it only matters what I can prove. So please don't tell me what I know and don't know. I know the law.

JO looks at him, shakes her head, and turns to walk away. She turns back.

JO

You know nothing about the law. You're a used car salesman, Daniel. You're an ambulance chaser with a rank. You're nothing.

(beat)

Live with that.

JO walks off. We HOLD on KAFFEE. He's not having a good night.

*

CUT TO

41 INT. A GEORGETOWN BAR - NIGHT

41

KAFFEE sits at the bar. The place is crowded with YUPPIES and STUDENTS. KAFFEE's been drinking there a while now. Next to him is a YUPPIE LAWYER, regaling his FRIENDS with the story of his latest brilliant maneuver in the world of high stakes corporate law.

YUPPIE LAWYER

...so I told Duncan look, if you want to fight this, Monday morning I'll deliver a pile of interrogatories so high, you'll need a forklift just to get to your desk.

We HOLD on a KAFFEE a moment longer, then

CUT TO

42 EXT. A GEORGETOWN STREET - NIGHT

42

KAFFEE sits on a bench in the night.

CUT TO

43 EXT. THE PARADE GROUNDS - DAY

43

A bright, sunny morning. The BAND is rehearsing.

CUT TO

44 INT. THE COURTROOM - DAY

44

DAWSON and DOWNEY are at the defense table, ROSS is at his place. KAFFEE walks in and joins JO and SAM at their table. Papers are being passed back and forth between ROSS and the BAILIFF. Quiet activity.

The door in the back of the courtroom opens and RANDOLPH, a Marine colonel, enters and takes his place at the bench. We can HEAR the band in the background.

BAILIFF

Ten hut!

Everyone present in the courtroom stands.

RANDOLPH

Where are we?

ROSS

Docket number 411275. VR-5. United States versus Lance Corporal Harold W. Dawson and Private First Class Loudon Downey. Defendants are charged with Murder, Conspiracy to Commit Murder, and Conduct Unbecoming a United States Marine.

RANDOLPH

Does defense wish to enter a plea?

KAFFEE stands.

KAFFEE

Yeah.

(pause)

They're not guilty.

JO, SAM, ROSS, RANDOLPH...it's hard to say who's the most surprised. It takes everything Jo's got to suppress a smile. The silence is broken by ROSS, who takes the two files, drops them into his briefcase, closes the lid, and snaps it shut.

RANDOLPH looks at KAFFEE and ROSS, then turns to the ORDERLY. *

RANDOLPH

Enter a plea of not guilty for the defendants. We'll adjourn until ten-hundred, three weeks from today, at which time this Court will reconvene as a General Court-Martial.

He raps the gavel.

RANDOLPH walks out. ROSS walks up the aisle without a word to anyone. The M.P.'s come to escort DAWSON and DOWNEY back to their cell.

KAFFEE and JO and SAM are the only ones remaining. SAM is looking at KAFFEE with question marks in his eyes.

KAFFEE

Why does a junior grade with six months experience and a track record for plea bargaining get assigned a murder case?

(beat)

Would it be so that it never sees the inside of a courtroom?

KAFFEE picks up his briefcase and begins heading toward the door.

KAFFEE

We'll work out of my apartment. Every night, seven o'clock. Jo, before you come over tonight, pick up a carton of legal pads, a half-dozen boxes of red pens, a half-dozen boxes of black pens. Sam get a couple of desk lamps. I need you to start on a preliminary medical profile and Jo, we need all the proficiency and conduct reports on Dawson, Downey and Santiago. The only thing I have to eat is Yoo-Hoo and Sugar Smacks, so if you want anything else, bring it with you. Okay?

JO's still stunned.

JO

Yeah.

KAFFEE's at the door, stops, turns around, and takes it all in for a moment.

KAFFEE

So this is what a courtroom looks like.

He walks out the door, and we

CUT TO

44A WASHINGTON AT DUSK

44A

45 INT. KAFFEE'S APARTMENT - NIGHT

45

Among the stuff, is a blackboard that's been hung on the wall. Written across the top are three headings:

INTENT

CODE RED

THE ORDER

SAM is on the floor, sorting papers into piles. KAFFEE comes in from the kitchen with a fresh bottle of Yoo-Hoo and joins Sam on the floor.

KAFFEE

Were you able to speak to your friend at the N.I.S.?

SAM

She said if Markinson doesn't want to be found, we're not gonna find him. She said I could be Markinson and you wouldn't know it.

KAFFEE

Are you Markinson?

SAM

No.

KAFFEE

Well, I'm not Markinson, that's two down.

SAM doesn't laugh.

KAFFEE

What.

SAM

(pause)

I was wondering, now that Joanne's working on this...I was wondering if you still need me.

KAFFEE

(pause)

They were following an order, Sam.

SAM

An illegal order.

KAFFEE

You think Dawson and Downey knew it was an illegal order?

SAM

It doesn't matter what they knew, any decent human being would've refused to--

KAFFEE

They're not permitted to question orders.

SAM

Then what's the secret? What are the magic words? I give orders every day, and nobody follows them.

KAFFEE

We have softball games and marching bands. They work at a place where you have to wear camouflage or you might get shot.

SAM looks away. He doesn't buy it.

KAFFEE

(pause)

I need you. You're better at research than I am and you know how to prepare a witness.

JO lets herself in. She's carrying a huge stack of papers under one arm, and a large brown paper bag under the other.

But we stay with KAFFEE and SAM a moment longer.

JO
I've got medical reports and Chinese food. I say we eat first.

KAFFEE's still looking at SAM. SAM nods his head.

SAM
Did you get any dumplings?

CUT TO

46 INT. KAFFEE'S APT. - LATER - NIGHT

46

The remnants of the Chinese food are spread around. SAM and JO are sitting and taking notes from KAFFEE. As he speaks, he'll pace slowly around, carrying his baseball bat. He refers to the blackboard.

KAFFEE
This is our defense. Intent: No one can prove there was poison on the rag. Code Red: They're common and accepted in Guantanamo Bay. The Order:
(he writes)
A) Kendrick gave it. B) They had no choice but to follow it.
(beat)
That's it.

SAM
What about motive?

KAFFEE
We're a little weak on motive. They had one.

JO
Just because a person has a motive doesn't mean--

KAFFEE

Relax. We'll deal with the fenceline shooting when it comes up. For now we start here--

(pointing to INTENT)

I don't know what made Santiago die, I don't want to know. I just want to be able to show it could've been something other than poison. Jo, talk to doctors. Find out everything there is to know about lactic acidosis.

*

DISSOLVE TO

MasterClass

47 OMIT

47*

48 INT. KAFFEE'S APARTMENT - NIGHT

48

JO's on the phone, KAFFEE and SAM are going over testimony, with SAM sitting in a mock witness chair. During this, KAFFEE will go to the door, pay the PIZZA MAN for the pizza, and return without missing a single beat.

JO
(into phone)
Captain Hill, this is Lt. Commander
Galloway, I'm with the JAG Corps in
Washington, D.C.
(MORE)

MasterClass

JO (cont'd)

I'm trying to track down a Lt. Colonel
Matthew Andrew Markinson, USMC...

KAFFEE

Doctor, other than the rope marks, was
there any other sign of external damage?

SAM

No.

KAFFEE

No scrapes?

SAM

No.

KAFFEE

No cuts?

JO

(into phone)

He's been an Unauthorized Absence since
a week ago Thursday.

KAFFEE

Bruises? Broken bones?

SAM

No.

JO

(into phone)

No, please don't put me on hold--

KAFFEE

Doctor, was there any sign of violence?

SAM

(beat)

You mean other than the dead body?

KAFFEE

Fuck!! I walk into that every goddam
time!

DISSOLVE TO

49 INT. A LAW LIBRARY - NIGHT

49

MOS--JO pulls two thick volumes off a shelf and takes them to
the table where SAM and KAFFEE are working. She plops the
books down where they join a pile of about two-dozen just like
them

*

KAFFEE

Have you found any cases that suggest a motion for summary judgment?

JO

1958, U.S. v. Rhodes; 1971, U.S. v. Becker; 1973, U.S. v. Olson, Carrington, Smith, et al.

KAFFEE

What do you think, Sam?

SAM

Not enough.

KAFFEE

Find more.

SAM

(checking a law book)

Danny, look at this. Your dad lost a case.

KAFFEE

Tear it out, I'll frame it.

SAM

Wait. Nope. Overturned.

KAFFEE gives SAM an "I really needed to know that" look and

CUT TO

50	OMIT	50*
50A	OMIT	50A*
51	OMIT	51*
51A	OMIT	51A*
52	INT. THE BRIG - DAY	52

A HOLDING ROOM where DAWSON and DOWNEY are being put through their paces.

JO

And what happened after Kendrick came into your room?

DOWNEY

(beat)

He ordered me and Corporal Dawson to
give Willy a Code Red.

SAM

(to JO)

His answers still have to come faster.
The Iowa farmboy thing'll play for a
while, but in the end it looks like he's
searching for the truth.

KAFFEE

(to DAWSON and DOWNEY)

He's right, and from now on, "Willy" is
Private Santiago. You start calling him
Willy and all of a sudden he's a person
who's got a mother who's gonna miss him.

DISSOLVE TO

53	OMIT	53
54	INT. THE APARTMENT - NIGHT	54
	A SERIES OF LAP DISSOLVES showing Kaffee's Apt. getting messier and messier with papers, cartons, books, and pizza boxes.	
54A	FLIPPING THROUGH DOCUMENTS AND REFERENCE BOOKS.	54A
54B	JO WRITING SOMETHING ON THE BLACKBOARD.	54B
54C	SAM ON THE WITNESS STAND AGAIN.	54C
54D	KAFFEE PAYING FOR ANOTHER PIZZA.	54D
54E	SAM DOZING.	54E

Over all of the above we hear:

KAFFEE (V.O.)

Now, they drew the court members this
afternoon. Seven men, two women, five
Navy, four Marines. All officers with
line experience. Neither of the women
have children. So that's a bad
break, but remember, poker faces.
Don't flinch in front of the court
members.

*
*
*
*
*
*

(MORE)

KAFFEE (V.O.) (cont'd)
Something doesn't go our way, don't hang
your head, don't shift in your seat,
don't scribble furiously. Whatever
happens, you have to look like it's
exactly what you knew was gonna
happen.

The clock reads 1:37, and KAFFEE, in sweatpants is pacing
around slowly with his baseball bat. SAM and JO are listening
to a lecture for the 14th time.

KAFFEE
When you pass me documents --

JO/SAM
(by rote, Sam waking
up)
Do it swiftly, but don't look
overanxious.

KAFFEE
(beat)
And don't wear that perfume in Court, it
wrecks my concentration.

JO
Really?

KAFFEE
I was talking to Sam.

SAM
What time is it?

KAFFEE
Time to go home. Try to get some sleep tonight.

JO
(to SAM)
I'll give you a ride.

SAM begins to gather up his things. He stands in front of KAFFEE.

KAFFEE
(to SAM)
You're a good man, Charlie Brown.

SAM
I'll see you in court.

SAM steps out the door.

JO looks at the ground, then up at KAFFEE.

JO
Danny--

KAFFEE
I know what you're gonna say. You don't have to. We've had our differences. I've said some things I didn't mean, you've said some things you didn't mean, but you're happy that I stuck with the case. And if you've gained a certain respect for me over the last three weeks that you didn't have before, well, of course I'm happy about that, but we don't have to make a whole big deal out of it. You like me. I won't make you say it.

JO
I was just gonna tell you to wear matching socks tomorrow.

KAFFEE
(beat)
Oh.
(beat)
Okay. Good tip.

JO
We're ready.

KAFFEE
Bet your ass.

JO walks out the door and KAFFEE closes it and locks it behind her. Then he says, very softly...

KAFFEE
We're gonna get creamed.

CUT TO

54F WASHINGTON - DAWN SHOTS

54F *

54G EXT. COURTHOUSE - DAY

54G *

55 INT. THE COURTHOUSE CORRIDOR - DAY

55

A few M.P.'s are standing by the entrance. KAFFEE comes around the corner and heads toward the courtroom. We're immediately stricken by something:

In his dress blue uniform he could easily be mistaken for a real live naval officer. He opens the courtroom doors and walks into

56 INT. THE COURTROOM - EARLY MORNING

56

A few more M.P.'s are standing around. THE JURORS, nine navy and marine men and women, are in their place, ROSS is at his table looking through some papers. DAWSON and DOWNEY are seated at the defense table. The trial is a few moments away and a few people are milling about. KAFFEE walks down the aisle but is stopped by a voice behind him.

MAN (O.S.)
Lieutenant Kaffee?

KAFFEE turns around to see a MAN and WOMAN who are clearly Dawson's parents.

MAN
You're gonna save our son, aren't you?

KAFFEE
(pause)
I'll do my best.

KAFFEE continues on and stops next to JO, who's talking with a WOMAN in her mid-30's.

JO
Danny, I want you to meet Ginny Miller,
Louden's aunt.

KAFFEE
You're Aunt Ginny?

GINNY

Uh-huh.

KAFFEE

I'm sorry, I was expecting someone older.

GINNY

So was I.

Not quite the words of inspiration KAFFEE was hoping to hear before he does the hardest thing he's ever had to do.

He walks over to ROSS.

KAFFEE

Last chance. I'll flip you for it.

RANDOLPH enters.

BAILIFF

Ten hut!

ROSS

Too late.

KAFFEE walks back to his table as

BAILIFF

All those having business with this General Court-Martial, stand forward and you shall be heard. Colonel Julius Alexander Randolph is presiding.

RANDOLPH raps the gavel.

RANDOLPH

Without objection, the sworn confessions of the two defendants have been read to the jury and entered into the court record.

ROSS

No objection, your honor.

KAFFEE

No objection.

RANDOLPH

Is the Government prepared to make an opening statement?

ROSS

(standing)

Yes sir.

ROSS walks to the jury box.

ROSS

The facts of the case are this: At midnight on September 6th, the defendants, went into the barracks room of their platoon-mate, PFC William Santiago. They woke him up, tied his arms and legs with rope, and forced a rag into his throat. A few minutes later, a chemical reaction in Santiago's body called lactic acidosis caused his lungs to begin bleeding. He drowned in his own blood and was pronounced dead at 32 minutes past midnight. These are the facts of the case. And they are undisputed. That's right. The story I just told you is the exact same story you're going to hear from Corporal Dawson, and it's the exact same story you're going to hear from Private Downey. Furthermore, the Government will also demonstrate that the defendants soaked the rag with poison, and entered Santiago's room with motive and intent to kill.

(beat)

Now, Lt. Kaffee, is gonna try to pull off a little magic act, he's gonna try a little misdirection. He's going to astonish you with stories of rituals and dazzle you with official sounding terms like Code Red. He might even cut into a few officers for you. He'll have no evidence, mind you, none. But it's gonna be entertaining. And when we get to the end, all the magic in the world will not have been able to divert your attention from the fact that Willy Santiago is dead, and Dawson and Downey killed him. These are the facts of the case.

(beat)

And they are undisputed.

ROSS walks back to his seat.

RANDOLPH

Lt. Kaffee?

Before KAFFEE's even stood up, these words are coming out of his mouth.

KAFFEE

There was no poison on the rag and there was no intent to kill and any attempt to prove otherwise is futile because it just ain't true.

(beat)

(MORE)

KAFFEE (cont'd)

When Dawson and Downey went into Santiago's room that night, it wasn't because of vengeance or hatred, it wasn't to kill or harm, and it wasn't because they were looking for kicks on a Friday night. It's because it was what they were ordered to do.

(beat)

Let me say that again: It's because it was what they were ordered to do. Now, out in the real world, that means nothing. And here at the Washington Navy Yard, it doesn't mean a whole lot more. But if you're a marine assigned to Rifle Security Company Windward, Guantanamo Bay, Cuba, and you're given an order, you follow it or you pack your bags.

(beat)

Make no mistake about it, Harold Dawson and Loudon Downey are sitting before you today because they did their job.

KAFFEE walks back to the table and takes his seat.

RANDOLPH

Is the Government ready to call its first witness?

ROSS

Please the Court, the Government calls Mr. R.C. McGuire.

While MCGUIRE, a civilian in his late 30's, is being sworn in, KAFFEE has sat back down.

He leans over to DAWSON and whispers.

KAFFEE

How you doin'?

DAWSON doesn't change his expression.

KAFFEE

Good.

ROSS

Mr. McGuire, would you state your full name and occupation for the record, please?

MCGUIRE

Robert C. McGuire, Special Agent, Naval Investigative Service.

ROSS

Mr. McGuire, did your office receive a letter from PFC William Santiago on 3 September of this year?

MCGUIRE

We did.

ROSS

What did the letter say?

MCGUIRE

That a member of Private Santiago's unit had illegally fired his weapon over the fenceline.

ROSS

Was that marine identified in the letter?

MCGUIRE

No sir. I notified the barracks C.O., Colonel Jessep, that I would be coming down to investigate.

ROSS

And what did you find?

MCGUIRE

For the shift reported, only one sentry returned his weapon to the switch with a round of ammunition missing.

ROSS

And who was that?

MCGUIRE

Lance Corporal Harold Dawson.

ROSS

(to KAFFEE)

Your witness.

ROSS goes back to his table. KAFFEE stands.

KAFFEE

Mr. McGuire, have you questioned Corporal Dawson about the fenceline shooting?

MCGUIRE

Yes. He claims to have been engaged in some manner by the enemy.

KAFFEE

But you don't believe him.

MCGUIRE

It's not my place--

KAFFEE

Corporal Dawson's been charged with a number of crimes, why wasn't he charged with firing at the enemy without cause?

MCGUIRE

There wasn't enough evidence to support such a charge.

KAFFEE

Thank you.

KAFFEE sits.

ROSS

Mr. McGuire, I don't understand what you mean when you say there wasn't enough evidence to support such a charge. You had Willy Santiago's letter.

MCGUIRE

Santiago was the only eye-witness, but I never had a chance to interview him. So I don't know what he saw.

ROSS

And now we won't ever know, will we, Mr. McGuire?

MCGUIRE

No.

ROSS

No more questions.

DISSOLVE TO

57 INT. THE COURTROOM - LATER THAT DAY

57

HAMMAKER, a young marine corporal, is being sworn in.

HAMMAKER

Corporal Carl Edward Hammaker, Marine Barracks, Rifle Security Company
Windward, Second Platoon, Bravo.

ROSS

Corporal, were you present at a meeting that Lt. Kendrick held on the afternoon of September 6th with the members of second platoon.

HAMMAKER

Yes sir.

ROSS

Would you tell the Court the substance of that meeting?

HAMMAKER

Lt. Kendrick told us that we had an informer in our group. That Private Santiago had gone outside the chain of command and reported to the NIS on a member of our platoon.

ROSS

Did that make you mad?

(pause)

You can tell the truth, corporal, it's alright. Did it make you mad?

HAMMAKER

Yes sir.

ROSS

How mad?

HAMMAKER

Private Santiago betrayed a code that we believe in very deeply, sir.

ROSS

Were the other members of the squad angry?

KAFFEE

Object--

ROSS

Were Dawson and Downey?

KAFFEE

Please the Court, is the government counsel honestly asking this witness to testify as to how the defendants felt on September 6th?

*

RANDOLPH

Sustained.

ROSS

Corporal, did Lt. Kendrick leave a standing order at that meeting?

HAMMAKER

Yes sir.

ROSS

What was it?

HAMMAKER

Well it was clear that he didn't want us to take matters into our own hands, sir.

ROSS

What was the order?

HAMMAKER

Sir, he said that Santiago wasn't to be touched.

ROSS

(to KAFFEE)

Your witness.

KAFFEE

Corporal Hammaker, were you in Dawson and Downey's barracks room five minutes after this meeting?

HAMMAKER

No sir.

KAFFEE

Thanks, I have no more questions.

HAMMAKER gets off the stand, and KAFFEE watches while HAMMAKER walks past DAWSON and DOWNEY. A barely perceptible exchange occurs between the eyes of DAWSON and HAMMAKER.

KAFFEE makes a decision.

ROSS

The Government calls Corporal Raymond Thomas--

KAFFEE

Please the Court, I understand Lt. Ross is planning on calling all the other members of Rifle Security Company Windward to testify.

ROSS

In light of the defense that Lt. Kaffee is planning to mount, the explicit instructions of the platoon leader seems particularly relevant testimony.

KAFFEE

The defense is willing to concede that all 23 witnesses will testify substantially as Corporal Hammaker did, if the Government is willing to concede that none of them were in Dawson and Downey's room at 16:20 on September 6th.

RANDOLPH
(to ROSS)
Lieutenant?

ROSS
The Government'll agree to the
stipulation, sir.

RANDOLPH
Then we'll adjourn for the day. You can
call your next witness in the morning.

CUT TO

58 SHOT OF WASHINGTON AT NIGHT

58

DISSOLVE TO

58A INT. KAFFEE'S APARTMENT - NIGHT

58A

JO and SAM are sitting with some notes. KAFFEE is pacing with
his baseball bat.

JO
We should've made an objection about the
M.P.'s.

SAM
What about 'em?

JO
Ross put every damn M.P. in Washington
in that courtroom so it would look like
Dawson and Downey were dangerous and/or
a flight risk.

SAM
It wasn't Ross. The Provost Marshal felt
that the defendants should be a security
priority.

JO
The Provost Marshal's gonna feel like an
idiot if someone steals one of our ships
during this trial.

KAFFEE
Forget the M.P.'s. I want to go over
the doctor again.

JO
I disagree with our approach.

KAFFEE
Jo, we've been over this.

*

JO

Listen to me, three o'clock, Stone doesn't know what killed Santiago. Then he meets with Jessep and at five o'clock he says it was poison. The doctor's not telling the truth.

*
*
*
*
*
*

KAFFEE

Oh, that's a relief. I was afraid I wouldn't be able to use the "liar, liar, pants on fire" defense. We can't prove coercion! Now let's go over what we have.

*
*
*
*
*

CUT TO

58B THE PARADE GROUNDS - EARLY MORNING

58B*

Two SAILORS are raising the flag.

CUT TO

59 INT. THE COURTROOM - EARLY MORNING - OVERCAST

59*

COMMANDER STONE, a Navy doctor in his mid-40's, is on the stand.

STONE

...and he was pronounced dead at zero-zero-thirty-seven.

ROSS

Dr. Stone, what's lactic acidosis?

STONE

If the muscles and other cells of the body burn sugar instead of oxygen, lactic acid is produced. That lactic acid is what caused Santiago's lungs to bleed.

ROSS

Normally, how long does it take for the muscles and other cells to begin burning sugar instead of oxygen?

STONE

Twenty to thirty minutes.

ROSS

And what caused the process to be sped up in Santiago's muscles?

STONE

An ingested poison of some kind.

KAFFEE

Your Honor, we object at this point. The witness is speculating.

ROSS

Commander Stone is an expert medical witness. In this courtroom his opinion isn't considered speculation.

KAFFEE

Commander Stone is an internist, not a criminologist, and the medical facts here are ultimately inconclusive.

RANDOLPH

A point which I'm confident you'll illustrate to the jury under cross-examination, so I'm sure you won't mind if his opinion is admitted now.

KAFFEE

Not at all, sir. Objection withdrawn.

KAFFEE sits.

ROSS

Doctor Stone, did Willy Santiago die of poisoning?

STONE

Absolutely.

ROSS

Are you aware that the lab report and the coroners report showed no traces of poison?

STONE

Yes I am.

ROSS

Then how do you justify--

STONE

There are literally dozens of toxins which are virtually undetectable, both in the human body and on a fabric. The nature of the acidosis is the compelling factor in this issue.

ROSS

Thank you, sir.

KAFFEE gets up.

KAFFEE

Commander, is it possible for a person to have an affliction, some sort of condition, which might also speed up the process of acidosis?

STONE says nothing for a moment.

KAFFEE

Commander, is it possible?

STONE

It's possible.

KAFFEE

What might some of those conditions be?

STONE

(beat)

If a person had a coronary disorder ...or a cerebral disorder, the process would be more rapid.

KAFFEE

Commander, if I had a coronary condition, and a perfectly clean rag was placed in my mouth, and the rag was accidentally pushed too far down, is it possible that my cells would continue burning sugar after the rag was taken out?

STONE

(pause)

It would have to be a very serious condition.

KAFFEE

Is it possible to have a serious coronary condition, where the initial warning signals were so mild as to escape a physician during a routine medical exam?

STONE

Possibly. There would still be symptoms, though.

KAFFEE
What kind of symptoms?

STONE
There are hundreds of symptoms of a--

KAFFEE
Chest pains?

STONE
(beat)
Yes.

KAFFEE
Shortness of breath?

STONE
Yes.

KAFFEE
Fatigue?

STONE
Of course.

KAFFEE has gone back to his table where JO has handed him some documents. He shows them to STONE.

KAFFEE
Doctor, is this your signature?

STONE
Yes it is.

KAFFEE
This is an order for Private Santiago to be put on restricted duty. Would you read your hand written remarks at the bottom of the page, please, sir.

STONE
(reading)
"Initial testing negative. Patient complains of chest pains, shortness of breath, and fatigue. Restricted from running distances over five miles for one week."

KAFFEE
Commander, isn't it possible that Santiago had a serious coronary condition, and it was that condition, and not some mysterious poison, that caused the accelerated chemical reaction?

STONE

No. I personally give each man a thorough physical examination, and Private Santiago got a clean bill of health.

KAFFEE

And that's why it had to be poison, right, Commander? 'Cause Lord knows, if you put a man with a serious coronary condition on duty with a clean bill of health, and that man died from a heart-related incident, you'd have a lot to answer for, wouldn't you, doctor?

ROSS

Object. Move to strike.

RANDOLPH

Sustained. Strike it.

KAFFEE

No more questions, your honor.

ROSS stands immediately.

ROSS

Dr. Stone, you've held a license to practice medicine for 17 years, you are Board Certified in Internal Medicine, you are the Chief of Internal Medicine at a hospital which serves over 7000 people. In your professional opinion, was Willy Santiago poisoned?

JO stands.

JO

Your Honor, we renew our objection to Commander Stone's testimony, and ask that it be stricken from the record. And we further ask that the Court instruct the jury to lend no weight to this witness's testimony.

KAFFEE and SAM are dying, but they're trying to keep their poker-faces.

RANDOLPH's gonna try to be polite about this, but he thought he made himself clear.

RANDOLPH

The objection's overruled, counsel.

JO

Your honor, the defense strenuously objects and requests a meeting in chambers so that his honor might have an opportunity to hear discussion before ruling on the objection.

RANDOLPH

The objection of the defense has been heard and overruled.

JO

Exception.

RANDOLPH

Noted. The witness is an expert and the court will hear his opinion.

ROSS

Doctor, in your expert, professional opinion, was Willy Santiago poisoned?

STONE

Yes.

ROSS

Thank you, sir, I have no more questions.

RANDOLPH

Commander, you may step down.

ROSS

Please the Court, while we reserve the right to call rebuttal witnesses if the need arises, the Government rests.

RANDOLPH

We'll stand in recess until ten-hundred hours this Monday, the 7th, at which time the defense will call its first witness.

*

RANDOLPH raps his gavel.

BAILIFF

Ten hut.

And the courtroom begins clearing out.

KAFFEE, JO and SAM are packing up their various papers.

SAM

I strenuously object? Is that how it works? Objection. Overruled. No, no, no, no, I strenuously object. Oh, well if you strenuously object, let me take a moment to reconsider.

JO
I got it on the record.

SAM
You also got it in the jury's head that we're afraid of the doctor. You object once so they can hear you say he's not a criminologist. You keep after it and it looks like this great cross we did was just a bunch of fancy lawyer tricks. It's the difference between paper law and trial--

KAFFEE
Sam--

SAM
Christ, you even had the judge saying Stone was an expert!

KAFFEE
Sam, she made a mistake. Let's not relive it.

There's an uncomfortable silence.

SAM
I'm gonna go call my wife. I'll meet you tonight.

SAM starts to leave. JO turns and says

JO
Why do you hate them so much?

SAM stops and turns around.

SAM
They beat up on a weakling, and that's all they did. The rest is just smoke-filled coffee-house crap. They tortured and tormented a weaker kid. They didn't like him. And they killed him. And why? Because he couldn't run very fast.

A long silence. KAFFEE makes a decision.

KAFFEE
Alright. Everybody take the night off.

SAM
I apologize, I'm--

KAFFEE
It's alright. We've been working 20 hour days for three and a half weeks straight. Take the night off.

(MORE)

KAFFEE (cont'd)
Go see your wife, see your daughter. Jo,
do whatever it is you do when you're not
here. What day is tomorrow?

SAM
Saturday.

KAFFEE
We'll start at ten.

KAFFEE picks up his stuff and walks out.

SAM and JO stand there uncomfortably for a moment. JO begins
packing up her things.

SAM
Why do you like them so much?

JO
(pause)
'Cause they stand on a wall.
(beat)
And they say "Nothing's gonna hurt you
tonight. Not on my watch."

Despite their differences, SAM likes this woman.

SAM
Don't worry about the doctor. This trial
starts Monday.

CUT TO

60 INT. KAFFEE'S APARTMENT - NIGHT

60

A baseball game is on.

KAFFEE's pacing slowly around, carrying his baseball bat. He's
looking at the blackboard as he walks around the room.

INTENT CODE RED THE ORDER

He's studying it. Studying it hard.

There's a knock on the door. KAFFEE answers it.

JO is standing in the doorway.

JO
I'm sorry to bother you, I should've
called first.

KAFFEE
No, I was just watching a baseball game.

JO
I was wondering if--how you'd feel about
my taking you to dinner tonight.

KAFFEE
Jo, are you asking me out on a date?

JO
No.

KAFFEE
It sounded like you were asking me out
on a date.

JO
I wasn't.

KAFFEE
I've been asked out on dates before, and
that's what it sounded like.

JO
Do you like seafood? I know a good
seafood place.

CUT TO

60A EXT. SEAFOOD RESTAURANT - ESTABLISHING SHOT - NIGHT

60A

61 INT. A SEAFOOD RESTAURANT - NIGHT

61

On the Virginia side of the Potomac. KAFFEE and JO are sitting
at a table, finishing up dinner.

JO
My third case was a Drunk and
Disorderly. The trial lasted nine weeks.
I rounded up 31 people who were in the
bar that night.

KAFFEE
Nine weeks on a D and D? What was the
prosecutor offering?

JO
15 days.

KAFFEE
(pause)
Well, you sure hustled the shit outta
him.

JO
After that, they moved me to internal
affairs.

KAFFEE

Tough to blame them.

JO

Where I've earned two meritorious
service Medals and two letters of
commendation.

*
*

KAFFEE

Why are you always giving me your
resume?

JO

Because I want you to think I'm good
lawyer.

KAFFEE

I do.

JO

No you don't.

(beat)

I think you're an exceptional lawyer. I
watch the court members, they respond
to you, they like you. I see you
convincing them. I think Dawson and
Downey are gonna end up owing their
lives to you.

*

KAFFEE

(pause)

Jo...I think you have to prepare
yourself for the fact that we're gonna
lose.

(beat)

Ross's opening speech, it was all true.

(beat)

I mean, let's pretend for a minute that
it would actually matter to this
court that the guys were given an
order. I can't prove it ever happened.

(beat)

We'll keep doing what we're doing, and
we'll put on a show, but at the end of
the day, all we have is the testimony of
two people accused of murder.

*

JO

We'll find Markinson.

KAFFEE

Jo, we're gonna lose. And we're gonna
lose huge.

We HOLD on them for a moment, and in VOICE OVER we HEAR

HOWARD (V.O.)
Corporal Jeffrey Owen Howard, Marine
Barracks Windward, Guantanamo Bay, Cuba.

CUT TO

62 INT. THE COURTROOM - DUSK

62*

CORPORAL HOWARD, the young marine who drove the lawyers around Cuba, is on the stand.

KAFFEE
Corporal Howard, name some reasons why a
marine would get a Code Red?

HOWARD
Being late for platoon or company
meetings, keeping his barracks in
disorder, falling back on a run...

KAFFEE
Have you ever received a Code Red?

HOWARD
Yes sir. We were doing seven man assault
drills, and my weapon slipped. It's just
cause it was over a hundred degrees and
my palms were sweaty and I'd forgot to
use the resin like we were taught.

KAFFEE
And what happened?

HOWARD
That night the guys in my squad threw a
blanket over me and took turns punching
me in the arm for five minutes. Then
they poured glue on my hands. And it
worked, too, 'cause I ain't never
dropped my weapon since.

KAFFEE
Was Private Santiago ever late for
platoon meetings?

HOWARD
Yes sir.

KAFFEE
Was his barracks ever in disorder?

HOWARD
Yes sir.

KAFFEE
Did he ever fall back on a run?

HOWARD

All the time, sir.

KAFFEE

Did he ever, prior to the night of September 6th, receive a Code Red?

HOWARD

No sir.

KAFFEE

(beat)

Never?

HOWARD

No, sir.

KAFFEE

You got a Code Red 'cause your palms were sweaty. Why didn't Santiago, this burden to his unit, ever get one?

HOWARD

Dawson wouldn't allow it, sir.

KAFFEE

Dawson wouldn't allow it.

HOWARD

The guys talked tough about Santiago, but they wouldn't go near him. They were too afraid of Dawson, sir.

ROSS

Object. The witness is characterizing.

KAFFEE

I'll rephrase. Jeffrey, did you ever want to give Santiago a Code Red?

HOWARD

Yes sir.

KAFFEE

Why didn't you?

HOWARD

'Cause Dawson'd kick my butt, sir.

KAFFEE

Good enough. Lt. Ross is gonna ask you some questions now.

ROSS takes three books out of his briefcase and puts them on the table. He brings one to HOWARD.

ROSS

Corporal Howard, I hold here The Marine Guide and General Information Handbook for New Recruits. Are you familiar with this book?

HOWARD

Yes sir.

ROSS

Have you read it?

HOWARD

Yes sir.

ROSS

Good.

(hands him the book)

Would you turn to the chapter that deals with Code Reds, please.

HOWARD

Sir?

ROSS

Just flip to the page in that book that discusses Code Reds.

HOWARD

Sir, you see, Code Red is a term we use--it's just used down at GITMO, sir. I don't know if it actually--

ROSS has produced another book.

ROSS

We're in luck, then. The Marine Corps Guide for Sentry Duty, NAVY BASE Guantanamo Bay, Cuba. I assume we'll find the term Code Red and its definition in this book, am I correct?

HOWARD

No sir.

ROSS

No? Corporal Howard, I'm a marine. Is there no book, no manual or pamphlet, no set of orders or regulations that lets me know that, as a marine, one of my duties is to perform Code Reds?

HOWARD

(pause)

No sir. No books, sir.

ROSS

No further questions.

ROSS sits. KAFFEE walks over to ROSS's table and picks up one of the books. He brings it to HOWARD.

KAFFEE

Corporal, would you turn to the page in this book that says where the enlisted men's mess hall is?

HOWARD

Lt. Kaffee, that's not in the book, sir.

KAFFEE

I don't understand, how did you know where the enlisted men's mess hall was if it's not in this book?

HOWARD

I guess I just followed the crowd at chow time, sir.

KAFFEE

No more questions.

KAFFEE chucks the book back on ROSS's desk.

RANDOLPH

Corporal Howard, you can step down.

HOWARD

(greatly relieved)

Thank you, sir.

KAFFEE gives HOWARD a subtle "You Did Good, Kid" look, and we

CUT TO

63 INT. THE COURTHOUSE CORRIDOR - DUSK

63

It's the end of the day's session. KAFFEE walks down the hall with SAM and JO.

KAFFEE

Seven tonight, we'll do a final Kendrick review. I want to slam-dunk this guy.

CUT TO

64 EXT. SIDEWALK STAND - NIGHT

64

KAFFEE'S CAR

as it drives along a street in the D.C. business district.

*

KAFFEE pulls over at his habitual newsstand. He hops out, leaving the lights flashing and the door open, and runs to the stand.

KAFFEE

Hey, Luther.

LUTHER

Admiral, how's the big case goin'?

KAFFEE

Nose to the grindstone.

LUTHER

No flies on you.

KAFFEE

A rolling stone gathers no moss.

LUTHER

Yeah, well it ain't over til the fat lady sings.

KAFFEE

Ain't that the truth. Catch you tomorrow.

He gets back in his car, tosses the newspaper on the passenger seat, and turns on the ignition. And as soon as he does

--a hand is slapped over his mouth--

VOICE (O.S.)

It's Matthew Markinson.

--and KAFFEE jumps out of his skin.

Because sitting in the back seat, in civilian clothes, is MARKINSON.

KAFFEE

Jesus fucking Christ!!--

MARKINSON

You left the door unlocked.

KAFFEE

Scared the shit outta me.

MARKINSON

Drive.

Kaffee begins driving down the street.

*

KAFFEE

Are you aware you're under subpoena?

MARKINSON

Yes. I'm also aware that the lives of two marines are in your hands. If there was something I could do about that, I would, but since I can't, all I can do is help you. Why don't you drive, Lieutenant.

KAFFEE

What do you know?

MARKINSON

I know everything.

KAFFEE

Was it a Code Red?

MARKINSON

Yes.

KAFFEE

Did Kendrick give the order?

MARKINSON

Yes.

KAFFEE

Did you witness it?

MARKINSON

I didn't need to--

KAFFEE

Did you witness it?!

MARKINSON

No.

KAFFEE

Then how do you know?

MARKINSON

I know.

KAFFEE

You know shit.

MARKINSON

He was never gonna be transferred off the base.

And with this, KAFFEE screeches the car over to the side of the road. He grabs the parking brake and pulls it up. He turns to Markinson.

MARKINSON

Jessep was going to keep him on the base. He said he wanted him trained.

KAFFEE

We've got the transfer order. It's got your signature.

MARKINSON

I know. I signed it the morning you arrived in Cuba. Six days after Santiago died.

KAFFEE's wheels are spinning. He's pumped.

KAFFEE

I'm gonna get you a deal. Some kind of immunity with the prosecutor. In about four days, you're gonna appear as a witness for the defense, and you're gonna tell the court exactly what you told me. Right now I'm gonna check you into a motel, and we're gonna start from the beginning.

MARKINSON

I don't want a deal. And I don't want immunity.

KAFFEE shakes his head and laughs.

MARKINSON

I want you to know, I'm proud neither of what I've done nor what I'm doing.

KAFFEE puts the car in gear and we

CUT TO

65 INT. KAFFEE'S APARTMENT - NIGHT

65

where KAFFEE has just finished telling his story to an amazed SAM and JO.

There's silence.

Then JO has a total adrenaline rush.

JO

Where is he?

KAFFEE

The Route 23 Best Western.

JO picks up the phone.

JO
I want him guarded.

KAFFEE
That's probably a good idea.

JO
(into phone)
This is Lt. Commander Joanne Galloway.
My clearance code is 4115273.

KAFFEE is impressed. He turns to SAM--

KAFFEE
Clearance code?

JO
(into phone)
Thank you.

KAFFEE
(to SAM)
I don't have a clearance code. Do you
have a--

JO
(into phone)
It's Jo Galloway. I need to secure a
witness.

JO continues giving information to the person on the phone,
while Kaffee keeps talking to the both of them. Sam is writing
down notes as fast as he can.

KAFFEE
He also said that Jessep's lying about
the transportation off the base. Jessep
said six the next morning was the first
flight Santiago could've left on,
Markinson says there was a plane that
left seven hours earlier.

JO hangs up the phone.

JO
Done.

KAFFEE
That was impressive. Did you hear what I
just said about the flight?

JO
Yes. Sam, when a plane takes off from a
base, there's gotta be some kind of
record kept, right?

SAM
We need the Tower Chief's Log for GITMO.

KAFFEE

(to SAM)

Get it.

JO

We're gonna win.

KAFFEE

Jo, don't get crazy about this. We don't know who Markinson is. We don't know what the log book's gonna say. You just concentrate on Downey. I'm gonna talk to Ross and tell him where we are.

JO

(sing-song)

"Kaffee's got his case now, Kaffee's got his case now."

KAFFEE

You are like seven of the strangest women I have ever met.

CUT TO

66 INT. A WASHINGTON SALOON - NIGHT

66

ROSS is sitting in a booth in the back. KAFFEE enters and sits across from him.

ROSS

Hey, Danny. That was nice work today. The redirect on Howard.

KAFFEE

I have Markinson.

ROSS only takes a moment digest this.

ROSS

Where is he?

KAFFEE

A motel room in Arlington with six Federal Marshals outside his door. Take a sip of your drink.

*

ROSS does.

KAFFEE

The transfer order that Markinson signed is phony. And Jessep's statement that the six a.m. flight was the first available is a lie, we're checking the tower chief's log.

(MORE)

KAFFEE (cont'd)

But in the meantime, I'm gonna put the Apostle Jon Kendrick on the stand and see if we can't have a little fun.

ROSS takes another sip of his drink, then lays it on the line for Kaffee.

ROSS

I have an obligation to tell you that if you accuse Kendrick or Jessep of any crime without proper evidence, you'll be subject to Court-Martial for professional misconduct. And that's something that'll be stapled to every job application you ever fill out. Markinson's not gonna hold up, he's a crazy man. I'm not saying this to intimidate you. I'm being your lawyer.

KAFFEE

Thanks, Jack. And I wanna tell you that I think the whole fuckin' bunch of you are certifiably insane. And this code of honor of yours makes me wanna beat the shit outta something.

ROSS

Don't you dare lump me in with Jessep and Kendrick because we wear the same uniform. I'm your friend, Danny, and I'm telling you, I don't think your clients belong in jail. But I don't get to make that decision. I represent the Government of the United States. Without passion or prejudice. And my client has a case.

(pause)

I want you to acknowledge that the judge advocate has made you aware of the possible consequences involved in accusing a marine officer of a felony without proper evidence.

KAFFEE

I've been so advised.

ROSS stands up and leaves a few dollars on the table.

ROSS

You got bullied into that courtroom, Danny. By everyone. By Dawson, by Galloway, shit, I practically dared you. Though not for one second have you believed you could win. You got bullied into that courtroom by the memory of a dead lawyer.

*

KAFFEE

(pause)

You're a lousy fuckin' softball player, Jack.

ROSS

Your boys are going down. I can't stop it anymore.

CUT TO

67 INT. COURTHOUSE CORRIDOR - DAY

67

People are filing in. KENDRICK is standing at the entrance to the courtroom. KAFFEE glides past him...

KAFFEE

Batter up, J.J.

KENDRICK watches this impudent thing walk into the courtroom as we

CUT TO

68 INT. THE COURTROOM - EARLY MORNING, SUNNY

68*

KENDRICK's on the stand. What drives Kaffee's entire examination of Kendrick is this: Kaffee's got him. He's gonna win. At least this round. All he has to do is not let his emotions take control of his professional skill.

SAM will have files and documents ready to hand Kaffee as he needs them.

KAFFEE

Lt. Kendrick, in your opinion, was Private Santiago a good marine?

KENDRICK

I'd say he was about average.

KAFFEE

Lieutenant, you signed three proficiency and conduct reports on Santiago. On all three reports you indicated a rating of Below Average.

KENDRICK

Yes. Private Santiago was Below Average. I didn't see the need in trampling on a man's grave.

KAFFEE

We appreciate that, but you're under oath now, and I think, unpleasant as it may be, we'd all just as soon hear the truth.

KENDRICK

I'm aware of my oath.

KAFFEE's handed some more files.

KAFFEE

Lieutenant, these are the last three pro-con reports you signed for Lance Corporal Dawson and PFC Downey. Downey received three straight marks of Exceptional. Dawson received two marks of Exceptional, but on this most recent report, dated June 9th of this year, he received a rating of Below Average. It's this last report that I'd like to discuss for a moment.

KENDRICK

That's fine.

KAFFEE

Lance Corporal Dawson's ranking after Infantry Training School was perfect. Records indicate that over half that class has since been promoted to full corporal, while Dawson has remained a lance corporal. Was Dawson's promotion held up because of this last report?

KENDRICK

I'm sure it was.

KAFFEE

Do you recall why Dawson was given such a poor grade on this report?

KENDRICK

I'm sure I don't. I have many men in my charge, Lieutenant, I write many reports.

KAFFEE

Do you recall an incident involving a PFC Curtis Barnes who'd been found stealing liquor from the Officer's Club?

KENDRICK

Yes.

KAFFEE

Did you report Private Barnes to the proper authorities?

KENDRICK

I have two books at my bedside, Lieutenant. The Marine Code of Conduct and the King James Bible. The only proper authorities I'm aware of are my Commanding Officer, Colonel Nathan R. Jessep and the Lord our God.

KAFFEE

Lt. Kendrick, at your request, I can have the record reflect your lack of acknowledgment of this court as a proper authority.

ROSS

Objection. Argumentative.

RANDOLPH

Sustained.

(to KAFFEE)

Watch yourself, counselor.

KAFFEE

Did you report Private Barnes to your superiors?

KENDRICK

I remember thinking very highly of Private Barnes, and not wanting to see his record tarnished by a formal charge.

KAFFEE

You preferred it to be handled within the unit.

KENDRICK

I most certainly did.

KAFFEE

Lieutenant, do you know what a Code Red is?

KENDRICK

Yes I do.

KAFFEE

Have you ever ordered a Code Red?

KENDRICK

No, I have not.

KAFFEE

Lieutenant, did you order Dawson and two other men to make sure that Private Barnes receive no food or drink except water for a period of seven days?

KENDRICK

That's a distortion of the truth. Private Barnes was placed on barracks restriction. He was given water and vitamin supplements, and I assure you that at no time was his health in danger.

KAFFEE

I'm sure it was lovely for Private Barnes, but you did order the barracks restriction, didn't you? And you did order the denial of food.

KENDRICK

Yes.

KAFFEE

Wouldn't this form of discipline be considered a Code Red?

KENDRICK

(beat)

Not necessarily.

KAFFEE

If I called the other 400 marines at Guantanamo Bay to testify, would they consider it a Code Red?

ROSS

Please the court, the witness can't possibly testify as to what 400 other men would say. We object to this entire line of questioning as argumentative and irrelevant badgering of the witness.

RANDOLPH

The Government's objection is sustained, Lt. Kaffee, and I would remind you that you're now questioning a marine officer with an impeccable service record.

ROSS

Thank you Your Honor.

KAFFEE looks over at DAWSON. They share a brief moment before KAFFEE turns back to KENDRICK.

KAFFEE
Lieutenant, was Dawson given a rating of
Below Average on this last report
because you learned he'd been sneaking
food to Private Barnes?

ROSS
Object.

RANDOLPH
(to ROSS)
Not so fast.
(to KENDRICK)
Lieutenant?

KENDRICK
(pause)
Corporal Dawson was found to be Below
Average because he committed a crime.

KAFFEE
What crime did he commit?
(beat)
Lieutenant Kendrick?
(beat)
Dawson brought a hungry guy some food.
What crime did he commit?

KENDRICK
He disobeyed an order.

KAFFEE
And because he did, because he exercised
his own set of values, because he made a
decision about the welfare of a marine
that was in conflict with an order of
yours, he was punished, is that right?

KENDRICK
Corporal Dawson disobeyed an order.

KAFFEE
Yeah, but it wasn't a real order, was
it? After all, it's peacetime. He wasn't
being asked to secure a hill...or
advance on a beachhead. I mean, surely
a marine of Dawson's intelligence can be
trusted to determine on his own, which
are the really important orders, and
which orders might, say, be morally
questionable.

(beat)
Lt. Kendrick?
(beat)
Can he? Can Corporal Dawson determine on
his own which orders he's gonna follow?

KENDRICK

(pause)
No, he can not.

KAFFEE

A lesson he learned after the Curtis
Barnes incident, am I right?

KENDRICK

I would think so.

KAFFEE

You know so, don't you, Lieutenant.

ROSS

Object!

RANDOLPH

Sustained.

KAFFEE

Lieutenant Kendrick, one final question:
If you had ordered Dawson to give
Santiago a Code Red...

ROSS

--please the court--

KENDRICK

I told those men not to touch
Santiago.

KAFFEE

--is it reasonable to think that he
would've disobeyed you again?

ROSS

Lieutenant, don't answer that.

KAFFEE

You don't have to, I'm through.

ROSS doesn't even wait before he says--

ROSS

Lieutenant Kendrick, did you order
Corporal Dawson and Private Downey to
give Willy Santiago a Code Red?

But KENDRICK isn't listening--he's glaring at Kaffee.

ROSS

Lt. Kendrick, did you--

KENDRICK

No I did not.

ROSS

Thank you.

CUT TO

FWAP! - a nerf ball slams into a hoop.

PULL BACK TO REVEAL

69 INT. KAFFEE'S APARTMENT - NIGHT

69

JO and KAFFEE. KAFFEE's pumped and shooting baskets as SAM walks in with some bound papers under his arm.

KAFFEE

What's the word?

SAM

This is the Tower Chief's Log for that night. Jessep was telling the truth. The six a.m. flight was the first plane out.

KAFFEE lets the ball drop out of his hands.

KAFFEE

Let me see that.

CUT TO

70 EXT. A MOTEL - NIGHT

70

A SEDAN, with U.S. MARSHALL stenciled on the door, sits in front of one of the rooms, and the two FEDERAL AGENTS inside the car are reading the newspaper as

KAFFEE'S CAR pulls next to them and KAFFEE jumps out.

AGENT #1 sticks his head out the window and calls to KAFFEE--

AGENT #1

Workin' late, Lieutenant?

KAFFEE pays no attention and bangs on MARKINSON's door. The door opens and KAFFEE walks into

71 INT. MOTEL ROOM

71

HE tosses the log book on the table.

KAFFEE

There was no flight out at eleven o'clock. What the fuck are you trying to pull?

MARKINSON

The first flight stateside left Guantanamo Bay at eleven and arrived at Andrews Airforce Base, Maryland, at a few minutes past two.

KAFFEE

Then why the hell isn't it listed in the Tower Chief's Log?!

MARKINSON

Why the hell did you think it would be?!!

KAFFEE is silent. And now it begins to sink in.

KAFFEE

What are you telling me?

(beat)

He fixed the log book?

Setback. Big setback.

KAFFEE

Well, maybe he can make it so a plane didn't take off, but I can sure as hell prove that one landed. I'll get the log book from Andrews.

MARKINSON says nothing. But his face says that KAFFEE was born yesterday.

KAFFEE

(beat)

He made an entire flight disappear?

MARKINSON

Nathan Jessep is about to be named Director of Operations for the National Security Council. You don't get to that position without knowing how to side-step a few land mines.

(beat)

And putting me on the stand isn't gonna make him step on one.

KAFFEE stares at him.

Then shakes his head, sighs, and picks the log book up off the table, and heads for the door.

KAFFEE

You're taking the stand. Thursday.

KAFFEE leaves.

HOLD on MARKINSON.

CUT TO

72 INT. KAFFEE'S APARTMENT - NIGHT

72

It's later that night and SAM and JO have just heard the report from KAFFEE.

JO

There's gotta be someone who can testify to the flight. A ground crew member. Someone.

SAM

Do you have any idea how many planes take off and land every day? A kid from the ground crew isn't gonna remember a flight that landed four weeks ago.

KAFFEE

Forget the flight. We'll put Markinson on the stand and we'll deal with Jessep's refusal to transfer Santiago and he'll testify to the forged transfer order. That'll be enough. That and Downey's testimony really oughta be enough.

CUT TO

72A EXT. BRIG - ESTABLISHING SHOT - DAY

72A

It's a gray, RAINY day in Washington.

73 INT. THE HOLDING ROOM - DAY

73

JO is working with DOWNEY. He sits on a mock witness stand.

JO

Private Downey, why did you go into Santiago's room on the night of the 6th?

DOWNEY

To give Private Santiago a Code Red, ma'am.

JO

And why did you give him a Code Red?

DOWNEY

I was ordered to give him a Code Red by the Platoon Commander for Rifle Security Company Windward, Lieutenant Jonathan James Kendrick.

*

JO
You're gonna do fine.

DOWNEY smiles.

DOWNEY
You think they'll let us go back to our
platoon soon, ma'am?

JO
(pause)
Absolutely.

CUT TO

74 INT. THE COURTHOUSE CORRIDOR - DAY

74

JO is going over last-minute details with KAFFEE.

JO
You remember the order of the questions?

KAFFEE
Yes.

JO
Are you sure?

KAFFEE
Yes.

JO
And you'll use small words?

KAFFEE
Yes.

JO
He gets rattled when he doesn't
understand something.

KAFFEE
Jo--

JO
I'm just saying go slow.

KAFFEE
I'm gonna go slow.

JO
Okay.

KAFFEE
Alright.

JO

And get him off as fast as you can.

KAFFEE

Joanne!

JO

What? It's gonna be fine.

They turn and head into the courtroom as we HEAR MARKINSON in VOICE OVER...

MARKINSON (V.O.)

"Dear Mr. and Mrs. Santiago..."

CUT TO

75 INT. MARKINSON'S ROOM - DAY

75

As the RAIN beats down outside, MARKINSON has written a letter that we HEAR in V.O.

MARKINSON (V.O.)

I was William's executive officer. I knew your son vaguely, which is to say I knew his name.

And while we continue to HEAR Markinson's voice, we begin a SERIES OF SHOTS: MARKINSON is getting into his Class A dress uniform, complete with medals, side arm, and military dress sabre. *

MARKINSON (V.O.)

In a matter of time, the trial of the two men charged with your son's death will be concluded, and seven men and two women whom you've never met will try to offer you an explanation as to why William is dead. For my part, I've done as much as I can to bring the truth to light.

MARKINSON is finished dressing. He stands in the middle of the motel room.

MARKINSON (V.O.)

And the truth is this: Your son is dead for only one reason. I wasn't strong enough to stop it.

MARKINSON takes a pistol out of his holster and cocks the trigger.

MARKINSON (V.O.)

Always, Lt. Colonel Matthew Andrew Markinson,

MARKINSON puts the pistol in his mouth--

MasterClass

MARKINSON (V.O.)
United States Marine Corps.

We HEAR the BLAST of the gunshot which overlaps a clap of thunder.

CUT TO

76 INT. THE COURTROOM - DAY

76

It's still RAINING outside. KAFFEE is at the end of his examination of DOWNEY. We widen out and pull back off the windows.

KAFFEE
Private, I want you to tell us one last time: Why did you go into Private Santiago's room on the night of September 6th?

DOWNEY
A Code Red was ordered by my platoon commander, Lt. Jonathan James Kendrick.

KAFFEE
Thank you.
(to ROSS)
Your witness.

ROSS
Private, for the week of 2 September, the switch log has you down at Post 39 until 1600, is that correct?

DOWNEY
I'm sure it is, sir, they keep that log pretty good.

ROSS
How far is it from Post 39 to the Windward barracks?

DOWNEY
It's a ways, sir, it's a hike.

ROSS
About how far by jeep?

DOWNEY
About ten, fifteen minutes, sir.

ROSS
Have you ever had to walk it?

DOWNEY
Yes sir. That day, sir. Friday.
(MORE)

DOWNEY (cont'd)

The Pick-up Private--sir, that's what we
call the guy who drops us at our posts
and picks us up...

(MORE)

MasterClass

DOWNEY (cont'd)
also, 'cause he can get girls in New
York City -- the Pick-up Private got a
flat...

At the defense table, KAFFEE, poker-faced, scribbles something
down on a piece of paper and slides it to JO. JO looks at it:

"Where's he going with this?" JO scribbles "?" and hands it
back to KAFFEE.

DOWNEY
...right at 39. He pulled up and
blam!...a blow-out with no spare. The
two of us had to double-time it back to
the barracks.

ROSS
And if it's ten or fifteen minutes by
jeep, I'm guessing it must be a good
hour by foot, am I right?

DOWNEY
Pick-up and me did it in 45 flat, sir.

ROSS
Not bad. Now you say your assault on
Private Santiago was the result of an
order that Lt. Kendrick gave in your
barracks room at 16:20.

KAFFEE knows what's coming. There's nothing he can do about
it. And he can't lose his cool in front of the jury.

DOWNEY
Yes sir.

JO. Helpless. Panicked.

ROSS
But you just said that you didn't make
it back to Windward Barracks until
16:45.

DOWNEY's confused. These are questions he hasn't been asked
before.

DOWNEY
Sir?

ROSS
If you didn't make it back to your
barracks until 16:45, then how could you
be in your room at 16:20?

DOWNEY
(pause)
You see sir, there was a flat tire.

ROSS

Private, did you ever actually hear Lt.
Kendrick order a Code Red?

KAFFEE's world is falling down around him, and there's nothing
he can do about it. And he knows it.

DOWNEY

(pause)

No, sir.

JO leaps to her feet.

JO

Please the court, I'd like to request a
recess in order to confer with my
client.

ROSS

Why did you go into Santiago's room?

JO

The witness has rights.

ROSS

The witness has been read his rights,
commander.

DOWNEY

(confused)

Hal?

RANDOLPH

The question will be repeated.

ROSS

Why did you go into Santiago's room?

JO

Your honor--

DOWNEY

Hal?

ROSS

Did Corporal Dawson tell you to give
Santiago a Code Red.

DOWNEY looks at DAWSON.

ROSS

Don't look at him.

DOWNEY

Hal?

DAWSON

Private. Answer the Lieutenant's question.

The room is still silent. DOWNEY does something we've never seen him do before. He straightens himself up and says this with the pride of a man who believes he's done the right thing.

DOWNEY

Yes, Lieutenant. I was given an order by my squad leader, Lance Corporal Harold W. Dawson of the U.S. Marine Corps. And I followed it.

ROSS lets it hang. He looks over at KAFFEE.

KAFFEE won't meet his eyes.

CUT TO

76A EXT. DESOLATE SHOT OF WASHINGTON AT NIGHT

76A

The RAIN is coming down HARDER now.

*

77 INT. KAFFEE'S APARTMENT - NIGHT

77

JO and SAM are sitting in silence. It's dark outside.

JO

Where do you think he is?

SAM doesn't know.

JO is beside herself, and trying to keep it together.

JO

As far as Downey was concerned, it was an order from Kendrick. It didn't matter that he didn't hear it first hand. He doesn't distinguish between the two.

SAM understands, but he doesn't say anything.

The door opens and KAFFEE walks in.

JO

Danny. I'm sorry.

KAFFEE seems to be in an incredibly normal mood.

KAFFEE

Don't worry about it.

JO

Sam and I were just talking about how all we really have to do is call some witnesses who'll talk about implied orders...or maybe we put Downey back on the stand before we get to Dawson.

KAFFEE

Maybe if we work at it we can get Dawson charged with the Kennedy assassination.

JO studies KAFFEE for a moment.

JO

Are you drunk?

KAFFEE

(a simple answer)

Pretty much. Yeah.

JO

(pause)

I'll make a pot of coffee. We have a long night's work ahead.

KAFFEE

She's gonna make coffee. That's nice.

(beat)

He wasn't in his room.

(Kaffee's amazed)

He wasn't even there.

(beat)

That was an important piece of information, don't you think?

JO

(pause)

Danny, it was just a setback. I'm sorry. But we fix it and then move on to Markinson.

KAFFEE

Markinson's dead.

JO and SAM are frozen.

KAFFEE says this with no particular feeling one way or the other.

KAFFEE

You really gotta hand it to those Federal Marshals, boy.

(he almost has to laugh)

It's not like he hanged himself by his shoelaces or slashed his wrists with a concealed butter knife.

(MORE)

KAFFEE (cont'd)
This guy got into full dress uniform,
stood in the middle of that room, drew a
nickle plated pistol from his holster,
and fired a bullet into his mouth.

JO and SAM don't say anything.

KAFFEE
Anyway, since we seem to be out of
witnesses, I thought I'd drink a little.

JO
I still think we can win.

KAFFEE
Then maybe you should drink a little.

JO
Look, we'll go to Randolph in the
morning and make a motion for a
continuance. 24 hours.

KAFFEE
(beat)
Why would we want to do that?

JO
To subpoena Colonel Jessep.

KAFFEE
(pause)
What?

JO
Listen for a second--

KAFFEE
No.

JO
Just hear me out--

KAFFEE
No. I won't listen to you and I won't
hear you out. Your passion is
compelling, Jo. It's also useless.
Louden Downey needed a trial lawyer
today.

JO
(pause)
You chicken-shit. You're gonna use what
happened today as an excuse to give up.

KAFFEE
It's over!

JO
Why did you ask Jessep for the transfer order?

KAFFEE
(beat)
What are you--

JO
In Cuba. Why did you ask Jessep for the transfer order?

KAFFEE
What does it matter--

JO
Why?!

KAFFEE
I wanted the damn transfer order!

JO
Bullshit! You could've gotten it by picking up the phone and calling any one of a dozen departments at the Pentagon. You didn't want the transfer order. You wanted to see Jessep's reaction when you asked for the transfer order. You had an instinct. And it was confirmed by Markinson. Now dammit, let's put Jessep on the stand and end this thing!

KAFFEE
What possible good could come from putting Jessep on the stand?

JO
He told Kendrick to order the Code Red.

KAFFEE
He did?! Why didn't you say so!? That's great! And of course you have proof of that.

JO
I--

KAFFEE
Ah, I keep forgetting: You were sick the day they taught law at law school.

JO
You put him on the stand and you get it from him!

KAFFEE

We get it from him. Yes. No problem.

(to SAM)

Colonel, isn't it true that you ordered the Code Red on Santiago?

SAM

Look, we're all a little--

KAFFEE

I'm sorry, your time's run out. What do we have for the losers, Judge? Well, for our defendants, it's a lifetime at exotic Fort Levenworth. And for defense counsel Kaffee? That's right--It's-- A Court-Martial! Yes, Johnny, after falsely accusing a marine officer of conspiracy and perjury, Lt. Kaffee will have a long and prosperous career teaching typewriter maintenance at the Rocco Columbo School for Women. Thank you for playing "Should We or Should-We-Not Follow the Advice of the Galactically Stupid"!!

And with one motion, he knocks everything from his desk. A ton of papers, books, files, etc., falls to the floor.

There's dead silence. Maybe just the sound of KAFFEE breathing after this exhausting outburst.

Finally...

JO

I'm sorry I lost you your set of steak knives.

*

JO picks up her purse and coat and walks out. The door slams behind her.

KAFFEE walks into the kitchen without a word.

SAM gets down on the floor and begins picking up all the stuff that Kaffee knocked off the desk.

KAFFEE comes back in with a bottle of Jack Daniels.

KAFFEE

Stop cleaning up.

But SAM continues.

KAFFEE

Sam. Stop cleaning up.

SAM stops and sits in a chair. KAFFEE sits on the couch.

KAFFEE

(pause)

You want a drink?

SAM

Yeah.

SAM takes a swig from the bottle.

KAFFEE

Is your father proud of you?

SAM

Don't do this to yourself.

KAFFEE

I'll bet he is. I'll bet he bores the shit outta the neighbors and the relatives. "Sam made Law Review. He's got a big case he's making--He's arguing--He's making an argument."

(pause)

I think my father would've enjoyed seeing me graduate from law school.

(beat)

I think he would've liked that...an awful lot.

SAM

Did I ever tell you that I wrote a paper on your father in college?

KAFFEE

Yeah?

SAM

He was one of the best trial lawyers ever.

KAFFEE

Yes he was.

SAM

And if I were Dawson and Downey and I had a choice between you or your father to represent me in this case, I'd take you any day of the week and twice on Sunday. You should have seen yourself thunder away at Kendrick.

KAFFEE

Would you put Jessep on the stand?

SAM

No.

KAFFEE

You think my father would've?

SAM

With the evidence we've got? Not in a million years. But here's the thing--and there's really no way of getting around this--neither Lionel Kaffee nor Sam Weinberg are lead counsel for the defense in the matter of U.S. versus Dawson and Downey. So there's really only one question: What would you do?

We HOLD on the two of them for a moment, then

CUT TO

78 EXT. A SUBURBAN STREET - NIGHT

78

The hard RAIN continues. JO is walking through the night at a brisk pace. She's doing her best not to fall apart. *

TWO HEADLIGHTS appear coming down the street, and KAFFEE's CAR, with SAM driving and KAFFEE riding shotgun, slows down alongside JO. KAFFEE rolls down his window.

KAFFEE

Joanne.

JO ignores them and keeps walking. The car crawls along with her.

KAFFEE

Jo--

JO starts walking faster.

KAFFEE

Jo, we look ridiculous.
(to SAM)
Stop the car.

KAFFEE hops out and calls--

KAFFEE

Joanne!

JO keeps walking.

KAFFEE

I apologize. I was angry and...I'm sorry about what I said.

But JO's still walking.

KAFFEE

(calling)
I'm gonna put Jessep on the stand.

JO stops. She turns around.

CUT TO

79 INT. KAFFEE'S APARTMENT - LATE AFTERNOON

79

A nerf ball bounces off the rim.

KAFFEE, JO and SAM are sprawled out in the living room. For hours now they've been trying to come up with an idea. KAFFEE's mind seems to be on his basketball game.

JO

I say we hit him with the phony transfer order.

SAM

What's the transfer order without a witness?

KAFFEE

We have a witness.

SAM

A dead witness.

KAFFEE

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

SAM

Look at this. Last night he was swimmin' in his Jack Daniels, now he can leap tall buildings in a single bound.

KAFFEE

I'm getting my second wind. Siddown. Both of you.

He sees that SAM and JO were already sitting down.

KAFFEE

Good.

(beat)

Jessep told Kendrick to order a Code Red. Kendrick did, and our clients followed the order. The cover-up isn't our case. To win, Jessep has to tell the jury that he ordered the Code Red.

SAM

And you think you can get him to just say it?

KAFFEE

I think he wants to say it. I think he's pissed off that he's gotta hide from us. I think he wants to say that he made a command decision and that's the end of it. He eats breakfast 300 yards away from 4000 Cubans who are trained to kill him, and no one's gonna tell him how to run his unit. Least of all, the Harvard mouth in his faggoty white uniform. I need to shake him and put him on the defensive.

SAM and JO are silent for a moment.

SAM

That's it? That's the plan?

KAFFEE

That's the plan.

SAM

You're gonna trip Jessep and he's gonna confess.

KAFFEE

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

SAM

And how are you gonna do that?

KAFFEE

I have no idea. I need my bat.

JO

What?

KAFFEE

(looking around)

I need my bat. I think better with my bat. Where's my bat?

JO

I put it in the closet.

KAFFEE

You put it in the closet.

KAFFEE heads to the closet.

JO

I was tripping over it.

KAFFEE (O.S.)

Don't ever put a bat in a closet.

SAM

He thinks better with his bat?

And we go to KAFFEE AT THE CLOSET

OFF-SCREEN we HEAR

JO (O.S.)

I can understand that. I used to have a stuffed panda named Mr. Bobo. I could never do my homework without him. He always sat on my desk facing me. And whenever I had a really tough assignment...

During this, KAFFEE's opened the closet door. He reaches in to grab his bat when all of a sudden he notices something:

His clothes.

His uniforms and his civilian clothes.

Hanging neatly along the bar.

He stares at this a moment, then suddenly heads back through the living room towards the front door.

KAFFEE

Stay here, I'm going to the office for a while.

KAFFEE storms out.

SAM

Boy, he does think better with that bat.

CUT TO

80 INT. THE COMPUTER ROOM - DUSK

80

A small room at the end of a corridor at the office. KAFFEE stands over a printer and watches it spit out something he's been waiting for. He tears the printout off and we

CUT TO

81 INT. KAFFEE'S OFFICE - EARLY EVENING

81

KAFFEE's looking over the computer printout. From what we can tell, it resembles a large, military coded phone bill.

KAFFEE picks up the phone and dials.

KAFFEE
(into phone)
Sam.
(beat)
I need you to do something.

CUT TO

82 INT. KAFFEE'S APARTMENT - NIGHT

82

SAM hangs up the phone slowly.

JO
What's goin' on?

SAM
I've gotta go out to Andrews.

CUT TO

82A EXT. WASHINGTON - DAWN SHOT

82A

83 INT. COURTHOUSE CORRIDOR - LATE AFTERNOON

83*

The day's session is going to begin in a few minutes. KAFFEE comes around the corner and runs into JO.

KAFFEE
Is Sam here?

JO
Not yet.

KAFFEE
Where is he?

JO
He's on his way.

KAFFEE
Did he get the guys?

JO
Yeah. Listen, can I talk to you for a second?

CUT TO

84 INT. AN ANTE-ROOM OFF THE CORRIDOR - DAY

84

JO closes the door behind them.

JO
How're you feeling?

KAFFEE

I think Jessep's gonna have his hands
full today.

JO

(beat)

Listen.

(beat)

Danny.

(beat)

When you're out there...if you feel like
it's not gonna happen...if you feel like
he's not gonna say it...

(beat)

...don't go for it.

KAFFEE looks at her.

JO

You could get in trouble.

(beat)

I'm special counsel for internal
affairs, and I'm telling you, you could
get in a lot of trouble.

KAFFEE

(pause)

Why Lt. Commander Galloway...are you
suggesting I back off a material
witness?

JO

(pause)

If you think you can't get him.

(beat)

Yeah.

KAFFEE

Do you think I can get him?

JO

(pause)

I think it doesn't matter what I think.

(beat)

I'm an administrator.

(beat)

I can't seem to defend people.

KAFFEE takes that in. He picks up his briefcase and grabs his
jacket.

Then he turns to JO.

KAFFEE

You're my hero, Joanne.

(beat)

From the first day, you were a lawyer.

(MORE)

KAFFEE (cont'd)

(beat)
Live with that.

And in VOICE OVER we HEAR the BAILIFF.

BAILIFF (V.O.)

Ten hut!

CUT TO

85 INT. THE COURTROOM - LATE AFTERNOON - INTO DUSK

85

Everyone stands at attention as RANDOLPH enters.

SAM is missing.

RANDOLPH
(to KAFFEE)
Call your witness.

KAFFEE
Where's Sam?

JO
He'll be here.

RANDOLPH
Lieutenant, call your witness.

KAFFEE
Defense calls Colonel Nathan Jessep.

JESSEP is escorted in through a side door. He's wearing his dress uniforms, adorned with the appropriate medals.

ROSS
Colonel, do you solemnly swear that the testimony you will give in this General Court-Martial will be the truth, the whole truth, and nothing but the truth so help you God?

JESSEP
Yes I do.

ROSS
Would you state your name, rank, and current billet for the record please, sir?

JESSEP
Colonel Nathan R. Jessep, Commanding Officer, Marine Ground Forces, Guantanamo Bay, Cuba.

ROSS

Thank you, sir, would you have a seat, please.

JESSEP sits.

KAFFEE

(standing)

Colonel, when you learned of Santiago's letter to the NIS, you had a meeting with your two senior officers, is that right?

JESSEP

Yes.

KAFFEE

The Platoon Commander, Lt. Jonathan Kendrick, and the Executive Officer, Lt. Colonel Matthew Markinson.

JESSEP

Yes.

KAFFEE

And at present, Lt. Colonel Markinson is dead, is that right?

ROSS

Objection. I'd like to know just what defense counsel is implying?

KAFFEE

I'm implying simply that, at present, Lt. Colonel Markinson is not alive.

ROSS

Surely Colonel Jessep doesn't need to appear in this courtroom to confirm that information.

KAFFEE

I just wasn't sure if the witness was aware that two days ago, the Lt. Colonel took his own life with a .45 calibre pistol.

And from the back of the room, SAM enters. He's escorting two young AIRMEN in Air Force dress uniforms. SAM shows the AIRMEN seats near the front, then takes his place at the defense table.

Over this we HEAR--

RANDOLPH (O.S.)

The witness is aware, the Court is aware, and now the jury is aware.

(MORE)

RANDOLPH (O.S.) (cont'd)
We thank you for bringing this to our
attention. Move on, Lieutenant.

SAM scribbles something on a piece of paper, KAFFEE walks
over, looks at the paper on which are written two names: Cecil
O'Malley and Anthony Perez, then turns back to RANDOLPH.

KAFFEE
Yes sir.
(to JESSEP)
Colonel, at the time of this meeting,
you gave Lt. Kendrick an order, is that
right?

JESSEP
I told Kendrick to tell his men that
Santiago wasn't to be touched.

KAFFEE
And did you give an order to Lt.
Colonel Markinson as well?

JESSEP
I ordered Markinson to have Santiago
transferred off the base immediately.

KAFFEE
Why?

JESSEP
I felt that his life might be in danger
once word of the letter got out.

KAFFEE
Grave danger?

JESSEP
Is there another kind?

KAFFEE holds up a document from his table.

KAFFEE
We have the transfer order that you and
Markinson co-signed, ordering that
Santiago be lifted on a flight leaving
Guantanamo at six the next morning. Was
that the first flight off the base?

JESSEP
The six a.m. flight was the first flight
off the base.

KAFFEE nods and decides to move on.

JESSEP steals a quick glance at the two AIRMEN sitting out in
the courtroom.

KAFFEE
Colonel, you flew up to Washington early
this morning, is that right?

JESSEP
Yes.

KAFFEE
I notice you're wearing your Class A
dress uniform for your appearance in
court today.

JESSEP
(smiles)
As are you, Lieutenant.

KAFFEE
Did you wear that uniform on the plane?

ROSS
Please the Court, is this dialogue
relevant to anything in particular?

KAFFEE
The defense didn't have an opportunity
to depose this witness, your honor. I'd
ask the Court for a little latitude.

RANDOLPH
A very little latitude.

KAFFEE
Colonel?

JESSEP
I wore utilities on the plane.

KAFFEE
And you brought your dress uniform with
you.

JESSEP
Yes.

KAFFEE
And a toothbrush? A shaving kit? Change
of underwear?

ROSS
Your honor.

KAFFEE
(to ROSS)
Is the Colonel's underwear a matter of
national security?

RANDOLPH

Gentlemen.

(to KAFFEE)

You better get somewhere fast with this,
Lieutenant.

KAFFEE

Yes sir. Colonel?

JESSEP

I brought a change of clothes and some
personal items.

KAFFEE

Thank you.

KAFFEE gets a document from his table.

KAFFEE

After Dawson and Downey's arrest on the
night of the sixth, Santiago's barracks
room was sealed off and its contents
inventoried.

(reading)

"4 pairs of camouflage pants, 3 long
sleeve khaki shirts, 3 short sleeve
khaki shirts, 3 pairs of boots, 4 pairs
green socks, 4 pairs black socks, 3
olive green tee-shirts, 2 belts, 1
sweater--

*
*
*
*
*

ROSS

Please the Court, is there a question
anywhere in our future?

RANDOLPH

Lt. Kaffee, I have to--

KAFFEE

I'm wondering why Santiago wasn't
packed.

That landed. On the JURY, RANDOLPH, ROSS...

KAFFEE

I'll tell you what, we'll get back to
that one in a minute.

JO hands KAFFEE the computer printout.

KAFFEE

This is a record of all telephone calls
made from your base in the past 24
hours. After being subpoenaed to
Washington, you made three calls.

Handing Jessep the printout--

KAFFEE

I've highlighted those calls in yellow.
Do you recognize those numbers?

JESSEP

I called Colonel Fitzhughes in Quantico, Virginia. I wanted to let him know I'd be in town. The second call was to set up a meeting with Congressman Richmond of the House Armed Services Committee, and the third call was to my sister Elizabeth.

KAFFEE

Why did you make that call, sir?

JESSEP

I thought she might like to have dinner tonight.

ROSS

Your honor --

RANDOLPH

I'm gonna put a stop to this now.

JO's handed KAFFEE another printout and a stack of letters.

KAFFEE

Your honor, these are the telephone records from GITMO for September 6th. And these are 14 letters that Santiago wrote in nine months requesting, in fact begging, for a transfer.

(to JESSEP)

Upon hearing the news that he was finally getting his transfer, Santiago was so excited, that do you know how many people he called? Zero. Nobody. Not one call to his parents saying he was coming home. Not one call to a friend saying can you pick me up at the airport. He was asleep in his bed at midnight, and according to you he was getting on a plane in six hours, yet everything he owned was hanging neatly in his closet and folded neatly in his footlocker. You were leaving for one day and you packed a bag and made three phone calls. Santiago was leaving for the rest of his life, and he hadn't called a soul and he hadn't packed a thing. Can you explain that?

(long pause)

The fact is there was no transfer order. Santiago wasn't going anywhere, isn't that right, Colonel?

ROSS

Object. Your Honor, it's obvious that Lt. Kaffee's intention this morning is to smear a high ranking marine officer in the desperate hope that the mere appearance of impropriety will win him points with the jury. It's my recommendation, sir, that Lt. Kaffee be reprimanded for his inexcusable behavior, and that the witness be excused with the Court's deepest apologies.

*
*
*

RANDOLPH ponders this a moment.

RANDOLPH

(pause)
Overruled.

ROSS

Your honor--

RANDOLPH

The objection's noted.

KAFFEE

(beat)
Colonel?

JESSEP'S smiling...

...and now he can't help but let out a short laugh.

KAFFEE

Is this funny, sir?

JESSEP

No. It's not. It's tragic.

KAFFEE

Do you have an answer?

JESSEP

Absolutely. My answer is I don't have the first damn clue. Maybe he was an early riser and he liked to pack in the morning. And maybe he didn't have any friends. I'm an educated man, but I'm afraid I can't speak intelligently about the travel habits of William Santiago. What I do know is that he was set to leave the base at 0600. Now are these really the questions I was called here to answer? Phone calls and footlockers? Please tell me you've got something more, Lieutenant. These two marines are on trial for their lives.

(MORE)

JESSEP (cont'd)
Please tell me their lawyer hasn't
pinned their hopes to a phone bill.
(beat)
Do you have any other questions for me,
counselor?

The courtroom is silenced. JESSEP'S slammed the door.

KAFFEE looks around the room, sees that the world is waiting
for him to do something...

RANDOLPH
Lt. Kaffee?

KAFFEE says nothing. He glances over to AIRMEN O'MALLEY and
PEREZ.

RANDOLPH
Lieutenant, do you have anything further
for this witness?

KAFFEE doesn't respond. JESSEP gets up to leave.

JESSEP
(standing)
Thanks, Danny. I love Washington.

And JESSEP starts to leave, but he's stopped by--

KAFFEE
Excuse me, I didn't dismiss you.

JESSEP turns around.

JESSEP
I beg your pardon.

KAFFEE
I'm not through with my examination.
Siddown.

JESSEP
Colonel.

KAFFEE
What's that?

JESSEP
(to RANDOLPH)
I'd appreciate it if he addressed me as
Colonel or Sir. I believe I've earned
it.

RANDOLPH
Defense counsel will address the witness
as Colonel or Sir.

JESSEP
(to RANDOLPH)
I don't know what the hell kind of an outfit you're runnin' here.

RANDOLPH
And the witness will address this Court as Judge or Your Honor. I'm quite certain I've earned it. Take your seat, Colonel.

JESSEP goes back to the stand.

JESSEP
What would you like to discuss now? My favorite color?

KAFFEE
Colonel, the six a.m. flight, was the first one off the base?

JESSEP
Yes.

KAFFEE
There wasn't a flight that left seven hours earlier and landed at Andrews Airforce Base at 2 a.m.?

RANDOLPH
Lieutenant, I think we've covered this, haven't we?

KAFFEE gets the two log books from his table as well as the piece of paper that SAM scribbled on.

KAFFEE
Your Honor, these are the Tower Chief's Logs for both Guantanamo Bay and Andrews Airforce Base. The Guantanamo log lists no flight that left at eleven p.m., and the Andrews log lists no flight that landed at 2 a.m. I'd like to admit them as Defense Exhibits "A" and "B".

RANDOLPH
I don't understand. You're admitting evidence of a flight that never existed?

KAFFEE
We believe it did, sir.
(glancing at the paper,
then motioning to the
AIRMEN)
Defense'll be calling Airman Cecil O'Malley and Airman Anthony Perez. They were working the ground crew at Andrews at two a.m. on the seventh.

ROSS

Your Honor, these men weren't on the list.

JO

Rebuttal witnesses, Your Honor, called specifically to refute testimony offered under direct examination.

If you looked closely at JESSEP, you could see a drop of sweat.

RANDOLPH

I'll allow the witnesses.

JESSEP

This is ridiculous.

KAFFEE

Colonel, a moment ago--

JESSEP

Check the Tower Logs for christ's sake.

KAFFEE

We'll get to the airmen in just a minute, sir. A moment ago you said that you ordered Kendrick to tell his men not to touch Santiago.

JESSEP

That's right.

KAFFEE

And Kendrick was clear on what you wanted?

JESSEP

Crystal.

KAFFEE

Any chance Kendrick ignored the order?

JESSEP

Ignored the order?

KAFFEE

Any chance he just forgot about it?

JESSEP

No.

KAFFEE

Any chance Kendrick left your office and said "The 'ol man's wrong"?

JESSEP

No.

KAFFEE

When Kendrick spoke to the platoon and ordered them not to touch Santiago, any chance they ignored him?

JESSEP

Have you ever served in an infantry unit, son?

KAFFEE

No sir.

JESSEP

Ever served in a forward area?

KAFFEE

No sir.

JESSEP

Ever put your life in another man's hands, ask him to put his life in yours?

KAFFEE

No sir.

JESSEP

We follow orders, son. We follow orders or people die. It's that simple. Are we clear?

KAFFEE

Yes sir.

JESSEP

Are we clear?

KAFFEE

Crystal.

KAFFEE speaks with the quiet confidence that comes from knowing you're about to drop your opponent.

KAFFEE

(beat)

Colonel, I have just one more question before I call Airman O'Malley and Airman Perez: If you gave an order that Santiago wasn't to be touched, and your orders are always followed, then why would he be in danger, why would it be necessary to transfer him off the base?

And JESSEP has no answer.

Nothing.

He sits there, and for the first time, seems to be lost.

JESSEP

Private Santiago was a sub-standard marine. He was being transferred off the base because--

KAFFEE

That's not what you said. You said he was being transferred because he was in grave danger.

JESSEP

(pause)

Yes. That's correct, but--

KAFFEE

You said, "He was in danger". I said, "Grave danger"? You said--

JESSEP

Yes, I recall what--

KAFFEE

I can have the Court Reporter read back your--

JESSEP

I know what I said. I don't need it read back to me like I'm a damn--

KAFFEE

Then why the two orders?

(beat)

Colonel?

(beat)

Why did you--

JESSEP

Sometimes men take matters into their own hands.

KAFFEE

No sir. You made it clear just a moment ago that your men never take matters into their own hands. Your men follow orders or people die. So Santiago shouldn't have been in any danger at all, should he have, Colonel?

Everyone's sweating now. Everyone but KAFFEE.

JESSEP

You little bastard.

ROSS

Your Honor, I have to ask for a recess to--

KAFFEE

I'd like an answer to the question,
Judge.

RANDOLPH

The Court'll wait for an answer.

KAFFEE

If Kendrick told his men that Santiago
wasn't to be touched, then why did he
have to be transferred?

JESSEP is looking at O'MALLEY and PEREZ.

KAFFEE

Colonel?

JESSEP says nothing.

KAFFEE

Kendrick ordered the Code Red, didn't
he? Because that's what you told
Kendrick to do.

ROSS

Object!

RANDOLPH

Counsel.

KAFFEE will plow through the objections of ROSS and the
admonishments of RANDOLPH.

KAFFEE

And when it went bad, you cut these guys
loose.

ROSS

Your Honor--

RANDOLPH

That'll be all, counsel.

KAFFEE

You had Markinson sign a phony transfer
order--

ROSS

Your honor --

KAFFEE

You doctored the log books.

ROSS

Dammit Kaffee!!

KAFFEE

I'll ask for the fourth time: If you ordered--

JESSEP

You want answers?

KAFFEE

I think I'm entitled to them.

JESSEP

You want answers?!

KAFFEE

I want the truth.

JESSEP

You can't handle the truth!

And nobody moves.

JESSEP

Son, we live in a world that has walls. And those walls have to be guarded by men with guns. Who's gonna do it? You? You, Lt. Weinberg? I have a greater responsibility than you can possibly fathom. You weep for Santiago and you curse the marines. You have that luxury. You have the luxury of not knowing what I know: That Santiago's death, while tragic, probably saved lives. And my existence, while grotesque and incomprehensible to you, saves lives.

(beat)

You don't want the truth. Because deep down, in places you don't talk about at parties, you want me on that wall. You need me there.

(beat)

We use words like honor, code, loyalty...we use these words as the backbone to a life spent defending something. You use 'em as a punchline.

(beat)

I have neither the time nor the inclination to explain myself to a man who rises and sleeps under the blanket of the very freedom I provide, then questions the manner in which I provide it. I'd prefer you just said thank you and went on your way. Otherwise, I'd suggest you pick up a weapon and stand a post. Either way, I don't give a damn what you think you're entitled to.

KAFFEE

(quietly)

Did you order the Code Red?

JESSEP

(beat)

I did the job you sent me to do.

KAFFEE

Did you order the Code Red?

JESSEP

(pause)

You're goddam right I did

Silence. From everyone. RANDOLPH, ROSS, the M.P.'s, they're all frozen. JO and SAM are likewise. JESSEP seems strangely, quietly relieved. KAFFEE simply takes control of the room now.

KAFFEE

Please the court, I suggest the jury be dismissed so that we can move to an immediate Article 39a Session. The witness has rights.

Silence.

RANDOLPH looks to ROSS.

RANDOLPH

Lt. Ross?

ROSS is frozen. He doesn't know what to do.

KAFFEE

(as a friend)

Jack.

ROSS looks at KAFFEE, then JESSEP, then nods his head "yes" to RANDOLPH.

RANDOLPH

The bailiff will take the members of the court to an ante-room where you'll wait until further instructions.

*

The BAILIFF begins leading the COURT MEMBERS out of the room.

*

JESSEP

What the hell's going on?

No one will say anything until the jurors are out of the room.

JESSEP

(to RANDOLPH)

Colonel, what the hell's going on? I did my job. I'd do it again. Now I'm getting on a plane and going back to my base.

RANDOLPH

You're not going anywhere, Colonel.
M.P.'s, guard the colonel.

The M.P.'s are tentative.

JESSEP

What the hell--?!

RANDOLPH

(to ROSS)

Lt. Ross.

ROSS

Colonel Jessep, you have the right to remain silent. Any statement you do make can be used against you in a trial by court-martial or other judicial or administrative proceeding. You have the right...

ROSS continues reading JESSEP his rights, over--

JESSEP

I'm being charged with a crime?
I'm--is that what this is?--I'm being charged with a crime? This--I'm--this is funny, you know that, this is--

And JESSEP lunges at KAFFEE, and KAFFEE would be dead but for the three M.P.'s who've leapt in to restrain JESSEP. SAM and JO have come to their feet and stand behind KAFFEE.

JESSEP

(to KAFFEE)

I'm gonna tear your eyes outta your head and piss in your dead skull. You fucked with the wrong marine.

ROSS is done reading JESSEP his rights.

ROSS

Colonel Jessep, do you understand these rights as I have just read them to you?

JESSEP

I saved lives. That boy was--there was a weak link. I saved lives, you hear me?

The courtroom is silent from JESSEP's outburst.

JESSEP shakes his head.

JESSEP

You fuckin' people.

(beat)

You have no idea how to defend a nation.

(to KAFFEE)

All you did was weaken a country today,
Kaffee. That's all you did. You put
people in danger. Sweet dreams, son.

KAFFEE

Don't call me son.

(beat)

I'm a lawyer, and an officer of the
United States Navy. And you're under
arrest you sonofabitch.

KAFFEE stays on JESSEP a moment longer, then remembers--

KAFFEE

The witness is excused.

The M.P.'s start leading JESSEP out, and KAFFEE notices

DAWSON. And DOWNEY. And ROSS.

Who are watching a man in a marine colonel's uniform be led
away in handcuffs...KAFFEE takes a handkerchief from his
pocket and wipes some sweat from his hands. He takes a deep
breath as we

SLOW DISSOLVE TO

85A EXT. COURTHOUSE - DUSK

85A

86 INT. THE COURTROOM - DUSK

86

There's low murmur in the room as the COURT MEMBERS are being
led back into their box.

Everyone's in place.

RANDOLPH enters.

BAILIFF

Ten hut!

*
*

All rise. And sit when RANDOLPH sits.

RANDOLPH

Have the members reached a verdict?

JURY FOREMAN

We have, sir.

The BAILIFF takes small slips of paper from the FOREMAN and brings them to RANDOLPH.

KAFFEE stands, and nods to DAWSON and DOWNEY that they should do the same. SAM and JO stand as well.

RANDOLPH

(reading)

On the charge of Murder, the Members find the defendants Not Guilty.

It's hard to resist the temptation to scream and shout, but they do.

RANDOLPH

(reading)

On the charge of Conspiracy to Commit Murder, the Members find the defendants Not Guilty.

RANDOLPH looks up. Then reads from the last slip of paper.

RANDOLPH

On the charge of Conduct Unbecoming a United States Marine, the members find the defendants Guilty as Charged.

A little of the energy drains out of the room. RANDOLPH continues reading.

RANDOLPH

(reading)

The defendants are hereby sentenced by this court to time already served, and are ordered...

RANDOLPH clears his throat.

RANDOLPH

...and you are ordered to be discharged from the Marine Corps.

(pause)

This Court-Martial is adjourned.

RANDOLPH raps his gavel.

All rise.

RANDOLPH's gone.

BAILIFF

Dismissed.

The M.P.'s move to DAWSON and DOWNEY to escort them out of the courtroom.

*
*

KAFFEE is packing up his things, just another day at the office.

DAWSON

Why?

KAFFEE

Harold, I'm sorry.

DAWSON

Why?!

DOWNEY

I don't understand. Colonel Jessep said he ordered the Code Red.

JO

I know, but--

DOWNEY

Colonel Jessep said he ordered the Code Red, what did we do wrong?

JO

It's not as simple as--

DOWNEY

What did we do wrong?

DAWSON

We did nothing wrong.

SAM slaps his hands down on the table--

SAM

Yes you did! A jury just said your conduct was unbecoming a marine. What does that mean?!

DAWSON

You're the lawyer.

SAM

You're the marine.

DAWSON

Not anymore.

SAM lets it hang. DAWSON is staring at SAM. His stare moves slowly to the floor.

DAWSON

I never meant to hurt Willy.

DAWSON looks up at HIS PARENTS.

The moment hangs there...before

ORDERLY

Lt. Kaffee, I've gotta take these guys
over to personnel for some paper work.

KAFFEE nods.

ORDERLY

(to DAWSON and DOWNEY)
Gentleman?

DAWSON looks to KAFFEE. There's gotta be more. This can't be
it.

But KAFFEE has nothing to say.

DAWSON and DOWNEY walk to the ORDERLY and begin to follow him
up the aisle and out of the courtroom. But before they get to
the door, KAFFEE turns around and calls

KAFFEE

Harold!

They stop and turn around.

DAWSON

Sir!

KAFFEE

(pause)

You don't need to wear a patch on your
arm to have honor.

DAWSON stares at KAFFEE for a long moment.

DAWSON

Ten-hut.

DAWSON and DOWNEY come to attention.

DAWSON

There's an officer on deck.

DAWSON snaps a salute and holds it.

KAFFEE stares back. Then stands up straight and returns their
salute.

With one last glance back at KAFFEE, DAWSON turns and walks
out the door, followed by DOWNEY.

ROSS walks over to the defense table.

ROSS

Airmen Cecil O'Malley and Anthony Perez?
What exactly were these guys gonna
testify to?

KAFFEE

Unless I'm mistaken, they were both gonna testify, under oath, that they had absolutely no recollection of anything.

ROSS smiles

ROSS

Strong witnesses.

KAFFEE

And very handsome, too, didn't you think?

ROSS

I'll see you around the campus. I've gotta go arrest Kendrick.

KAFFEE

Tell him I say "Hi."

ROSS

Will do.

CUT TO

87 EXT. OUTSIDE THE COURTHOUSE - DUSK

87

KAFFEE, JO and SAM are walking down the steps. The BAND is practicing on the parade grounds.

JO

What do you say we take the rest of the day off. Go out someplace. Sam? Champagne? Yoo- Hoo?

SAM

Thanks, I can't. I'm gonna go home and talk to my daughter. I think she's gotta be bilingual by now.

And SAM heads off toward his car.

JO

So what's next for you?

KAFFEE

Staff Sergeant Henry Williamson. He went to the movies on company time. What about you?

JO

Me? Oh...you know...the usual.

KAFFEE

Just pretty much generally annoying people?

JO

Yeah.

(pause)

So what do you say? How 'bout a celebration?

KAFFEE

No. How 'bout a date. A real date. Dinner. Attractive clothes. The works.

JO

Sounds good. Who do you think I should call?

KAFFEE

I'll pick you up at seven.

JO

What are you gonna do now?

KAFFEE

I'm gonna get started on Henry Williamson.

(beat)

Stand my post for a while.

JO

Wear matching socks.

JO splits off toward her building. KAFFEE watches her go, then looks out over the parade grounds.

*
*

PAN OFF KAFFEE TO REVEAL the BAND and SILENT DRILL TEAM we saw during the opening credits going through their paces.

*
*

FADE OUT.

NEW YORK CITY