THE SPECIAL PROGRAM

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Based on the book "ANGLER" by

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1 **INT. WASHINGTON - SECRET SERVICE COMMAND POST - MORNING** 1 *

A cramped windowless office. Unassuming. Could be anywhere. TWO SECRET SERVICE AGENTS drink coffee and watch CNN on a small television. The twin towers. Burning.

NEWSCASTER (V.O.)
The second plane appears to have been a commercial airliner, we do not have confirmation yet but...

AGENT ONE
Jesus Fucking Christ.

AGENT TWO
Hand me the sugar.

Because they're disturbed by what's on the screen but not particularly agitated. After all, it's in New York.

That's when a third guy, AGENT SCOTT, blows through the door and rips open a metal cabinet, two more agents behind him. * *

AGENT SCOTT
SECURE ANGLER. UNIDENTIFIED INBOUND AIRCRAFT. WE ARE A TARGET.

He tosses them submachine guns as they tear out of the room.

2 **EXT. WHITE HOUSE - MORNING** 2

Through a window we see those five agents RUNNING, at which point it becomes clear that the cramped windowless office was inside the White House.

HEIDEN (V.O.)
We've got the call. They're just about ready to go.

3 **INT. WHITE HOUSE - OFFICE OF THE VICE PRESIDENT - MORNING** 3

RICHARD B. CHENEY scrutinizes the image on the television. SCOOTER LIBBY, CONDOLEEZA RICE and others circle his desk as executive assistant DEBBIE HEIDEN enters and picks up Cheney's desk phone.

CHENEY
Who's on?

HEIDEN (INTO PHONE)
I have the Vice President, which departments are on the conference?

LIBBY
(to an AIDE)
See if the President's wheels up.

HEIDEN
State, DOD, FBI, Clarke's in the Sit Room. *

That's when the five Secret Service agents burst into the room and push through the group.

AGENT SCOTT
Sir, we need to move you.

Cheney nods, and turns back to Heiden.

CHENEY
Make sure FAA and-- *

AGENT SCOTT
NOW! *

...as he SLAMS his hand on the desk. Then he and another agent grab Cheney by his arms and the back off his belt. *

4 **INT. WHITE HOUSE - CORRIDOR - MORNING** 4

AGENT TWO
EXCUSE US.

AGENT ONE
MOVE!

Staffers scurry out of the way. Cheney's feet barely touch the ground as the agents sprint him through the halls. *

AGENT SCOTT
There's an unresponsive plane headed toward us.

5 **EXT. WHITE HOUSE GATE - MORNING** 5

A mob of running STAFFERS and screaming GUARDS.

GUARD
RUN! LADIES, TAKE OFF YOUR HEELS AND RUN!

6 **INT. WHITE HOUSE - BUNKER - MORNING** 6 *

The Presidential Emergency Operations Center. Cheney's at a large table, with Rice, Libby, NORM MINETA. Mineta, MIKE FENZEL, STEVE HADLEY, JOSH BOLTON, a MILITARY AIDE are all on phones. At least three conversations are happening at once. *

HADLEY
A helicopter just hit the Pentagon.

FENZEL
There's been a bombing at the Capitol. *

RICE
On the building or on the grounds?

MINETA
It wasn't a helicopter. It was a plane. Another plane. *

CHENEY
Activate the COG Plan. Evacuate the Speaker of the House, and the President Pro Tem of the Senate.

Rice nods and picks up a phone.

MINETA
We have two more -- three more planes failing to respond.

RICE (INTO PHONE)
This is the National Security Advisor, I'd like to activate the Continuity of Government Plan. *

CHENEY (CONT'D) *
Make sure there's a fighter escort on Air Force One.

It's bedlam. Except for Cheney -- focused, calm. In charge. *

7 **INT. AIR FORCE ONE - MORNING** 7

GEORGE W. BUSH projects a different energy. He's fucking screaming at ANDY CARD.

BUSH
Turn the plane around!

CARD
Mr. President, we can't go to Washington if there's-- *

BUSH *
Send the goddamn pilot in here!

8 **INT. WHITE HOUSE - BUNKER - MORNING** 8 *

Cheney's the still point in the chaotic room. He's glued to the two screens in front of him -- a choppy image of RICHARD CLARKE in the Situation Room, and CNN.

CLARKE (ON SCREEN)
...The Pentagon has been hit, the White House has NOT been hit. The Capitol has NOT-- I'm sorry-- what?

MINETA
I need a response from-- no, I need a confirmation on the-- what are the flight numbers??

CHENEY
Get Clarke on a hard line.

The Military Aide, on a phone, whips around to Cheney.

MILITARY AIDE
We have an aircraft approaching Washington, nonresponsive. Command is unable to reach Air Force One. Combat Air Patrol is up. Requesting permission to engage the aircraft.

It's less than a beat before--

CHENEY
Yes.

MILITARY AIDE (INTO PHONE)
Permission to engage. Yes, granted. The Vice President.

MINETA
We've got another two flights failing to respond.

MILITARY AIDE (INTO PHONE)
Yes. We have a weapons free command.

MILITARY AIDE (CONT'D)
(to Cheney)
Aircraft is 60 miles out, confirmed as hijacked. Engage?

CHENEY
Yes.

There's one more hint of hesitation from the Aide, and it's met with a hint of irritation from Cheney:

CHENEY (CONT'D)
Take it out.

MILITARY AIDE (INTO PHONE)
Engage the aircraft.

For the first time since we've entered the bunker there's SILENCE. The Vice President's just ordered the Air Force to fire on a planeload of Americans. Rice looks at Libby, catching his eye before he makes a note on his pad. Josh Bolton leans in.

BOLTON
Maybe we should tell the President about that order.

9 **INT. AIR FORCE ONE/BUNKER - INTERCUT - MOMENTS LATER** 9

Bush paces as much as the phone cord allows.

CHENEY
Air cover's gone up, the Air Force is requesting permission to shoot down planes presumed hijacked and hostile. We've got one approaching DC right now.

BUSH
Commercial?

CHENEY
Yessir.

BUSH
You gonna try and make contact first? Talk 'em down?

Cheney musters his patience.

CHENEY
Certainly. But if we don't have a choice...

Cheney's guiding him toward the decision -- it's important that he get there, particularly since Cheney's already given the order. Bush chews his cheek for a second.

BUSH
Yeah, I'll sign up to that.

Cheney nods to the Military Aide, confirming the order that Cheney already gave. It's a subtlety that does not escape Rice and Bolton.

BUSH (CONT'D)
Listen to me. I'm coming back.

CHENEY
Sir, Offut Air Base has great communications, it's secure as hell, at this point you cannot come back here.

LIBBY
(holding a phone)
Clarke.

CHENEY
Mr. President, I need to call you back.

BUSH
Yeah.

Bush hangs up the phone and turns to Card. Pensive.

BUSH (CONT'D)
I just authorized them to shoot down a hijacked aircraft.

Bush looks at his staff. Sharing the weight of the moment.

10 **INT. BUNKER - MOMENTS LATER** 10

Cheney's not sharing the weight of anything, he's making a list of flights with Norm Mineta, who's now on two phones.

CHENEY
American 706 headed for...

MINETA
Memphis. No -- check that, it's United 706.

Cheney turns to Libby.

CHENEY
I need Addington down here.

11 **EXT. WASHINGTON - MEMORIAL BRIDGE - MORNING** 11

We're high above a tide of humans leaving Washington DC on foot. One stops, answers his ringing cellphone.

ADDINGTON
David Addington.

And then he turns, heading upstream through the fleeing crowd. DAVID ADDINGTON, walking back to the White House.

12 **INT. WHITE HOUSE - BUNKER - DAY** 12

Addington stands by the wall, deferential. Cheney's on the phone. We hear SENATOR NICKELS through the receiver, angry. *

NICKELS (O.S.)
You want to tell me exactly why the executive branch has the right to decide when members of Congress come back to Washington? *

CHENEY (INTO PHONE)
Cause we've got the helicopters, Don. *

Nickels rambles on as Cheney puts a hand over the receiver and leans back to Addington.

CHENEY (CONT'D)
It looks a lot like we're at war with a terrorist organization. Figure out what kind of powers the President's going to need that he doesn't have.

Cheney returns to his call, and Addington to his corner. Now * he's scribbling, Addington is. A few thoughts, on a blank * piece of paper. This is where it starts. And we fade to the *

TITLE: THE SPECIAL PROGRAM *

13 **EXT. WHITE HOUSE - DAY** 13

A few days have passed and it's calm now. Eerily. As we get closer, we notice the new fortifications. Surface-to-air missiles on the roof. Concrete barriers. Marines wave cars * off, blocks away. Nobody can get near the place. *

NEWSCASTER (V.O.)
The President has asked Congress for the authority to use military force in the pursuit of terrorists responsible for the attacks. *

BUSH (V.O.)
I'm a loving guy. And I'm also someone, however, who's got a job to do, and I intend to do it.

CABLE NEWS TALKING HEAD (V.O.)
We're gonna run around Afghanistan rounding up terrorists? Then what? *
Flog 'em? Shoot 'em? I don't want *
'em here, I tell you that much. *

14 **INT. WHITE HOUSE - CORRIDOR - DAY** 14 *

JOHN YOO hurries down the hall. As he passes through a doorway to a suite of offices, we see a placard on the wall that reads OFFICE OF THE VICE PRESIDENT.

15 **INT. WHITE HOUSE - CHENEY'S OFFICE - DAY** 15 *

Cheney's at his desk, with Gonzales, TIM FLANIGAN and Addington, when Heiden KNOCKS and opens the door to let in... *

HEIDEN *
John Yoo. *

Heiden closes the door as she exits. Yoo stands, nervous. It's his first time meeting the Vice President. There are no handshakes, it's straight to business. * * *

ADDINGTON *
John's from the Office of Legal Counsel over at Justice, he's going to help us with the legal underpinnings. * *

CHENEY
David put together a framework for dealing with the terrorists we capture once we've got boots on the ground. Sort out the legal end, then we'll make it an executive order.

Addington hands Yoo a document. Yoo glances over it.

YOO *
Military commissions? *

ADDINGTON *
We're not gonna haul a bunch of terrorists into federal court.

FLANIGAN
And the court martial system's too cumbersome. This'll give us more flexibility. *

ADDINGTON *
Powell's putting together an * interagency group to look into * this, but it'll take them forever * to get rolling. We don't have that * kind of time. *

YOO
I'd like to bring in one of my colleagues at Justice, so I can get through it more quickly. Is that...

Addington looks to Cheney, unsure.

CHENEY
One.

YOO
And do I coordinate with Powell's group?

CHENEY
This room.

EXT. STATE DEPARTMENT - DAY

Like the White House, the State Department's now heavily fortified.

PROSPER (PRE-LAP)
Secretary Powell, would you like to start us off?

16 **INT. STATE DEPARTMENT CONFERENCE ROOM - DAY** 16

A vast conference table, and a lawyer at every seat. COLIN POWELL's at the head of the table. PIERRE PROSPER watches him, deferential.

POWELL
We've got troops on their way to Afghanistan, they're going to start capturing people and we need to figure out what exactly we do with them. Your job will be to--

PROSPER
Hang on, sir, I'm sorry, I'm not sure everybody knows everybody -- should we go around and do names?

Powell sighs. It's a long table.

17 **INT. DEPARTMENT OF JUSICE - DAY** 17

John Yoo rushes in. On his end, things are moving fast.

18 **INT. DEPARTMENT OF JUSTICE - YOO'S OFFICE - DAY** 18

Yoo huddles with PATRICK PHILBIN.

YOO
We want to use something called a military commission.

That's when there's a perfunctory KNOCK on the door, and Attorney General JOHN ASHCROFT lets himself in.

ASHCROFT
You done with the immigration thing?

YOO
Yes sir, it should be on your desk.

Ashcroft nods. There's a beat. Yoo's reflexively angled the document in his hand away from Ashcroft. Ashcroft doesn't notice the paper, but he notices the awkward silence.

ASHCROFT
Okay.

He exits. Philbin caught the move with the document. He looks at Yoo, puzzled.

YOO
This came from the Vice President's office. They want to keep the circle small.

PHILBIN
Smaller than the Attorney General??

YOO
When I said we're not telling anybody, I meant it.

The whole thing makes Philbin nervous. He takes the document from Yoo and begins to read.

YOO (CONT'D)
Addington wrote it, we need to find a way to back it up under the commander-in-chief powers.

We're on that document in Philbin's hands. We'll follow it closely as it reappears in...

19 **INT. WHITE HOUSE - BUSH'S PRIVATE DINING ROOM - DAY** 19

Cheney places the document on the table next to Bush, who's already eating when Cheney arrives. Bush glances at it, but a real read would mean ketchup on the pages, so...

BUSH
What am I looking at?

CHENEY
Military commissions. It's a way to put the terrorists on trial, without getting bogged down in every human rights treaty the UN ever cooked up.

BUSH
Powell and his gang came up with this?

CHENEY
We put it together in-house. Justice cleared it. Seems to hold water.

Bush nods as he skims the first page.

20 **INT. WHITE HOUSE - OUTSIDE THE OVAL - DAY** 20

Cheney hands the document back to Addington. He's about to go when he pauses. Quietly...

CHENEY
The President wants to sign it today. Let's bypass staff review. *

Even Addington looks slightly surprised by this order. But he nods and Cheney moves on. We follow the document to

21 **INT. WHITE HOUSE - TIM FLANIGAN'S OFFICE - DAY** 21

Addington hands it off to Flanigan.

FLANIGAN
Bypass staff review??

ADDINGTON
It must be possible. Right? *

Addington and Flanigan look flummoxed.

22 **INT. WHITE HOUSE - STAFF SECRETARY'S OFFICE - DAY** 22

Flanigan hands the document to STUART BOWEN. Flanigan's got his game face on now.

FLANIGAN
The big guy's about to head out to Crawford, can you prep this for signature before he goes?

Bowen looks at him like he's insane.

BOWEN
It's a presidential order. It has to be reviewed. *

FLANIGAN
It's been taken care of.

BOWEN
You know how many thousands of documents pass through this office?

FLANIGAN
Stuart--

BOWEN
They all need a chop from Andy * Card. Condi. Steve Hadley. *

FLANIGAN
The helicopter's on the lawn.

BOWEN
We don't just print things out and shove them in front of him. His administration reviews it -- that's how he gets the advice he needs. That's how every President in-- *

FLANIGAN
He got the advice he wanted. He would like to sign it. Now.

Bowen's simply appalled.

23 **INT. WHITE HOUSE - OVAL OFFICE - DAY** 23

Bush is talking with an AIDE when Bowen enters, a blue portfolio in his hand, embossed with the presidential seal. Bowen holds the folder open, revealing a more formal presentation of the very same document we've been following.

BUSH
Iftaar? Am I saying that right -- Iftaar?

AIDE
I believe so.

Bush quickly signs the document.

BUSH
Why don't we check before I spend a month hearing about how I can't pronounce their holiday. *

Then he rushes out the door to the waiting Marine One. Bowen watches him go, sick to his stomach.

24 **INT. DEPARTMENT OF JUSTICE - ASHCROFT'S OFFICE - DAY** 24

Ashcroft's reading at his desk, CNN on in the background.

CNN NEWSCASTER
President Bush signed an order today allowing for the creation of special tribunals to try foreign terrorists.

Ashcroft stares up at the screen. Astonished.

25 **INT. STATE DEPARTMENT - COLIN POWELL'S OFFICE - DAY** 25

Powell's staring at the same CNN broadcast.

CNN NEWSCASTER
These "military commissions," as the White House is calling them, will write their own rules and operate outside the normal channels of US criminal and military courts.

POWELL
What the fuck just happened??? *

26 **INT. WHITE HOUSE - ROOSEVELT ROOM - DAY** 26 *

A number of lawyers assembled around the long table, startled to see John Ashcroft shouting at an unflappable Dick Cheney. * *

ASHCROFT
I am the President's senior law enforcement officer.
(MORE)

ASHCROFT (CONT'D)
I oversee terrorism prosecutions. Not the Pentagon.

CHENEY
John--

ASHCROFT
I'm not handing over suspects to some... *commission* I've got no say in! Even if it made legal sense, which I can't imagine--

CHENEY
It does. We've already spoken to your people.

ASHCROFT
Who?

Cheney turns and looks down the table to one of the lawyers seated at the other end. John Yoo. Yoo looks back at Ashcroft, not pleased that he publicly humiliated his boss, but not prepared to take it back either. It's an infuriating moment for John Ashcroft.

ASHCROFT (CONT'D) *
I had asked to discuss this with * the President. This meeting was * supposed to be with-- *

CHENEY *
He wasn't available. *

Ashcroft looks at him for a moment, and makes a decision. He * walks out of the room, and makes a right, toward the Oval * Office. Cheney shoots a look at Addington -- an order. * Addington rises, following Ashcroft out of the room. *

27 **INT. WHITE HOUSE - CORRIDOR OUTSIDE OVAL - DAY** 27 *

Addington catches up to Ashcroft. *

ADDINGTON *
John! *

Ashcroft stops. *

ASHCROFT *
I have a legitimate concern, I plan * to voice it to the President before * we do something we'll regret. *

ADDINGTON
Your concern is noted.

ASHCROFT
The President hired me to advise him when this kind of--

ADDINGTON
Dick Cheney hired you, not the President. And he did it when you'd just lost an election to a dead man. The President was gonna give your job to Frank Keating. You want to trade places with him right now?

Ashcroft's blood is boiling. And he's steps from the Oval. He could ask for an appointment and get it almost immediately. But he doesn't. He turns the other way, and walks out of the White House.

28 **INT. WHITE HOUSE - CHENEY'S OFFICE - DAY** 28

Cheney's in his office with Libby, CIA director GEORGE TENET, and NSA director GENERAL MICHAEL HAYDEN.

CHENEY
I want to know what we can do that we're not already doing.

TENET
The big hole right now is how do we find terrorists inside the US.

HAYDEN
You want to track some guy in Pakistan, NSA can tap his phone, read his email, tell you every time he makes a bank deposit. He comes here, we can't look.

LIBBY
Because...

HAYDEN
Nixon used the NSA to spy on his political enemies. Congress shut it down.

CHENEY
What recourse do we have?

HAYDEN
The FISA court -- you can apply for a warrant, and surveil someone here. But you need probable cause.

TENET
It works when you're after known suspects. We need to root out the ones we don't know about.

It's appalling. The burden of responsibility is squarely on their shoulders, and they're completely hamstrung. Hayden stands. There's a white board nearby. He grabs a marker and draws a circle, and scribbles ALL next to it.

HAYDEN
Here's everything you want to be able to hear, to find a bad actor.

He draws another, intersecting circle, and labels it TECH POSSIBLE.

HAYDEN (CONT'D)
Here's what we have the technological power to access.

Now he draws a third circle -- a Venn diagram. He labels this one LEGAL.

HAYDEN (CONT'D)
Here's what we can do legally.

He colors in the small triangle where the three circles intersect. It's not much. Cheney stares at it. Displeased. Then he rises, grabs the eraser, and swipes the third circle off the board. The word LEGAL is still barely legible. But mostly gone. He turns to Hayden.

CHENEY
Better?

29 **INT. DEPARTMENT OF JUSTICE - ASHCROFT'S OFFICE - EVENING** 29

John Yoo's watching the Attorney General read. Ashcroft looks surly as he tries to decode the document in his hands. Because he can't quite follow it. And because he hates John Yoo.

YOO
I think the signature goes on page--

ASHCROFT
I'm still reading.

YOO
Would it help if we talked through it again?

ASHCROFT
It would help if I could discuss it with Larry. Or Bybee.

YOO
Unfortunately they're not read in.

ASHCROFT
My deputy isn't read in; and the head of the OLC isn't read in. Doesn't strike you as odd?

YOO
I'm happy to answer any--

ASHCROFT
You wrote it, of course it makes sense to you. I want to know if it makes sense to anyone else.

YOO
You're only authorizing it for 45 days. It's an emergency measure.

ASHCROFT
Because even the people who came up with it are uncomfortable with the idea of the NSA eavesdropping on Americans in their own homes.

Yoo's prepared to weather this temper tantrum.

YOO
The Vice President would like to have the President sign it by--

ASHCROFT
I want to read it one more time. You mind?

Yoo stands for a moment, unsure. Then he exits. Ashcroft watches him go, filled with disdain. Then he squints at the document. He can't make heads or tails of the thing. Defeated, he turns to the last page. And signs his name.

30 **INT. WHITE HOUSE - CHENEY'S OFFICE - NIGHT** 30

Cheney, Addington, Gonzales, Flanigan, and John Yoo. Seated around the coffee table. It feels more intimate than formal.

CHENEY
We need to sort out where we put the terrorists once we've got them - - they can't go to Sing Sing...

This conversation OVERLAPS, both visually and aurally, with ANOTHER, on ANOTHER DAY. Same characters. Same room.

CHENEY (CONT'D) *
The surveillance program we're putting in place at the NSA, I want to make sure we're utilizing it in concert with FBI and CIA. *

And then ANOTHER... *

ADDINGTON *
How about interrogation. *

CHENEY *
Yeah, we've got to put together some guidelines for the guys who are trying to get information out of these people... *

YOO *
And this is gonna be... *

CHENEY *
Executive order. *

We might see shifts in seating, but it's always these men, in this office, all directing their inquiries at John Yoo, who scribbles notes for himself as they go. This is where the real work gets done. This is how. *

31 **EXT. WHITE HOUSE - MORNING** 31 *

It's a blindingly bright morning outside the White House. The words...

SPRING, 2003

...appear and disappear from the screen. We hear Bush speaking on a newscast.

BUSH (V.O.)
On my orders, coalition forces have begun striking selected targets of military importance to undermine Saddam Hussein's ability to wage war. *

NEWSCASTER (V.O.)
Mr. Bush sought to tamp down expectations of a quick victory by warning that the battles in the days ahead could be longer and more difficult than some predict. *

32 **INT. WHITE HOUSE - ANDY CARD'S OUTER OFFICE - MORNING** 32

ANDY CARD arrives. His ASSISTANT's at her desk. She nods toward the open door to his office.

ASSISTANT
The Attorney General's in there. *

That's bad news, and she knows it when she delivers it. Card looks defeated, and his day's just begun.

33 **INT. WHITE HOUSE - ANDY CARD'S OFFICE - CONTINUOUS** 33

Card enters, gamely pretending he doesn't know what's coming.

CARD
Morning!

ASHCROFT
John Yoo? To run my Office of * Legal Counsel?? Are you out of * your mind??

CARD
Can we just--

ASHCROFT
They're not rubber stamping * executive orders, Andy, a lot of law gets built in that place.

CARD
You know what--

ASHCROFT
He's not qualified.

CARD
I know you two have had issues--

ASHCROFT
The man claims he works for me -- * he takes all his orders from Dick Cheney.

CARD
I'm sure there's--

ASHCROFT *
When the Office of Legal Counsel *
puts out an opinion, it does so
under the authority of the Attorney
General. He's carrying my gun, I
don't even know who he's shooting
at!

CARD
Why don't I--

ASHCROFT
He's not qualified. That's the
issue. I'll take it to the
President if I have to.

Ashcroft just threw down the gauntlet. Fucking hell. *

34 **INT. WHITE HOUSE - CHENEY'S OFFICE - DAY** 34

Cheney's unmoved. But Card and Addington are frustrated. *

ADDINGTON
He's bluffing.

CARD
He said he has some names. People *
he thinks are more qualified.

CHENEY *
Have John Yoo give us a name. That
oughta simplify matters. Ashcroft
wants to go crying to the
President, fine. He only gets to
play that card once.

35 **INT. WASHINGTON RESTAURANT - DAY** 35

JACK GOLDSMITH's at a table alone, waiting for someone who's late. Jack's carrying a few extra pounds, a shock of untameable hair, and the distracted look of someone who just lost track of his glasses and will shortly discover they're on his face. Jack waves as John Yoo rushes in the door. *

JACK *
I ate the bread. Sorry. *

YOO
I'm not gonna be able to stay. *

JACK
Is everything okay?

No, is the answer. Yoo's clearly upset. Angry. But he's not getting into it right now.

YOO
I want to recommend you for a job at the Office of Legal Counsel.

JACK
You serious?

YOO
You'd be okay leaving Defense?

JACK
Leslie and I were talking about getting out of Washington. But to come and work with you...

Jack's thrilled. But Yoo shakes his head.

YOO
Bybee's resigning. They need somebody to run the place. *

JACK
They're promoting you?

YOO
I'm leaving. I want to recommend you for head of the OLC.

It's a stunning offer. Life changing. But it doesn't make any sense to Jack.

JACK
That should be <u>your</u> job.

YOO
The Attorney General's blackballing me.

It's a massive blow for Yoo, and Jack knows it.

JACK
Ashcroft? Why??

YOO
Cause he's an infant. I don't know. I can't stay after this. * *

JACK
I'm so sorry--

YOO
It's a huge opportunity. You'll be great.

Jack knows... it's like winning the goddamn lottery.

JACK
If Ashcroft blackballed you, he's not gonna hire some guy you picked.

YOO
It's not Ashcroft's decision.

JACK
It's his department.

YOO
The Vice President's Office asked me for my recommendation. Are you interested?

JACK
Are you kidding? Of course!

YOO
I need to ask you a couple things. Did you give money to a guy named Henry Perritt?

Not the kind of question he was expecting.

JACK
Yeah, he ran for the House.

YOO
He's a Democrat.

JACK
Did you run a background check on me?

YOO
I'm recommending you to be the final authority on the legality of everything the executive branch does. I gave the Vice President's Office your name 24 hours ago, they now know everything about you, they want to know why you gave $800 to a Democrat.

JACK
Because Henry's my friend and after he asked me he looked like he was gonna cry.

YOO
Are you a Republican?

JACK
Are you kidding? How long have you known me??

YOO
I have to ask.

JACK
Yes, I'm a Republican.

YOO
Did you vote for the President?

JACK
Yes!

YOO
Okay.

Yoo's punching something into his Blackberry now.

YOO (CONT'D)
I want you to remember that everyone in the whole place works for the President. Ashcroft gets his balls in a twist when he's not at the center of every decision, that's not your problem.

JACK
John, I don't know if I'm qualified to--

YOO
Your phone's gonna ring in a minute. Get the crumbs off your shirt and... try and make your hair go flat.

JACK
What are you--

YOO
I gotta go. Sorry about lunch. You're gonna be great.

Yoo's out the door, and then there's a WAITER at the table.

WAITER
Did you want to order something?

That's when Jack's phone starts BUZZING on the table. He stares at it.

WAITER (CONT'D)
Sir?

36 **INT. DEPARTMENT OF JUSTICE - ASHCROFT'S OFFICE - DAY** 36 *

Ayres stands, pissed, as Ashcroft looks over a resume. *

AYRES
Addington already met him. He's * John Yoo's best friend. They're ideological clones.

ASHCROFT
He's sitting out there? Christ.

Ashcroft's so frustrated he could spit. He's been * outmaneuvered again, he's not fast enough or wily enough for * this game. He stabs a phone line. *

ASHCROFT (INTO PHONE) (CONT'D)
Send him in.

AYRES
It's a no. It has to be. We'll talk to Andy Card.

ASHCROFT
I already went to Andy, to kill the John Yoo idea. I pull that again, I'll look like an idiot. In fact I already look like an idiot. That's what just happened.

There's a tentative KNOCK and the door opens. In walks Jack. Big smile. Warm handshakes for Ayres and then Ashcroft.

JACK
Hello!

ASHCROFT
Come on in.

AYRES
David Ayres, I'm the Attorney General's Chief of Staff.

JACK
Jack Goldsmith. Pleasure.
(and then Ashcroft)
Really an honor to meet you, sir.

It's true, he's thrilled. If he had a tail, it would be wagging, rapidly. God, they hate this guy already.

37 **INT. JACK'S HOUSE - KITCHEN - NIGHT** 37

Jack races in the door. This apartment on Capitol Hill was perfect for a young couple. Two kids later, it's busting at * the seams.

JACK
Leslie?

Jack's wife LESLIE hurries into the kitchen, carrying a laptop.

LESLIE
Will's asleep and Jack's crashing his trains -- we got four minutes, I want you to look at a couple houses.

JACK
We're not moving, we're staying.

LESLIE
Uh uh. Charlottesville. Quiet * life. *

JACK
I'm getting a job offer. Assuming I charmed John Ashcroft, which is a big if, he didn't like the look of me, and he hates John Yoo--

LESLIE
What??

JACK
John recommended me to run the Office of Legal Counsel.

LESLIE
I don't even know what that is.

JACK
It's like the Supreme Court for the * President. Twenty lawyers. *
(MORE)

JACK (CONT'D)
I'd be running the whole shop.
It's a game changer, is what it is. *

He's so excited he can barely contain himself. This is the opposite of what they'd agreed on, but... He really wants it. She begins to cave. He pulls her into a hug, thrilled.

JACK (CONT'D)
Oh god, I love you.

LESLIE
Yeah yeah.

JACK
They have to confirm me, I may not * get confirmed.

LESLIE
Sure. A girl can dream.

She's kind of devastated, but he's so elated it's infectious. How could she say no?

NEWSCASTER (V.O.)
Nearly six months in Iraq and still no weapons of mass destruction. *
Meanwhile, the Bush administration's * facing a flood of questions about the presumed link between al Qaeda and Saddam Hussein.

38 **INT. MEET THE PRESS - NEWS FOOTAGE** 38

A clip of Condoleezza Rice on Meet the Press.

RICE
No one has said there is evidence that Saddam Hussein directed or controlled 9/11, but let's be very clear, he had ties to al Qaeda, he * had al Qaeda operatives who had * operated out of Baghdad...

39 **INT. DEPARTMENT OF JUSTICE - JACK'S OFFICE - MORNING** 39 *

Jack's unpacking in his new office. Patrick Philbin pokes * his head in, tentative. *

PHILBIN
Hey there. Patrick Philbin.
Associate Deputy Attorney General.
Couple doors down the hall. *

JACK
Jack Goldsmith. New guy.

PHILBIN
I used to be in the OLC. I was actually filling in on some of your stuff while they were lining you up.

JACK
Oh yeah?

PHILBIN
Yup. Glad you're here!

Philbin doesn't really have Jack's attention -- Jack's messing around with the arrangement of things on his shelves.

PHILBIN (CONT'D)
Had any briefings yet?

JACK
No, but I think there's one this afternoon.

PHILBIN
It's a trip. They put you in a secure room, some nervous looking guy from CIA tells you how the world's gonna end.

Philbin looks pretty nervous himself. Jack's too distracted with his unpacking to notice. Jack's new assistant CHARLOTTE arrives in the doorway.

CHARLOTTE
Alberto Gonzales is on the phone.

JACK
For me? Great!

Philbin has something on his mind, but it'll have to wait. Charlotte steps out, and after a second, so does Philbin. Jack gives him a wave, as he pokes a flashing phone line.

JACK (INTO PHONE) (CONT'D)
This is Goldsmith.

40 **INT. DEPARTMENT OF JUSTICE - ASHCROFT'S OFFICE - DAY** 40

A few days later. Ashcroft and Ayres look over an opinion as Jack waits, eager to hear their response. It's his first official answer on the job, and he's happy with it.

ASHCROFT
Gonzales asked you this?

JACK
Yes sir.

ASHCROFT
And you're concluding Iraqi terrorists do have Geneva protections? Am I reading this right?

JACK
Yes. Iraqi soldiers in Iraq are lawful combatants.

Ashcroft nods, but looks to Ayres.

AYRES
You realize... that isn't exactly the President's position.

JACK
Well they couldn't have been sure, that's why they asked. Right?

Seems obvious to Jack, but there's still an odd silence.

JACK (CONT'D)
Are you uncomfortable with the decision?

ASHCROFT
No. No. It's just... When John Yoo was here... He wasn't head of the OLC like you are, but a lot of these White House questions seemed to land on his desk, and...

AYRES
He was reticent to engage the White House in debate.

ASHCROFT
We're glad you don't have those qualms.

Jack nods. Ashcroft and Ayres stifle a smile. This guy has no idea what he's getting into.

42 **INT. WHITE HOUSE - GONZALES' OFFICE - DAY** 42 *

Jack and Philbin face Gonzales and Addington, who sit in matching wing chairs, copies of Jack's opinion in their hands. Philbin's eyes are on his shoes, the floor, anywhere but Addington. Gonzales is calm, measured. Addington's head is about to explode. *

GONZALES
I think the thing we're wondering about, Jack, is--

ADDINGTON
They're terrorists. Not frat boys with water balloons.

JACK
Of course.

ADDINGTON
The President has made a decision -- terrorists do not receive Geneva protections--

JACK
Right, but--

ADDINGTON
--you cannot question his decision.

JACK
He made a decision about the Third Geneva Convention -- the situation in Iraq is different.

ADDINGTON
A terrorist blowing up our troops is a terrorist blowing up our troops!

JACK
We're an occupying power in Iraq, that's not Third Geneva, that's Fourth Geneva -- it's the Occupation Convention--

ADDINGTON
If he says Geneva one more time I'm going to lose my mind.

GONZALES
Okay, let's see if we can--

JACK
An al Qaeda terrorist from Yemen who shows up in Baghdad isn't the same as an Iraqi combatant in Iraq.

ADDINGTON
The Geneva Conventions are quaint! They're obsolete! Frame them on your wall, they are a relic of another time!

JACK
They're half a century of US policy!

ADDINGTON
This is not an academic exercise, do you understand me? There are Americans wearing uniforms, thousands of miles from home, they will die because of your decision. Is that clear?
(beat)
OLC shapes counterterrorism policy. That's what you're doing.

Jack's reeling. He's never experienced this kind of attack, it's disorienting. But that doesn't change the situation. *

JACK
I don't take this lightly. But you asked me to interpret the Occupation Convention. And... I did. *

43 **EXT. WHITE HOUSE GATE - DAY** 43

Jack and Philbin, leaving the White House. *

JACK
Hopefully he won't be in the room next time I deliver an opinion.

PHILBIN
He's always in the room.

JACK
The Vice President's lawyer?

It doesn't make sense. But Philbin just walks on, grim. *

44 **EXT. CAMP DAVID - DAY** 44 *

A workspace has been set up on the porch outside the Aspen Lodge at Camp David. Cheney's on one phone. Scooter Libby's on another.

LIBBY (INTO PHONE)
No, the Vice President's in an undisclosed location today, we'll have to set up a secure link. Okay. *

Libby hangs up as Addington arrives, fuming. Addington hands Cheney and Libby a document. Cheney's still on the phone. * *

CHENEY (INTO PHONE)
I'm gonna send Scooter to your office tomorrow, see if we can kill the House proposal before it gets any more traction. Yeah. * * *

Cheney hangs up. Libby's been reading the document Addington brought them, and he's chuckling. *

CHENEY (CONT'D) *
What.

LIBBY
Looks like David got himself a new chew toy.

Cheney turns his attention to the document.

CHENEY
This is Goldsmith? On Geneva?

Addington nods. Cheney reads, a look of profound irritation settling over his face.

45 **INT. DEPARTMENT OF JUSTICE - HALLWAY - DAY** 45

A DOJ STAFFER passes Jack.

DOJ STAFFER
You settling in okay?

JACK
Well I'm trying to find the kitchen and I think I've gone around the loop twice now. *

DOJ STAFFER
You gotta take a right at the end. *

JACK
You're a good man. I've read so much in the past couple weeks I can't see straight. *

DOJ STAFFER
Yeah, it's dense, this stuff. *
(lowers his voice) *
I still don't really understand the * Highland Protocol. And Stellar * Wind's completely impenetrable.
You're not the first man to go * blind trying to get through it all. *

Jack smiles, polite. *

46 **INT. DEPARTMENT OF JUSTICE - KITCHEN - CONTINUOUS** 46

Philbin's getting coffee when Jack enters.

JACK
Patrick, some nice guy whose name I * can't remember said I might have * trouble understanding a program I think I missed completely. What is * Stellar Wind?

Philbin stares at Jack, frozen. The color draining out of his face. Jack's not sure what the problem is.

JACK (CONT'D)
Stellar Wind? *

PHILBIN
Please stop saying that.

JACK
Okay. Where can I get a copy? *

Philbin can't even fathom the question, never mind answer it. * He turns and walks out of the room. Jack watches him go, trying to figure out what the hell just happened.

47 **INT. DEPARTMENT OF JUSTICE - PHILBIN'S OFFICE** 47

Philbin's whisper yelling into the phone.

PHILBIN (INTO PHONE)
*He's the head of the OLC! He's * supposed to <u>sign</u> it! I can't keep signing it, I'm not even in the OLC anymore!*

He stops short when he sees Jack standing in the doorway.

PHILBIN (INTO PHONE) (CONT'D)
I need to call you back.

He hangs up.

JACK
Patrick, is there something the OLC's doing that I don't know about?

Philbin looks miserable.

PHILBIN
I'm sorry. I can't answer that question.

48 **INT. EISENHOWER EXECUTIVE OFFICE BUILDING (EEOB) - ADDINGTON'S OFFICE - DAY**

Addington click click clicks the combo on a wall safe. He pulls out a large envelope, and extracts a document stamped TOP SECRET: STELLAR WIND. He gives a disgusted glance at * Philbin before he addresses Jack.

ADDINGTON
This is sensitive compartmented information. You don't discuss it with anyone other than Philbin and Ashcroft. Do you understand?

Jack nods.

ADDINGTON (CONT'D)
How closely did you deal with the National Security Agency when you were at Defense?

JACK
Not very. I know they do a lot of * our spying. *

ADDINGTON
CIA spies in person. NSA does it electronically. Any of our enemies * around the world can be monitored by the NSA. But none of that can happen inside the U.S. *

JACK
Right.

ADDINGTON
But the 9-11 bombers were living here. This program allows us to monitor terrorists domestically. *

He hands Jack the Stellar Wind document.

ADDINGTON (CONT'D)
It requires re-authorization every 45 days. You sign it, the Attorney General signs it, the President signs it. *

JACK
Does something change in 45 days?

ADDINGTON
No.

PHILBIN
That's not exactly--

ADDINGTON
You're right, Patrick, we may win the War on Terror between now and Christmas, in which case we'll re-evaluate.

Philbin has more he'd like to say but he thinks better of it.

JACK
This copy's for me?

For Addington, the question is staggering in its innocence.

ADDINGTON
You sit in that chair, you read it and then you hand it back to me.

Addington's actually going to watch Jack read it. It seems weird, but a lot of things around here seem weird to Jack. He's new. Jack begins to read, as Addington glares at Philbin, still furious that Philbin talked him into this. *

49 **EXT. PENNSYLVANIA AVENUE - DAY** 49 *

Jack and Philbin walk out of the EEOB, and down Pennsylvania Avenue toward the Department of Justice. Silent.

JACK
I'm not supposed to say the name, right? So if I have a question... what do I say. *

PHILBIN
Everyone calls it the Vice President's Special Program. Except the Vice President's Office who calls it the President's Special Program.

JACK
And they just give me a copy every 45 days and I sign it?

Philbin lowers his voice, aware they're on the street. It's not crowded, but still.

PHILBIN
CIA sends you a threat assessment. They call it The Scary Memo. You're so freaked out by the time you've read it you'd let them wiretap the whole country if they wanted. Then you sign it.

JACK
It's bold. No warrants...

PHILBIN
Yeah.

JACK
Isn't there some court you go to if you want to wiretap an American?

PHILBIN
The FISA court issues secret warrants. But this program was built to function without them.

Jack nods. Philbin was hoping for more push-back on that, and isn't getting it. He's not sure how to broach this.

PHILBIN (CONT'D)
I can get you the OLC opinion they based the program on. Look it over, see what you think.

JACK
I trust you, it's just... bold.

Jack's moving on. Philbin wants to say more, but he doesn't.

50 **INT. DEPARTMENT OF JUSTICE - JACK'S OFFICE - NIGHT** 50 *

It's been a long day. Jack slips on his coat, ready to leave, when Philbin appears in his doorway.

PHILBIN
I got you a copy of the opinion that backs up the program. If you want to take a look. *

He doesn't. He's exhausted. There are mountains of paperwork on his desk. But Philbin's worried about this, and * not taking no for an answer anymore. *

PHILBIN (CONT'D)
There are a couple sticky spots in the opinion. I was trying to iron them out when I was the one who was re-authorizing it.
(beat)
You should take a look.

Philbin places a document on Jack's desk and leaves. Jack sighs, takes his coat back off. *

51 **INT. DEPARTMENT OF JUSTICE - PHILBIN'S OFFICE - NIGHT** 51

Jack enters. Appalled.

JACK
Sticky spots? *

Philbin shuts the door.

52 **INT. DEPARTMENT OF JUSTICE - PHILBIN'S OFFICE - LATER** 52 *

Jack's trying to get his mind around what he just read.

JACK *
That's the baldest declaration of * presidential power I've ever seen! * Does it... I'm not sure I followed * the legal argument. *

PHILBIN *
That's because it's problematic. *

JACK *
Nobody ever questioned it? *

PHILBIN
Like who?

JACK
Like State, like legal over at the NSA--

PHILBIN
They didn't read it. Nobody read it. After 9-11...

JACK
They blew up the Pentagon, they didn't kill all the lawyers. The President couldn't have signed something like that without clearance from 12 different--

PHILBIN
Nobody was allowed to see the opinions.

JACK
Let me get this straight. NSA writes a security program--

PHILBIN
Addington wrote the program. *

JACK
(beat) *
The Vice President's lawyer wrote a national security program? Is that normal? *

PHILBIN
No. I mean, it is now.

JACK
Okay. He asks the Attorney General to have the OLC draft an opinion--

PHILBIN
He asks John Yoo. *

JACK
(beat) *
Did Ashcroft even read it?

PHILBIN
Eventually. But it's complicated stuff. He relies on his staff to unpack it for him. And they didn't want the Deputy AG to read it--

JACK
Who's they?

PHILBIN
The Vice President's office.

JACK
...doesn't want the Deputy Attorney General to read an opinion generated by his own department??

PHILBIN
They didn't even want you to read it, and you're the guy who's supposed to certify its legality.

JACK
They're letting the NSA eavesdrop on Americans--

PHILBIN
And the FBI and the CIA. No oversight. The courts don't monitor it. Congress doesn't know about it.

JACK
And nobody knows that it may not hold water. Legally. Except you.

PHILBIN
They asked me to do the re-authorization when John Yoo stepped down. And the more I looked into it, the more it seemed like the whole thing never quite made sense in the first place.

Jack stares at him. This is inconceivable.

PHILBIN (CONT'D)
There are a couple other programs I'm worried about. We wrote an opinion on interrogation for the Department of Defense -- what you can do to prisoners when you're trying to get information out of them. It's...
(beat)
You should take a look.

Philbin takes a pile of documents off his desk. Holds it out toward Jack. It's not a small pile.

53 **INT. JACK'S HOUSE - LIVING ROOM - LATE NIGHT** 53

Jack's on the couch, reading through the documents Philbin gave him. Or he was, anyhow. Now he's so shocked by what he's read, he's kind of staring into space.

LESLIE
What are you doing?

He didn't even hear her come down the stairs.

JACK
Just playing catch up.

LESLIE
You gonna come to bed?

Not soon.

JACK
Soon.

LESLIE
You okay?

Not really.

JACK
Yeah.

She heads back to bed. Jack looks at his work. What the hell did he get himself into? *

54 **INT. DEPARTMENT OF JUSTICE - HALLWAY - MORNING** 54

There's a conference room full of people waiting for Jack and he's on his way in when he runs into Philbin. They step aside for a moment. Jack's not even sure where to begin.

JACK
I read over the interrogation stuff... *

Jack just shakes his head. It's breathtaking.

PHILBIN
Yeah.

JACK
We authorize torture on a level the country's never seen and we don't let Congress anywhere near it??

There are people passing. They can't really talk about this.

JACK (CONT'D)
What's the protocol for addressing this kind of thing?

PHILBIN
I don't know. OLC's never withdrawn an opinion. The protocol is, you live with it. *

JACK
Then why did you ask me to read it?

PHILBIN
(beat)
I guess I couldn't live with it.

Fuck. Jack doesn't want any of this.

JACK *
Let's deal with the surveillance * thing first. Maybe we talk to * somebody at the NSA, see if we can * untangle what they're doing. Probably makes more sense in * practice than it does on paper.

PHILBIN
And the interrogation memos?

JACK
(beat)
I don't know.

Jack continues into his meeting. We see his staff waiting for him. Twenty lawyers. Miles of new work to do.

JACK (CONT'D)
Alright, which one of you's Jed? *

A lawyer raises his hand. *

JACK (CONT'D) *
We get anywhere on firearm transfer? *

55 **INT. THE CAPITOL - HALLWAYS - DAY** 55

Cheney, striding through the halls as Addington briefs him. *

ADDINGTON
The new head of the OLC's developed an interest in the Special Program. He says he doesn't understand it.

CHENEY
People only have questions about things they've read.

It's a rebuke, and Addington knows it. He presses on.

ADDINGTON
He's been poking around at NSA. He's got their general counsel coming to meet with him this week.

Cheney looks at Addington, displeased.

ADDINGTON (CONT'D)
He had rock solid credentials. Aggressive views on presidential authority. I didn't expect this.

CHENEY
Get him off it.

Addington nods. *

56 **INT. DEPARTMENT OF JUSTICE - COMMAND CENTER - DAY** 56 *

Jack and Philbin pass copies of a few different documents to JOEL BRENNER and VITO POTENZA.

PHILBIN
These are the OLC opinions that provide the foundation for the domestic surveillance program. The first one is October 23rd, 2001--

That's when the door opens and Addington blows in.

ADDINGTON
Morning.

Nobody was expecting him. He wasn't invited.

JACK
Hi. Um... Do you all... David Addington -- Joel Brenner, inspector general of the NSA. Vito Potenza. NSA general counsel.

No handshakes. Addington barrels past the introductions to--

ADDINGTON
What are we doing?

JACK
Vito and Joel asked us if they could take a look at the OLC opinions that back up the, uh, President's Special Program.

ADDINGTON *
Why.

POTENZA
Well, Jack and Patrick asked us * some questions about how it worked. And as we got talking we realized * OLC was assuming that we'd certified the legality of the program. And over at NSA, we assumed OLC'd certified it. Sort * of a circular thing.

BRENNER
So we figured we should sit down * and... make sure everything tracks. *

Beat. Then comes the screaming. *

ADDINGTON
This is none of your business!

BRENNER
I don't--

ADDINGTON
The President doesn't want this!

POTENZA
But he's--

ADDINGTON
Give me those!

He's grabbing the papers off the table.

JACK
David. These guys are--

ADDINGTON
YOU ARE OUT OF YOUR LANE.

It's an appalling display for a room like this. We whip to --

57 **INT. DEPARTMENT OF JUSTICE - JACK'S OFFICE - DAY** 57 *

Jack and Philbin, tearing into the office, closing the door.

JACK
Why would you tell him about the meeting?

PHILBIN
I didn't!

JACK
So who did? Charlotte?

PHILBIN
They know.

JACK
What do they know?

PHILBIN
They know everything. OVP. The Vice President.

JACK
For god's sake, Patrick, he's not actually Darth Vader. What, do you think they bug the place?

It was a joke, but...

PHILBIN
They read the emails.
(beat)
I know a guy at the National Security Council who figured out that the VP's Office gets a blind * copy of every email anybody over there sends to their own staff. Cheney set it up with Hadley. Maybe he made the same deal with Ashcroft.

JACK *
You think Dick Cheney heard about * our meeting, and sent Addington to shut it down?? *

PHILBIN
How else did Addington find out about it? I didn't tell him. You didn't. I'm sure NSA didn't -- they're spies, they don't talk about anything.

Jack's reeling. *

JACK
He loses his mind when we just want to have someone read it? What the hell are they doing? *

There's a KNOCK at the door. *

JACK (CONT'D)
What.

In walks JAMES COMEY. Tall. Handsome. Big smile. Teeth that'll light the room. *

COMEY
Hey! Jim Comey, just wanted to say hi.

JACK
Jack Goldsmith. You're Ashcroft's new Deputy? * *

COMEY
That's what they tell me.

PHILBIN
Patrick Philbin. I work for you.

COMEY
Fantastic. Do you work for me too?

JACK
No, I run the OLC. Office of Legal Counsel.

COMEY
Great. Thinking the big thoughts.

JACK
Yeah, I guess so.

Beat. Comey notices that Philbin and Jack look like death.

COMEY
Everything okay?

JACK
Long day. Take a good look at your kids.

COMEY
I'll do that.

There's that big smile again, and he exits.

JACK
Is that what I looked like when I started?

Philbin nods. These guys are in way over their heads.

58 **INT. NATIONAL SECURITY AGENCY - HAYDEN'S OFFICE - DAY** 58 *

Hayden's behind his desk. Brenner and Potenza face their boss, worried. *

BRENNER *
He wouldn't even let us read the documents. It's our program. *

Hayden shakes his head, troubled. *

HAYDEN *
Okay. *
(beat) *
Thanks guys. *

The guys are sure this can't be the end of the meeting, but... it appears to be. *

59 **INT. NATIONAL SECURITY AGENCY - HALLWAY - A MINUTE LATER** 59 *

Brenner and Potenza head for the elevator. *

BRENNER *
What the fuck was that? *

POTENZA *
What. *

BRENNER *
Kind of a short conversation, given the circumstances. No? *

POTENZA *
What, did you think he was gonna call Addington, spank him, and then demand we see the opinions? *

BRENNER *
Well what are we gonna do? *

POTENZA *
Joel. We just did it. *

Brenner jabs the elevator button, frustrated. *

61 **INT. DEPARTMENT OF JUSTICE - JACK'S OFFICE - NIGHT** 61 *

Jack's at his desk working, late at night, when Philbin appears in the doorway, silent. Jack looks up at him. *

JACK *
I tried. I don't run the NSA. I can't... *

Philbin nods. *

JACK (CONT'D) *
I'm going over this torture stuff again. Maybe there's something we can do there. *

PHILBIN *
Like what? *

JACK *
I don't know. *

They both feel horribly powerless. Philbin leaves. Jack turns back to his work. TV news has been playing in the background, and Jack notices Cheney on the screen. An interview. Jack turns up the volume. *

INTERVIEWER (ON SCREEN)
There's been a lot of talk recently about the power of the presidency -- and you served in the Ford White House, when presidential power reached an absolute low. I'm curious how that shaped your views. *

CHENEY (ON SCREEN)
I do have the view that over the years there had been an erosion of presidential power, a lot of things around Watergate and Vietnam did that. And the President needs to be effective especially in a national security area. I do think now we've been able to restore the legitimate authority of the presidency. * * *

Legitimate. Jack almost winces at the word. Is this what he's facing? A wrestling match over presidential power, with a giant who's been at it for decades? It's a much bigger battle than he signed up for.

62 **EXT. WASHINGTON STREETS - NIGHT** 62

Winter. Jack's car drives the empty streets. *

63 **INT. JACK'S HOUSE - KITCHEN - NIGHT** 63

It's 1 a.m. when Jack enters. Drops his coat and briefcase. Leslie comes down the stairs.

JACK
Sorry, I tried to be quiet.

LESLIE
I was awake. Just put him back down. Is this gonna be every * night?

JACK
I don't know. Yeah, probably. There's all this... I can't talk about any of it.
(beat)
John Yoo wrote some stuff that's... * way out there. I don't know what the hell to do with it.

LESLIE
Fix it. *

JACK
We don't change old opinions, we * write new ones. And this... 20 * year-old American kids are on the other side of the planet, doing * things my office said were legal. * I pull that rug out now...?

LESLIE
It's an evolving situation.

JACK
Yeah but it's not just what they're * authorizing, it's how they built * it. It starts to look like maybe * it's part of a campaign that's been * going on for a long time, to really * change the nature of the * presidency. Decades, even. *

LESLIE *
Is the grassy knoll gonna come into * this at some point? *

JACK
Do I sound like a guy under a bridge?

He kind of does.

LESLIE
Just do what you can do.

JACK
John got me the job. My first move in office is I start screaming that everything he did is crazy?

LESLIE
If it's crazy, yeah.

Leslie kisses him on the head. She loves him, but they're both a wreck. She's got a newborn. She's exhausted too. She hauls herself back up the stairs. Jack's alone.

64 **INT. DEPARTMENT OF JUSTICE - ASHCROFT'S OFFICE - MORNING** 64

Ayres, Philbin, Ashcroft, Jack. Jack treads in carefully.

JACK
The March 2003 opinion approves 24 interrogation techniques for the Department of Defense. I don't take issue with any of them. But the opinion itself is a disaster. It's legally flawed. It's wildly broader than necessary to support what's actually being done -- which means it could be used to justify much more aggressive interrogations. And it says Congress is entirely disabled from controlling the President.

PHILBIN
And it's a secret opinion.

JACK
I'm revoking it. I'll continue to support the specific techniques, pull out the generalizations, and reissue the opinion.

Silence. They're all concerned.

ASHCROFT
Interfering with military procedure midstream like this...

JACK
I don’t like it either. I'm not an expert on what our enemies are up to or what it'll take to stop them. It's not my job to tell you if a policy is wise... but it is my job to tell you if it’s legal.

AYRES
And it’s not?

JACK
We’ve got laws in this country against torture.

ASHCROFT
It’s the President’s prerogative to act aggressively in defense of the country.

JACK
Sure. If they need to do this, and we need to authorize it... So be it. But we should do it carefully. Defense asked about specific techniques, that contain elaborate provisions for the safety of the detainee. Meanwhile the OLC opinions are a blank check. You want to write a blank check on torture?

Ashcroft doesn’t love any of this. But, reluctantly...

ASHCROFT
Okay. Take it down.

Jack nods, grim. But then there’s another thing.

JACK
I hate to push my luck here, but the memo answers questions posed to my office by the Department of Defense. Not by the White House. For simplicity's sake, I would like to inform Defense of my plans. But... no one else.

It’s incredibly audacious. Ashcroft’s pretty sure this guy’s out of his fucking mind.

ASHCROFT
You're poking a bear. You know that, right?

He does. Reluctantly, Ashcroft nods his assent. *

65 **INT. DEPARTMENT OF JUSTICE - HALLWAY - MORNING** 65

Saturday. Jack's in casual clothing as he walks the stately halls of the empty building. His three-year-old son JACK JR.'s at his side, holding his hand, trotting to keep up. * * *

66 **INT. DEPARTMENT OF JUSTICE - JACK'S OFFICE - MORNING** 66

Jack sits his son in the big desk chair, puts a piece of printer paper in front of him. Gathers a pile of highlighters, pens, post-its...

JACK
Blue or yellow?

JACK JR.
Both.

The boy sets to work, peeling sticky notes off the stack. Jack drops onto the couch, digging into the massive pile of work that awaits him. *

67 **INT. DEPARTMENT OF JUSTICE - JACK'S OFFICE - AFTERNOON** 67

The kid's now asleep on the couch. Jack's in his desk chair. Philbin enters.

PHILBIN
You been here all day?

JACK
Shh.

He points out the sleeping child. Philbin lowers his voice. *

PHILBIN
He working for us now?

JACK
This is how we spend quality time lately. I've got a newborn at home, I don't remember what his name is. * * * *

PHILBIN
(beat)
We should probably go out to the NSA again. Talk to somebody on the operational side.

Jack stares at him, incredulous.

JACK
I'm about to revoke a memo on prisoner interrogation. You think I'm going to follow it with a ritual disemboweling of their surveillance program?

Philbin looks at the floor, cowed.

PHILBIN
It expires next week. NSA'll send somebody over with the authorization for you and Ashcroft to sign. You do it in Ashcroft's office, while they watch you.

JACK
Fine.

Philbin leaves. Jack looks at his son. This job is ruining his life.

68 **INT.DEPARTMENT OF JUSICE - ASHCROFT'S OFFICE - DAYS LATER** 68

Jack, Ashcroft, Philbin, and an NSA OFFICIAL. Ashcroft's multitasking; he's done this many times before and he's busy. Jack looks increasingly queasy.

NSA OFFICIAL
You've reviewed the threat assessment memorandum?

JACK
Yes I have.

ASHCROFT
AMY!

NSA OFFICIAL
Initial here please.

Jack does. The Official hands the document to Ashcroft, who scribbles his initials as well. AMY appears at the door.

ASHCROFT
I had a briefing book right here --
I don't know where it went.

NSA OFFICIAL
(to Jack)
You're now confirming with your signature that the constitutional standard of reasonableness has been met and you certify the authorization as to form and legality.

ASHCROFT
Did Ayres make off with it?

AMY
I can ask him.

Jack hesitates for a moment. He's sweating. A wave of nausea washing over him. He glances up at Philbin, who knows exactly what he's feeling. He's been trying to warn Jack, and Jack never really got it, until now.

NSA OFFICIAL
Sir?

Jack signs the document. The Official whips the document out from under him and places in front of Ashcroft who signs, distracted. He calls to Amy who's on her way out.

ASHCROFT
I clipped a buck slip to it, but I didn't write anything on it, so look for briefing book with a blank buck slip.

Jack looks like he's gonna throw up. He's never signed his name to a lie before.

69 **INT. DEPARTMENT OF JUSTICE - HALLWAY - MOMENTS LATER** 69

Jack and Patrick walk in silence. Jack, shaken. Finally--

JACK
We need to drive back out to the NSA, figure out what the hell they're doing.

70 **INT. NATIONAL SECURITY AGENCY - CONFERENCE ROOM - DAY** 70

NSA employee WARREN leads Jack and Philbin into a secure conference room that's loaded with about 50 boxes of files.

WARREN
We printed it out so you could see what we're dealing with. I guess it's all kind of abstract on your end.

Philbin opens a box and starts pulling out files. *

JACK
This is everything since the inception of the surveillance * program?

Warren stares at him for a moment, puzzled by the stupidity of the question.

WARREN
No, this is yesterday.
(off the label on a box)
From 2 to 4.

71 **INT. PHILBIN'S CAR - DAY** 71 *

Philbin pulls out of the NSA parking lot, and onto the Baltimore-Washington Parkway. Jack stares out the window, disturbed by what they learned. *

JACK
Addington made it sound like they * were tapping a couple phones. Bin Laden's in-laws in Tampa.

PHILBIN
It's grown, since they started.

JACK
That's what happens when you build a security program with massive capability and no oversight. Starts to look like the Stasi.

PHILBIN *
Maybe we can talk them into getting * the FISA court involved. Would * that take some of the stink off it? *

JACK
What takes the stink off is going public. If it's a national security imperative, you stand up in the village square, you say "We're doing this, you're not gonna like it, it violates at least two felony statutes, not to mention the Constitution, but we have to, to protect the country." You do it in the dark like this...
(beat)
See if you can sketch out a fix from the FISA angle. I'll put together a proposal for congressional authorization. Maybe we come up with some ideas on how to scale it back.
(beat)
We should get the new guy read in. Comey. See what he thinks.

PHILBIN
Cause you want his opinion or cause you want cover?

JACK
Both.

PHILBIN
You tell Defense about the interrogation opinion yet?

JACK
Not yet. This week. I want to make the transition to the new guidelines as painless as possible.
(beat)
I guess painless is the wrong word.

He yanks a roll of Tums out of his pocket. Pops a couple in his mouth. All of this makes him nauseous. And he's pissed too. Pissed at Philbin. He finally looks at him.

JACK (CONT'D)
Did you know how bad it was, before I got here?

PHILBIN
I didn't know the extent of it.

JACK
But you had a general idea. And you didn't say anything.

Philbin's quiet for a second. *

PHILBIN
I wanted to be Solicitor General. *
Thought I might be good at it. *

JACK *
You would. *

PHILBIN *
The minute I made Addington read *
you into the program... that was *
the end of it. They'll make sure I *
never get another promotion. *

That lands on Jack, hard. It was a big sacrifice. *

JACK *
Why'd you do it? *

PHILBIN *
(beat) *
I wasn't sure why I should be *
Solicitor General if I'd repeatedly *
certified the legality of a *
document I believed to be *
unconstitutional. *

72 **INT. CNN - NEWS FOOTAGE** 72 *

It's Christmas time and behind the NEWSCASTER, holiday decorations clash with the grim message...

NEWSCASTER
The Department of Homeland Security declared an Orange Alert today. Homeland Security Secretary Tom Ridge warned of possible terrorist *
strikes more devastating than the *
attacks of September 11, 2001.

73 **INT. WHITE HOUSE - CHENEY'S OFFICE - MORNING** 73

That same news broadcast continues on Cheney's office TV.

NEWSCASTER (ON TV)
Attorney General John Ashcroft has removed himself from a Justice Department investigation into who may have revealed the name of a CIA operative to the media.
(MORE)

NEWSCASTER (ON TV) (CONT'D)
Deputy Attorney General James Comey has appointed a special prosecutor to take over the investigation.

Cheney doesn't seem to be listening. He's on the phone.

CHENEY (INTO PHONE)
I want a translation of the al Zawahiri message. And have somebody come by to go over the threat matrix.
(with a glance at the TV)
And I need a backgrounder on James Comey.

He hangs up as Libby blows into the office.

LIBBY
Fucking Comey. A special prosecutor??

Cheney's on his way out, pretending it's a minor annoyance.

CHENEY
Somebody else Addington'll have to baby-sit.

But we see his face as he goes. He's as mad as Libby is.

74 **EXT. CONSTITUTION AVENUE - MORNING** 74

Philbin catches up with Jack, both walking down Constitution toward the Department of Justice. Jack's mad too.

PHILBIN
Merry Orange Alert.

JACK
Bah humbug.

PHILBIN
You heard about Comey?

JACK
I spoke to Ashcroft yesterday. Told him the NSA thing's a mess, and could we have Comey read in, he said, "Fine, if you can talk Gonzales and Addington into it."

PHILBIN
That's not gonna go over well.

JACK
On the day he assigns a goddamn special prosecutor to investigate the White House? No it's not. *

PHILBIN
On the upside, now there's somebody at Justice they hate more than you. *

JACK
Wait 'til they find out about the interrogation memo I reissued, then we'll really have a horse race.

They push through the front doors of the building.

78 **EXT. WHITE HOUSE - DAY** 78 *

The grounds crew's taking down Christmas decorations.

TITLE: 2004

79 **INT. WHITE HOUSE - SITUATION ROOM - DAY** 79 *

The Principals Committee. Rice chairs the meeting. Cheney's the silent alpha dog. Ashcroft, Tenet, DONALD RUMSFELD, Powell. * *

RICE
... We're certainly relieved nothing came of the New Year's threats, but we'll stay at orange for a few more days, run through the chatter one more time. Don?

RUMSFELD
Yes. You got numbers coming around, we'll go through them.

An Aide's handing out a document.

RUMSFELD (CONT'D)
Meanwhile, some kid who must have been pissed at his commanding officer slipped a bunch of photos of a prison in Iraq to Army Criminal Investigations. Prisoners getting knocked around, that kind of thing. We're looking at it.

RICE
Where is it?

RUMSFELD
A prison outside Baghdad.
(looking at his notes)
Abu Ghraib.

POWELL
Is this something to do with the new interrogation rules?

RUMSFELD
I don't think so. Defense is still adjusting to the new memo, but I doubt it's related. *

Cheney's been silent, but at "new memo" his eyes flicked up.

CHENEY
What new memo?

Rumsfeld looks up, confused. Then surprised, as it becomes clear Cheney was kept out of the loop on the new interrogation memo. They're all putting it together -- Ashcroft was involved in pulling a fast one.

RUMSFELD
OLC revised an interrogation opinion for Defense. Goldsmith. We'll get you a copy.

Rumsfeld makes like nothing's wrong, and pushes forward. Ashcroft's working hard to look anywhere but at Dick Cheney.

RUMSFELD (CONT'D)
Let's start with Afghanistan. I think we caught a break with the Loya Jirga ratifying the constitution... *

We're on Cheney, looking at Ashcroft. He was blindsided. A man who very much dislikes being blindsided.

80 **INT. WHITE HOUSE - CORRIDOR - DAY** 80

Addington stalks the hallway. Irate. *

81 **INT. WHITE HOUSE - GONZALES' OFFICE - DAY** 81

Jack's with Gonzales...

GONZALES
The President wants to keep this close hold.

...when Addington blows in.

ADDINGTON
Are you out of your mind? You change the rules for interrogation in the middle of a war?

JACK
I explained to Defense --

ADDINGTON
People are risking their lives to find out where the next attack on YOU is coming from. *

JACK
There is not a single enumerated interrogation technique that's off the table under the revised memo.

ADDINGTON
People who think they might face * criminal prosecution for doing * their jobs... *stop doing their * *jobs!* That's why the CIA is the * largest, best funded <u>ineffectual</u> * agency in the history of the world! * How do you think we got here in the * first place?? The CIA, DOD, * they've had decades of lawyers * pulling their teeth out! *

Gonzales, thinking changing the subject might help... *

GONZALES
Jack was hoping to read Jim Comey into the President's Special Program.

ADDINGTON
Absolutely not.

JACK
I could use a sounding board. *

ADDINGTON
Comey's extremely busy right now, investigating the White House.

JACK
I'm sure he can --

ADDINGTON
The President doesn't want the circle to be any wider.

JACK
The President or the Vice President?

Before it's out of his mouth, Jack knows that was a mistake.

82 **INT. DOJ - CORRIDOR - DAY** 82 *

Philbin finds Jack, just back from the White House.

PHILBIN
How'd it go?

Before he can answer Comey strides by. Energetic.

COMEY
Hey there.

They wave and watch him go. Jack and Philbin look like utter hell. Pale. Bedraggled.

JACK
...That'll wear off.

PHILBIN
What did they say?

JACK
What do you think they said?

They enter...

83 **INT. DOJ - JACK'S OFFICE - CONTINUOUS** 83

Philbin's gripped with anxiety about all this.

PHILBIN
Comey's my boss, Jack.

JACK
And yet you're in here a whole lot.

PHILBIN
Eventually he's gonna notice I spend half my time driving out to the NSA.

Jack's digging a couple lint-covered aspirin out of his jacket pocket. He notices the pocket's torn.

JACK
Goddammit.

PHILBIN
I can't even tell him what I'm working on.

JACK
(yells to Charlotte)
CAN I GET A DIET COKE IN HERE?

PHILBIN
He's gonna think I'm lying, or hiding something from him.

JACK
That's because you are.

PHILBIN
We need to have him read in.

JACK
I tried! Addington practically ripped off my face with his teeth.

He pops a few aspirin in his mouth, washing them down with a sip of yesterday's coffee from a mug on his disaster of a desk. It's even more disgusting than he'd anticipated.

JACK (CONT'D)
Uch!

Charlotte is there now with the Diet Coke. He tears into the Coke can to wash down the bad coffee. It's a foul combination. He sinks into his chair, defeated. By everything. Philbin places a document on Jack's desk.

PHILBIN
Some possible fixes.

Great. That'll be a big hit.

84 **INT. WHITE HOUSE - GONZALES' OFFICE - DAY** 84

Addington stares at Jack, homicidal. Gonzales braces himself for the explosion. They're both holding copies of Philbin's document.

ADDINGTON
A piece of legislation??

JACK
Just to shore it up.

ADDINGTON
It's a secret program!

JACK
Then you should take a look at option three -- we utilize the FISA court, they evaluate secret evidence, provide secret warrants.

ADDINGTON
Do you have any idea how slow they are??

JACK
So rework their procedures.

ADDINGTON
We are one bomb away from getting rid of that obnoxious court!

GONZALES
David.

JACK
Pick a branch of government -- any one. I don't care. Just bring in somebody else!

ADDINGTON
That will destroy the Program's--

JACK
No it won't! This isn't about al Qaeda, it's about the strength of the presidency -- and god bless, but you can't slide an executive power declaration into every secret program you create and call it a national security imperative. It starts to look a little Kim Jong Il.

Beat. That was ballsy, and Jack already regrets it. It's the first time he's revealed to Addington that this might be about a bigger fight.

ADDINGTON
The President does not need anyone's permission to defend this nation from the tens of thousands of individuals who are actively seeking to murder American citizens. It is not his right, it is his responsibility, as articulated by the Constitution, to do whatever is necessary to prevent an attack. And for some inexplicable reason, you are eager to tie his hands.

Jack feels the weight of that, and it's terrible.

JACK
I would desperately like to be wrong. Let's read in the Deputy Attorney General, and have him tell me I am. That'll be the end of it.

Addington finds Jack appalling. But he realizes they're at an impasse, and this could get bigger than he wants it to.

85 **INT. DOJ - CORRIDOR - DAY** 85

Jack's walking Comey down the hall.

JACK
Hayden's the director of the NSA. He's going to walk you through the program, because when you read it with David Addington staring at you, it can be hard to absorb.

COMEY
Relax! It's not my first classified program.

He flashes a smile at Jack as he pushes into a conference room. Jack watches him, not at all relaxed.

86 **INT. DOJ - SECURE CONFERENCE ROOM - DAY** 86

Hayden's affable, as he pulls out stacks of paper for the briefing, and of course so is Comey.

HAYDEN
I tell you, I couldn't be happier you're getting a read-in.

COMEY
Oh yeah?

HAYDEN
Now I won't be alone at the table when John Kerry's elected President!

COMEY
What table?

HAYDEN
Witness table. Hearings. Congressional investigation. At least we'll have each other, right?!

It was a joke, but it's got daunting implications. Comey's starting to realize what Jack was so worked up about.

87 **INT. DOJ - JACK'S OFFICE - NIGHT** 87

Philbin arrives to find Jack rifling through a drawer full of Atkins bars. They're both anxious.

PHILBIN
He's still with Hayden?

JACK
Hayden left, now he's reading the opinions that back it up. You want a bar?

PHILBIN
(they're disgusting)
I really don't.

That's when they notice Comey in the doorway. The smile's finally lost a few watts.

COMEY
Without a warrant?

Philbin shuts the door.

COMEY (CONT'D)
This is what brought down Nixon.

PHILBIN
Phones, email.

COMEY
The opinions... I mean, I'm sure they make sense once you unwind them.

JACK
Then how come they don't want any lawyers reading them?

Comey shakes his head, mystified.

COMEY
If there's no need for probable cause, what's the criteria for the program looking at someone?

PHILBIN
We don't know.

COMEY
We need to know; we need specific answers. Anybody tells you you're not authorized to hear what they're really doing, you send them to me.

JACK
And then what? We've pitched every fix you can imagine, Addington and Gonzales won't even consider them.

COMEY
Once we know exactly what they're doing, we can evaluate. Maybe it doesn't need to be changed, maybe it's just that the opinions are a mess. That's not the end of the world.

Jack and Philbin trade a look. They've been in this for a while, they'd be surprised if that was the case. But they'll try again.

88 **INT. NATIONAL SECURITY AGENCY CONFERENCE ROOM - DAY** 88

Jack and Philbin are with Warren again. He's speaking quietly, even though he's in a secure room, in a secure building. He can't quite believe he's saying this out loud.

WARREN
Before 9-11, we developed a program called Thin Thread. It analyzed networks of people.
(MORE)

WARREN (CONT'D)
We know you're a bad guy, we look at who you're emailing, and then we know they might be bad too. We used it to find new suspects, uncover new plots. All over the world. And we did that by analyzing basically every electronic transmission.

JACK
...in the world?

WARREN
We have a really big computer.

That's an understatement.

WARREN (CONT'D)
But we never looked at domestic communication. And if somebody overseas was emailing somebody here, the domestic side was automatically encrypted. We couldn't see the name, the address, nothing.

PHILBIN
So what changed?

WARREN
After 9-11, they realized they needed a way to find the bad guys they didn't know about. Here.

PHILBIN
How did you decide who to look at?

Warren hesitates.

JACK
Comey talked to Hayden -- this is supposed to be the whole story.

WARREN
(beat)
They don't "decide who to look at." It was like we had a valve that shut off all the domestic flow. We opened the valve. And removed the encryption. And then fed it into the program.
(beat)
All of it.

Jack and Philbin can't believe what they're hearing. It's breathtaking.

89 **INT. DEPARTMENT OF JUSTICE - JACK'S OFFICE - EVENING** 89

Philbin's sitting. Jack's on the phone with Comey. On his feet. Beside himself.

JACK (INTO PHONE)
No, you don't understand -- it's not that they <u>can</u> look at <u>anyone</u>. It's that they <u>are</u> looking at <u>everyone</u>!

COMEY (O.S.)
How is that even possible?

JACK (INTO PHONE)
All of the communication in the country! And then they keep it -- INDEFINITELY.

PHILBIN
Jack.

Jack looks at Philbin. Philbin silently mouths *You shouldn't talk about it on the phone.*

JACK
I can't hear you, speak up.

Philbin tries again. But Jack's not much of a lip reader.

JACK (INTO PHONE) (CONT'D)
Patrick's mouthing things at me.
(to Philbin)
It's just Comey -- talk out loud!

Patrick doesn't. He grabs a piece of paper and scribbles something. Then he holds it up for Jack.

COMEY (O.S.)
What's his problem. Jack. Jack?

But Jack's silent. Frozen. Starting at the paper in Philbin's hand. It reads **THEY TAP PHONES.**

90 **EXT. BENCH - NIGHT** 90

Jack and Comey sit on a bench on a deserted street. They feel like fucking idiots.

JACK
Patrick's paranoid.

COMEY
Yeah. But you know what they say... just cause you're paranoid, doesn't mean the government's not tapping your phone, bugging your office, and reading your email.

It's a joke. But only kind of. Jack, joking too...

JACK
We should come up with a code.

COMEY
Right. Call it the Hydrangea Initiative.

JACK
We'll meet here on days you've got a flower in your lapel.

Comey smiles. But then the fun drains out of the moment. Because underneath it all, they're genuinely horrified.

COMEY
Everybody?

Jack nods.

JACK
At first it just sounded weird. A national security program written by Cheney's lawyer, the OLC opinions are a mess, they don't want anybody to read it... It looked like a gross violation of protocol. But now... they're way outside the law. On a massive scale.

Fuck. Comey was hoping he wouldn't have to take this on. And it's just getting bigger.

EXT. CENTRAL INTELLIGENCE AGENCY - NIGHT - ESTABLISHING

91 **INT. CIA - SCOTT MULLER'S OFFICE - NIGHT** 91

Comey shakes hands with SCOTT MULLER, CIA General Counsel.

COMEY
Sorry to be dropping by so late.

He's about to sit, when he realizes something.

COMEY (CONT'D)
Do you have a secure conference room we can sit in?

Scott smiles at the newbie.

SCOTT MULLER
The paranoia passes, few weeks.

Comey nods. But he's not gonna sit down. Weary, Scott rises.

92 **INT. CIA - SECURE CONFERENCE ROOM - LATER** 92

Scott's been listening for a while, with growing concern.

SCOTT MULLER
They can't be sifting through all the electronic communication in the country.

But Comey's look says they are.

SCOTT MULLER (CONT'D)
So every time anybody follows one of these leads, they're violating the 4th amendment?

COMEY
And possibly the 1st. And the 5th.

SCOTT MULLER
Christ.

COMEY
Unless we're missing something. I'd be happy to hear we've analyzed this all wrong.

Scott shakes his head.

SCOTT MULLER
I had doubts about it from the get go.

COMEY
And you... did you say anything?

SCOTT MULLER
I wasn't sure how to-- I mean, the VP's office is...

He was too scared. And he's embarrassed to admit it.

SCOTT MULLER (CONT'D)
You talk to anyone at the FBI about this?

COMEY
Not yet.

Scott picks up a phone on the table.

SCOTT MULLER (INTO PHONE)
Hey, it's Scott over at CIA. Yeah, Jim Comey's gonna need to sit down with somebody over there--

COMEY
With the Director.

SCOTT MULLER (INTO PHONE)
With the Director. As soon as possible.

93 **INT. FBI - OUTER OFFICE/DIRECTOR'S OFFICE - NIGHT** 93

Comey enters ROBERT MUELLER's office. Muller and Mueller have unfortunately similar names, but Robert Mueller's the Director the goddamn FBI, and we'll know it because Comey's visibly deferential as he shakes Mueller's hand and settles in a chair across from his imposing desk, and also because when an assistant shuts the door we'll see a plaque on it that says ROBERT MUELLER. DIRECTOR. FEDERAL BUREAU OF INVESTIGATION. Comey's taking this all the way up the chain.

94 **INT. DOJ - ASHCROFT'S OFFICE - DAY** 94

Comey and Ashcroft.

COMEY
Goldsmith and Philbin turned the program inside out, at this point they understand it better than the Director of the NSA does. I spoke to the Director of the FBI--

ASHCROFT
You talked to Bob Mueller?

COMEY
And the General Counsel of the CIA. *
It's the biggest mess any of us have ever seen. And it's got some constitutional implications that are... deeply disturbing.

Ashcroft shakes his head. It's daunting, the whole thing.

ASHCROFT
The program expires when?

COMEY
In a week. If the White House agrees to make some changes, we can try and fix it. If not... I'm recommending you do not re-certify.

Ashcroft's overwhelmed by the ramifications of that advice.

95 **EXT. DOJ - COURTYARD - DAY** 95

Comey finds Jack walking across the courtyard, past staffers sitting at outdoor tables with Starbucks cups.

COMEY
Jack.

Jack stops, and Comey catches up.

COMEY (CONT'D)
The, uh... Hydrangea Initiative? *

Jack smiles. Nods. *

COMEY (CONT'D) *
Make a list. If they don't agree to every change, Ashcroft's not gonna sign it.

Jack can't believe what he's hearing.

COMEY (CONT'D)
He's speaking at a conference this afternoon. Have something on his desk by the time he gets back.

Comey leaves. Jack's flooded with relief. It's almost inconceivable. He actually won. Things are looking up.

That's when the shit really hits the fan.

96 **INT. GREEN ROOM - AFTERNOON** 96

Ashcroft's reviewing his speech when he feels a sharp pain in the upper right side of his abdomen. His aide, MARK, is nearby, glued to his Blackberry.

ASHCROFT
Mark, get me some water.

Mark checks out a table that's got soda, Odwalla...

MARK
Mango Tango? Mo' Beta?

ASHCROFT
Water.

MARK
Copy that.

Mark heads out to investigate. Ashcroft's sucking slow breaths. He's in real pain.

97 **INT. HALLWAY/GREEN ROOM - MOMENTS LATER** 97

Mark ambles down the hall with a female INTERN, each carrying a few water bottles. Mark's working the Department of Justice angle.

MARK
When I got the job, I started telling people I worked for the Justice League of America.

INTERN
Really?

MARK
Nobody questions it.

INTERN
You're lying.

MARK
I'm not, people do not know the difference.

The intern's not laughing though, because they just entered the green room and she spotted the Attorney General of the United States flat on his back on the floor. Dropping the bottles and running in--

MARK (CONT'D)
Holy shit.

98 **EXT. WASHINGTON STREETS - AFTERNOON** 98

An ambulance SCREAMING through the streets. Police escort.

99 **INT. WHITE HOUSE - LIBBY'S OFFICE - AFTERNOON** 99

Cheney's on the video screen, scrutinizing a speech draft as Libby and a terrified SPEECHWRITER take notes. Cheney's in an undisclosed location (his home in Wyoming). He's speaking at the upcoming Gridiron Dinner, and this poor schmuck got tasked with writing the jokes. Demonstrating one...

SPEECHWRITER
"I felt a tightness in my chest. I started gasping for air and breathing irregularly. Then I realized... it's called laughing."

Crickets.

SPEECHWRITER (CONT'D)
Cause a bunch of reporters'll do skits before you go up. So it's like maybe you laughed at one of them. But you didn't know what it was. Cause you don't laugh.

The guy's pretty sure he's about to be the Admiral that Darth Vader suffocates to death with a glance.

CHENEY (ON SCREEN)
I followed it. I just wasn't sure it was funny.

LIBBY
This thing about duck hunting with Scalia's a little close to the bone.

SPEECHWRITER
I can take it out.

CHENEY (ON SCREEN)
Leave it.

Libby's AIDE KNOCKS and walks in a note.

AIDE
Excuse me, gentlemen.

She holds it up to the video camera so only Cheney can see. Cheney reads it. Shakes his head.

CHENEY (ON SCREEN)
Scooter.

She hands the note to Libby.

100 **INT. DOJ - LOBBY - DAY** 100

Ayres, Goldsmith, Comey huddle in the cavernous lobby.

AYRES
Severe gallstone pancreatitis.
They rushed him to the ICU. *
They're trying to figure out if
they should operate.

COMEY
What happens now?

AYRES
When the Attorney General's
disabled, his Deputy becomes Acting
Attorney General.

Jack looks at Comey.

JACK
You're the Attorney General now.

Comey hadn't thought of that until Ayres said it. It takes him a second.

AYRES
You should probably put that in
writing. Copy the White House.

Jack nods. Ayres leaves. Comey stops Jack. Quiet... *

COMEY
We're gonna have a problem with *
the, uh... Hydrangea Initiative. *

This time it's not a joke. *

COMEY (CONT'D) *
Ashcroft said he wasn't gonna sign. *
But he didn't write it down. He *
didn't tell anybody but me. The
thing's gonna expire in a week. If
he's still incapacitated... *

They share a look. Now they're really fucked.

101 **EXT. AIR FORCE TWO - DAY** 101

Addington and Gonzales rush up the stairs to the Vice President's plane.

102 **INT. AIR FORCE TWO - CHENEY'S OFFICE - DAY** 102

Cheney's at the desk in his Air Force Two office as Addington and Gonzales reluctantly bring him and Libby up to speed.

CHENEY
What kind of problem?

GONZALES
Goldsmith's not 100% convinced it's all legal. *

Addington's not delighted he was that bald about it.

ADDINGTON
He wants Congress holding his hand, is what it comes down to.

CHENEY
Wasn't he supposed to be an advocate of a strong presidency?

ADDINGTON
Apparently when push comes to shove, he's all about the legislature.

CHENEY
And you told him no?

ADDINGTON
Sure. But now, with Ashcroft...

Cheney is not pleased. With the situation. With his staff.

CHENEY
I want a memo from Justice that says John Yoo's opinions covered the program.

GONZALES
Based on Goldsmith's analysis or--

CHENEY
I don't want a new opinion -- I want it clear, in writing, that the prior opinions had concluded the program was legal. We don't need to rehash old work.

Addington and Gonzales head for the door.

CHENEY (CONT'D)
David. I hear this guy's name more than I want to. *

103 **INT. DOJ - JACK'S OFFICE - NIGHT** 103

Comey, Goldsmith, Philbin in a sea of paper, dotted with take-out trash. They've been at it for hours. Bleary eyed. *

JACK *
We can't give him the memo he's * asking for. There's no way. *

Comey just noticed there's a CD playing in Jack's office. *

COMEY *
Can we kill the music? My head's * pounding. *

Jack glances at Philbin, embarrassed. Comey realizes... *

COMEY (CONT'D) *
You're worried they bugged the * office. *

JACK *
It's stupid. I can turn it off. *

COMEY *
Leave it on. *

He thinks they're crazy, but unfortunately he's not sure. *

PHILBIN *
What's he gonna say when you tell * him no memo? *

COMEY *
What's he gonna say when I tell him * I'm not signing the reauthorization? *

Jack never imagined Comey would take it this far. *

JACK
You're really not signing it?

COMEY
I told Ashcroft not to, how am I supposed to sign it myself?

JACK
I thought it was supposed to be a threat. You don't sign it, it shuts down. This is the eyes and ears of the counterterrorism program. It's how we spot the next attack.

COMEY
What exactly is the alternative?

JACK
I want to rein it in, or build in some oversight. Not shut it down.

COMEY
You got a fix you're keeping under your hat? That they haven't already rejected? Cause now's the time!

PHILBIN
They'll cave. They have to. It's too important. They'll make the changes.

Comey and Jack look at him, hoping he's right. Pissed at each other. At themselves. They can't believe they're in this fucking mess. It's all gotten way out of control.

104 **INT. JACK'S HOUSE - JACK JR.'S ROOM - NIGHT** 104

Leslie comes into her three-year-old's room to find her husband sitting on the floor, staring at his sleeping son in the tiny bed. She sits on the floor next to him.

JACK
He's bigger.

LESLIE
He eats. All the time.

This is what they can talk about. They never see each other. He can't talk about what's actually going on in his life.

JACK
Am I missing his whole childhood?

LESLIE
A bunch of it, yeah.

JACK
I didn't want to be this kind of father.

Beat.

JACK (CONT'D)
I'm afraid I'm about to do something stupid. And dangerous.

LESLIE
Then don't do it.

JACK
I think I have to. Maybe it's not dangerous, maybe it's just an ugly, extremely high stakes game of chicken.

LESLIE
Are you winning or losing?

JACK
I don't know. Either way I'm gonna make a lot of people angry.

LESLIE
So they fire you. It's okay.

JACK
They can't fire me. It'll look bad.

LESLIE
Then what can they do?

JACK
They ruin people. Reputations. They'll ruin my whole career.

It's true. And he's terrified. They both are. She takes his hand.

105 **INT. WHITE HOUSE - CORRIDOR - DAY** 105

It's Saturday. Goldsmith and Philbin walk the empty halls.

106 **INT. WHITE HOUSE - GONZALES' OFFICE - DAY** 106

Jack and Philbin just stated their position, and there's a silence as Gonzales and Addington try to digest the information. They simply can't fucking believe it.

ADDINGTON
You're not recertifying the program. *

JACK
Not unless we're able to make some changes. *

ADDINGTON *
Are you out of your mind?? *

GONZALES *
Okay, let's take a minute and--

But Addington just explodes.

ADDINGTON
There will be bodies in the streets!

GONZALES
David.

ADDINGTON
If you rule this way, the blood of the 100,000 people who die in the next attack will be on your hands!

JACK
I understand that. I wish I didn't. If the President wants to * overrule me and act...

He's trying to find the right word, and it's delicate, because it's quite an accusation.

JACK (CONT'D)
...extra-legally... That is his prerogative.

Addington's simply astonished. This is the most reckless act * he's ever seen.

107 **EXT. WASHINGTON STREETS - NIGHT** 107

The Vice President's motorcade glides through the city.

108 **INT. CHENEY'S LIMO - NIGHT** 108

Gonzales rides with Cheney to the Gridiron Dinner.

GONZALES
Justice says they can't recertify unless we make some amendments.

The light in Cheney's eyes disappears.

GONZALES (CONT'D)
I can take you through it, much of the Program will remain intact--

Cheney fixes Gonzales with a look.

CHENEY
The Program was designed by a wartime President to protect a vulnerable nation from imminent attack. The Constitution grants the President that authority. We are not changing the Program.

109 **INT. GRIDIRON DINNER - NIGHT** 109

Cheney on-stage, in white-tie and tails. A packed house.

CHENEY
At one point during your skits, I had a little scare. I felt a tightness in my chest. I started gasping for air and breathing irregularly. Then I realized it's called laughing.

The whole place breaks up. He's killing it. Pitch perfect.

CHENEY (CONT'D)
Lots of familiar faces here tonight. I always feel a genuine bond whenever I see Senator Clinton. She's the only person who's the center of more conspiracy theories than I am.

110 **INT. JACK'S HOUSE - KITCHEN - DAWN** 110

Jack's on the phone.

GONZALES (O.S.)
Jack, it's Al. I wondered if we could sit down for a few minutes.

JACK (INTO PHONE)
I'm sorry, sir, I don't think there's much I can do at this point.

GONZALES (O.S.)
Hey, come on.

INTERCUT WITH:

111 **INT. GONZALES' HOUSE - LIVING ROOM - DAWN** 111

Gonzales is working it, hard. This is incredibly stressful for him too. He was supposed to be handling this.

GONZALES (INTO PHONE)
Just you and me. No Addington. I know he can be tough to talk to. Let's just have a conversation.

112 **INT. WHITE HOUSE - GONZALES' OFFICE - DAY** 112

Gonzales sits with Jack. *

GONZALES
Give us a 30 day bridge. So we can get past the reauthorization on Thursday. Get Ashcroft back on his feet.

JACK
Ashcroft shares our concerns.

GONZALES
Then he'll say so the minute he comes back. You've signed it before. * *

JACK * *
I wasn't sure before. I hadn't fully unravelled it. And now I have, and I'm telling you, you've got half the government illegally surveilling the American people. * * * * * *

GONZALES * *
It's 30 days, Jack. You owe it to the President. * *

This is brutal. Al's such a nice guy. And he invoked the President, which makes it a lot harder.

113 **EXT. WHITE HOUSE - MORNING** 113

Addington's waiting when the Vice President's motorcade pulls up and Cheney steps out. Addington shakes his head no. *

114 **INT. WHITE HOUSE - CHENEY'S OFFICE - DAY** 114

Cheney drops his coat, briefcase. Pissed. Card, Addington, * and Gonzales await instruction.

CHENEY
I want the head of every agency that touches the program in a room. CIA, NSA, FBI. See if we can't * clear up who runs the store around here.

115 **INT. WHITE HOUSE - ANDY CARD'S OFFICE - DAY** 115

Cheney, Card, Addington, Gonzales, joined by the directors of the CIA, FBI, NSA -- Tenet, Robert Mueller, Hayden. This is * the meeting before the meeting. Cheney cuts to the chase.

CHENEY
The new Deputy Attorney General got handed the keys to the car when Ashcroft went into the hospital. Apparently he feels the need to take it out for a spin and run something over. It's obviously not an option. If the Department of Justice won't cooperate, the President may have to reauthorize the program without their blessing. *

Cheney's expecting nods, and gets them from Hayden and Tenet. *

MUELLER
I could have a problem with that.

Cheney fixes his gaze on Mueller, not unlike a man who spotted a fly that managed to slip in the screen door. Mueller's a tough guy, but even he finds that gaze unnerving.

116 **INT. WHITE HOUSE - OUTSIDE CARD'S OFFICE - DAY** 116

The DOJ team waits - Comey, Goldsmith, Philbin. So tense they can't speak. Card opens his door.

CARD *
Come on in, guys. *

117 **INT. WHITE HOUSE - ANDY CARD'S OFFICE - DAY** 117 *

The big dogs arrayed around a table for maximum impact. * Cheney at the head. Comey next to him. Mueller, who dared question the plan, at the far end, out of Comey's eye-shot.

CHENEY
This program is vital. Turning it off would leave us blind. It is a profound mistake.

HAYDEN
It's the only real hope we have of discovering sleeper agents before they act.

COMEY
I understand that.

CHENEY
You couldn't possibly. You're risking thousands of lives. How can you reverse course on something this important after all this time?

Cheney's incredulous. The intimidation factor is crushing. *

COMEY
The program has to operate within the law.

CHENEY
It does -- as the Attorney General has confirmed, with his signature, twenty times.

COMEY
We know a lot more about it than we did before. General Ashcroft and I reached this decision together. *
Right before he fell ill.

An uncomfortable pause. Comey's aware the timing looks bad.

COMEY (CONT'D)
I accept for purposes of this discussion that it's as valuable as you say it is. That only makes this more painful. But it doesn't change the analysis.

CHENEY
How is that possible?

COMEY
If I can't find a lawful basis for something, you telling me you really really need to do it doesn't help me.

CHENEY
Well, others see it differently.

He's talking about Addington, and Comey knows it.

COMEY
That analysis is flawed. In fact facially flawed. No lawyer reading that could reasonably rely on it.

ADDINGTON
I'm a lawyer and I did.

COMEY
No good lawyer.

That sucks the air out of the room. Addington's standing by the wall. He takes a step forward.

ADDINGTON
We have a Congressional resolution that authorizes the President to wage war on al Qaeda. The Constitution empowers the President to do what is necessary in an emergency to save the country. That's the whole conversation. *

Jack's been hugging the wall, hoping Comey would prevail. But now Addington's on his turf. So right there in front of the big guys, he steps in.

JACK
It isn't, actually -- we can't jettison the Fourth Amendment and three criminal statutes.
(MORE)

JACK (CONT'D)
Particularly when there's an extant court, whose sole purpose is to provide warrants--

ADDINGTON
We're talking about ticking bombs, we don't have time for FISA.

JACK
If the FISA process is too slow, change it. We can't run a program of this magnitude with no oversight. The towers aren't burning. Two years in, it's our job to consider a system prone to abuses.

ADDINGTON
We're getting terrorist threat information right now that is more frightening than at any time since 9/11. Nothing has slowed down.

JACK
Then the President is free to act extra-legally. Roosevelt did it, Lincoln --

ADDINGTON
Honestly...

JACK
State of emergency. Lincoln raised armies, suspended habeas corpus -- extra-legally. But he informed Congress.

ADDINGTON
Roosevelt and Lincoln didn't face anything like the Congressional restrictions on President Bush.

JACK
Right -- and that's what we're really talking about. But we should avoid confusing a state of emergency with an aggressive program to expand presidential power for its own sake.

ADDINGTON
For its own sake??

JACK
If it's not about that, if the program is a legitimate response to an immediate crisis... *tell Congress*.

ADDINGTON
We can't tell 535 individuals the intricacies of our counterterrorism practices -- we might as well publish them in the New York Times!

JACK
So change the program!

CHENEY
We're not changing the program.

It's quiet. And final. Everyone in the room thinks Jack just made some great points. But nobody thinks that will change anything. Cheney spoke. And that's the end of it.

118 **EXT. WHITE HOUSE GATE - DAY** 118

Comey, Philbin, and Jack storm out of the White House and up the drive. After a beat Comey stops.

COMEY
I was clear, right? I told the man he was breaking the law. And that he was asking me to break the law.

JACK
Yes.

COMEY
And he told me to do it anyway. That's what happened. *

Jack nods. Comey barrels on. He was worried before. * Scared. Now he's just pissed off.

119 **INT. WHITE HOUSE - CHENEY'S OFFICE - NIGHT** 119

Cheney, Card, Gonzales. Cheney digs through a pile on his desk, dealing with other matters, but Card won't let it drop.

CARD
We need to tell the President. We've got a day before the thing expires.

CHENEY
We're handling it.

CARD
He knows it's under discussion. Doesn't he? He knows they have a problem.

CHENEY
Andy, your job is to keep things off his plate.

CARD
He doesn't know?

CHENEY
You want to march into the Oval and tell him there's a palace coup at the Department of Justice? I prefer to handle it.

Cheney returns to his paperwork, confident that he's handling it. Card doesn't look so sure. But the conversation's over.

120 **EXT. CONSTITUTION AVENUE - MORNING** 120

TITLE: WEDNESDAY

Philbin's on the corner when Jack comes down the street on his way to the office. They walk in silence for a beat.

PHILBIN
What if we're wrong.

JACK
You think we are?

PHILBIN
No. But, maybe it doesn't matter.

JACK
Maybe we're legalistic, pin-headed little fucks who are compromising the safety of the nation?

PHILBIN
Yeah.

JACK
It's entirely possible.

PHILBIN
We could give it another 45 days.

Jack finally stops. *

JACK
Do you or do you not think the President is subject to the rule of law?

Philbin's silent. Yes, is the answer. *

JACK (CONT'D)
Yeah, me too.

Philbin starts walking toward the building. Jack's not walking with him. Philbin notices. * *

PHILBIN *
You coming? *

Jack's taking big slow breaths. Trying to get his heart rate to slow down. The stress it getting to him. * *

PHILBIN (CONT'D) *
You okay? *

Jack nods. *

JACK *
This happens lately. It just takes a minute to... catch my breath. * *

Philbin's worried about him. So is Jack, but he's covering. He presses on, toward the DOJ building. * *

121 **INT. WHITE HOUSE - LOBBY - MORNING** 121

Comey enters the White House, there for the President's Daily Briefing. He passes Hayden and Mueller huddled together, speaking in hushed tones, silencing when anyone comes near. They look worried. Comey's a wreck. He's about to take this thing over the edge of the cliff. He continues on into the-- *

122 **INT. WHITE HOUSE - CORRIDOR OUTSIDE OVAL - CONTINUOUS** 122

Comey spots FRAN TOWNSEND, a friend who works for Rice. She's waiting for the Briefing too.

FRAN
I didn't read the position paper you sent -- do you really care or were you copying me to be polite? * *

COMEY
I was being polite. I need to ask you something.

He glances over his shoulder to see if this corner's private enough. It'll have to do.

COMEY (CONT'D)
I'm gonna say a phrase and I want you to tell me if you recognize it. Stellar Wind. Surveillance...

FRAN
Is this the Vice President's thing?

He nods.

FRAN (CONT'D)
I've heard whispers, but I don't know what it is. And I'm pretty sure I shouldn't have this conversation.

COMEY
You're the President's counterterrorism advisor.

FRAN
I can't have this conversation.

COMEY
I need you to find out if your boss recognizes that name. *

FRAN
Condi's not gonna tell me about a--

COMEY
I just need to know if she's read in.

Fran doesn't want to get into this, but Comey looks panicked. And he's not a guy who panics.

DOWN THE HALL

Cheney walks with Card toward the Oval, passing Hayden and Mueller, and then Comey and Townsend. Everyone abruptly hushes as Cheney and Card pass.

CARD
We have Caesar's conspirators in every corner. You still want to handle this without the President?

123 **INT. WHITE HOUSE - OVAL OFFICE - MORNING** 123

End of the Briefing.

BRIEFER
...there have been statements already from the five British citizens we released yesterday from Guantanamo -- fairly, uh, detailed accounts of alleged mistreatment. We should expect some blowback.

CHENEY
My office will put together a response.

CARD
Are we considering any adjustments?

BUSH
At Gitmo?

Card was reluctant to even raise it, so he doesn't nod so much as half-shrug.

CHENEY
We respond. Doesn't mean we change policy. It's a prison, no one's surprised to hear they had a bad experience.

Card considers questioning this, but thinks better of it.

BUSH
S'that it? Alright. Skedaddle.

The crowd disperses. Comey glances back, wondering if anyone is going to say anything. No. He exits.

CHENEY
Andy.

Card was leaving, but now he hangs back. He and Cheney are the only ones left with Bush. Bush is at his desk, looking at a letter he read earlier.

BUSH
Jenna wants to come out on the campaign trail with me. She wrote a letter. Isn't that something?

He's moved. A hint of tears in his eyes. Cheney musters a moment of patience for an emotional display he considers out of place in this office. And then re-directs the president back toward business. Offhand. Casual.

CHENEY
Sir, the Terrorist Surveillance Program expires today. All of a sudden, the Deputy Attorney General's got a bug up his rear about it. He'd like to make some changes.

BUSH
Do we support that idea?

Cheney shakes his head no.

BUSH (CONT'D)
Why'd he wait till the day the thing expires to pipe up?

Card looks to Cheney, expecting him to mention they've been complaining about this for months, but Cheney's silent.

BUSH (CONT'D)
People don't think. You notice that? Have Al work it out with Ashcroft.

Cheney nods and turns to leave. Bush is going through papers on his desk. Card's worried enough to jump in.

CARD
They have some concerns that may be hard to skirt.

BUSH
It's just the one guy or a whole bunch?

CARD
It's more than one.

BUSH
So sit down with the congressional leadership, let 'em know Justice is getting hinky and we don't like it.

CHENEY
We don't really need congressional approval to--

BUSH
They know, don't they? Didn't we brief the leadership on this thing?

Cheney nods.

BUSH (CONT'D)
I'm going to Columbus--

CARD
Cleveland.

BUSH
Whatever. Another goddamn stump speech. Sit with the leadership. Send 'em my regrets. *

Bush is out the door. Card looks at Cheney, who didn't particularly drive home the gravity of the situation.

CARD
Does he know Ashcroft's in the hospital?
(beat)
How exactly does Al work it out with him?

Cheney breezes past Card.

CHENEY
You wanted him to know. Now he knows.

124 **INT. WHITE HOUSE - GONZALES' OFFICE - MOMENTS LATER** 124

Cheney's in the doorway, Card on his heels. They find Gonzales at his desk.

CHENEY
Organize a meeting of the Gang of Eight in Andy's office this afternoon. Actually make it the Sit Room. Call it an Emergency Meeting. No staff. No notes.

And Cheney's gone. Gonzales looks at Andy.

CARD
We appear to be covering our asses.

125 **INT. DOJ - COMEY'S OFFICE - DAY** 125

Jack and Philbin were summoned. Comey's getting ready to leave.

COMEY
Cheney called a meeting with the Gang of Eight. To talk about the Program. *

JACK
(beat)
Did we just win a round?

Comey's reticent to gloat, but yeah, it looks like they did.

COMEY
I'm on my way over there, you want to go through the bullet with me? *

That's when COMEY'S AIDE enters.

COMEY'S AIDE
Sorry. I called the White House to say you were coming, they said you don't have to.

COMEY
...I don't mind.

COMEY'S AIDE
Yeah... it's okay.

The Aide's trying to figure out how to put this with people here.

COMEY
What exactly did they say?

COMEY'S AIDE
They don't want you at the meeting.

It hangs there. This wasn't a win. They were outmaneuvered.

126 **EXT. WASHINGTON STREET - DAY** 126 *

Comey, Philbin, and Jack are on the street, irate. And they * feel like morons about it, but they're afraid to discuss this * indoors. *

COMEY *
What if I just show up anyway? *

PHILBIN
You can't crash a meeting at the White House -- you're not on the list, they won't let you near the building.

JACK
Well, maybe once they hear about it, they'll step in.

PHILBIN
The Gang of Eight?

JACK
They're the ranking members of the House and Senate. And the ranking members of the intelligence committees. They're not gonna sit on their hands.

PHILBIN
That's exactly what they're gonna do. Half of them were briefed on it when it started -- they had to appropriate the funds to run it. They came up with the 45 day rule.

COMEY
And they never checked to see how it was going?

PHILBIN
That's the beauty of how Cheney built it. He makes them think they're supervising, but he has it all executed in the executive branch. So they only know what he tells them.
(beat)
He's better at this than we are.

It's true. They're all furious. And powerless.

127 **INT. WHITE HOUSE - SITUATION ROOM - DAY** 127

Cheney. Hayden. Gonzales. Cheney watches carefully as General Hayden reviews the basics of the program with the Gang of Eight, including NANCY PELOSI, JAY ROCKEFELLER, TOM DASCHLE. Hayden's following Cheney's script.

HAYDEN
I give you my word as an officer, we do not collect one photon or electron more than is absolutely necessary.

PELOSI
Well, if Justice can't get behind it, I think we need to reconsider seeking legislative authority.

CHENEY
I don't see how that's gonna work.

ROCKEFELLER
At least we should brief the rest of the Intelligence Committee.

Cheney gives him a look that suggests that's a nonstarter.

ROCKEFELLER (CONT'D)
I sent you a letter a few months ago, I think I was clear I was uncomfortable with the direction this was moving.

CHENEY
I read it.

That wasn't a response so much as a dismissal.

DASCHLE
Dick, you're marginalizing Congress, you can't be surprised Justice is up in arms.

CHENEY
Congress leaks. It was true when I was a member, it's true now. This is too important. And too fragile. The enemy's hard enough to find without us sharing our methodology. We aren't doing this for our entertainment. We're talking about calls to al Qaeda -- if you're on the phone with Aunt Sadie in Paris, we're not really interested.

HAYDEN
I think it's safe to say, had this program been in place in 2001, we would have detected the 9-11 terrorists before they acted.

CHENEY
We need this. The idea that we would close our ears because <u>one</u> deputy wants to show his tail feathers in his first week on the job...

It does sound appalling.

128 **INT. WHITE HOUSE - ANDY CARD'S OFFICE - AFTERNOON** 128

Bush pokes his head in Card's door.

CARD
How was Cleveland?

BUSH
Who the fuck knows. You sort it out with Justice?

CARD
They're not budging.

BUSH
Where the hell is Ashcroft?

Card hesitates. He knows Cheney didn't want him getting Bush into the details of this. But...

CARD
Sir, he's in the hospital, he's recovering from emergency surgery on his gall bladder.

BUSH
Why am I just hearing about all this?

CARD
It was more or less news to me too as of yesterday.

BUSH
Well call the damn hospital and sort it out.

Bush storms out. Pissed.

129 **INT. WHITE HOUSE - OVAL OFFICE - AFTERNOON** 129

A few minutes later. Bush is at his desk when Card and Gonzales enter. Embarrassed.

CARD
Sorry... Ashcroft's security detail wouldn't put the call through.

GONZALES
Apparently his wife said no calls.

Bush is supremely annoyed. He picks up his own damn phone.

BUSH (INTO PHONE)
Get me John Ashcroft, please. He's at...

CARD
GW.

BUSH (INTO PHONE)
GW Hospital.

Bush waits, looking at Card and Gonzales like they're fucking idiots.

BUSH (INTO PHONE) (CONT'D)
Hey there, it's the President. Can I get John on the phone for a minute? No problem, I'll wait.
(mutters)
No rush. Leader of the goddamn free--
(phone)
Hey John! You feeling okay? We're sending flowers, I hope they don't make you sneeze. Al and Andy are going ten rounds with your guys on this surveillance thing, they're gonna come down, get your two cents. That's great.

Bush hangs up. Gives them a look, like, was that so hard?

130 **INT. JACK'S HOUSE - KITCHEN - NIGHT** 130

Jack's having dinner with Leslie and the baby. A rare event, he's home in time for dinner. The toddler makes an appearance, in footy pajamas.

JACK
Uh uh. Get back in bed, Little Man.

JACK JR.
I have a pee.

LESLIE
You don't, you just peed.

JACK
Up. Go.

He shuffles back upstairs, as Jack's phone rings. Jack looks at Leslie, apologetic.

LESLIE
It was too good to be true.

JACK (INTO PHONE)
Hello.

He listens for a second. Then rises abruptly.

131 **INT. COMEY'S CAR - NIGHT** 131

Comey's in the car with his Security Detail. He's reading in the back seat when he gets the call.

COMEY (INTO PHONE)
This is Comey. *

He listens, incredulous. Then, to his driver DOUG... *

COMEY (CONT'D)
Doug, we gotta turn around and get to GW Hospital right now.

DOUG
Fireworks?

COMEY
Yeah I think so.

Doug hits the SIREN.

132 **EXT. CONSTITUTION AVENUE - NIGHT** 132

Doug slaps a flashing LIGHT onto the roof, slams on the brakes, and makes a SCREECHING u-turn on Constitution Avenue.

133 **INT. JACK'S CAR - NIGHT** 133

Jack's driving, he's not Deputy AG, he drives his own crappy car, he's just a guy who works at DOJ, he's not even supposed to be here, and when he pulls up in front of GW Hospital there's no goddamn parking space. *

JACK
Fucking hell.

Screw it -- he double parks.

134 **EXT. GW HOSPITAL - NIGHT** 134

Jack jumps out of the car and runs into the hospital.

135 **INT. GW HOSPITAL LOBBY/STAIRWELL - NIGHT** 135

Comey's jabbing the elevator button. Takes forever. Forget it -- he finds a stairwell, takes the steps two at a time, his Security Detail running behind him.

136 **INT. WHITE HOUSE - CHENEY'S OFFICE - NIGHT** 136

Cheney's packing up for the night when Libby enters, confused.

LIBBY
Andy and Al are going to the hospital to see Ashcroft? I thought he turned over his authority to Comey.

CHENEY
If he wants it back, he can take it back.

LIBBY
The guy's in ICU. We sure this is a good idea?

Cheney looks at him, inscrutable, and heads out. *

137 **INT. HOSPITAL - HALLWAY OUTSIDE ASHCROFT'S ROOM - NIGHT** 137 *

The hallway's quiet; it's been emptied for Ashcroft. There's an FBI command post set up down the hall. FBI agents, hospital security, police. Jack's standing, waiting, when Philbin races in -- like they all did, running to a fire. He stops in front of Jack.

138 **INT. HOSPITAL - ASHCROFT'S ROOM - NIGHT** 138

Dark. Comey, speaking in hushed tones with JANET ASHCROFT, * the AG's wife.

COMEY *
Has he been awake? *

JANET
In and out.
(crosses to the bed)
Honey, Jim Comey's here. John.
Open your eyes.

Ashcroft's eyes slip open. Unfocused. *

COMEY *
Hi sir, it's Jim Comey. It's good
to see you.

ASHCROFT
Mm hm. *

COMEY
Sir, do you know that Mr. Card and
Mr. Gonzales are coming here?

Beat.

ASHCROFT
To the house?

COMEY
To the hospital.
(beat)
Sir, do you know you're in the
hospital?

There's a horrible silence where Ashcroft stares at Comey, blank. The Attorney General has no idea where he is.

139 **INT. HOSPITAL - HALLWAY OUTSIDE ASHCROFT'S ROOM - NIGHT** 139

Goldsmith and Philbin are waiting when Comey comes out. He shakes his head. Then he pulls out his phone and dials.

INTERCUT WITH:

140 **INT. RESTAURANT - NIGHT** 140

Mueller's out to dinner with his WIFE and DAUGHTER when his cellphone RINGS.

DAUGHTER
I don't like that place.

WIFE
On Connecticut?

DAUGHTER
It has a weird smell.

MUELLER (INTO PHONE)
Hello?

COMEY *
Bob, it's Jim Comey. Andy Card and Al Gonzales are on their way to the Attorney General's hospital -- they're going to try to get him to sign the re-authorization. He's non compos mentis, I don't know what they think they're doing.

Mueller stands, headed for the door.

MUELLER (INTO PHONE)
Give me the head of his FBI detail.

Comey pivots to an FBI AGENT and hands him his phone.

MUELLER (CONT'D) *
This is Mueller. Mr. Comey's going * to be in the Attorney General's room until I get there. Under no circumstances is Mr. Comey to be removed from that room -- are we clear?

141 **INT. VICE PRESIDENT'S RESIDENCE - DINING ROOM - NIGHT** 141

Cheney and his wife LYNNE are having dinner.

LYNNE
There's a dedication of something on Memorial Day. The World War II Memorial maybe? Is that you? *

CHENEY
I think it's just him, but talk to Debbie.

LYNNE
I did, she said you hadn't decided yet.

CHENEY
There you go.

LYNNE
And John Ashcroft's in the hospital, did I hear that right?

CHENEY
Mm hm. Gall bladder.

LYNNE
Should we send a basket or something?

Beat.

CHENEY
I don't know if he can eat.

142 **INT. ASHCROFT'S HOSPITAL ROOM - NIGHT** 142

Comey's in a chair by the bed, quietly speaking to Ashcroft, * Jack and Philbin behind him. Janet's on the other side, * holding her husband's arm. TWO FBI AGENTS stand by the door. *

COMEY
Sir, they're bringing the authorization for the NSA surveillance program. You did not want to sign that document when we discussed it, and I want to make sure you don't sign it today. Do you understand me?

Ashcroft's looking at him. It's not clear anyone's home. That's when there's a KNOCK at the door. Card and Gonzales enter. Gonzales carries an envelope.

GONZALES
Hi there. How are you, General?

ASHCROFT
Not well.

GONZALES
I'm so sorry to hear that. We hate to bother you, but the President's Special Program is expiring. We met with the Gang of Eight this afternoon. They really would like the program to carry on. So if you'd be willing to... renew the authorization...

Silence. Ashcroft, from some inexplicable source of energy in a body that seems near dead, raises himself up.

ASHCROFT
You have no business coming here.

CARD
Sir, we're--

ASHCROFT
You asked to tap a handful of suspects, and now... It's a monster. No monitoring. No accountability. I never should have certified it in the first place.

GONZALES
General, we don't--

ASHCROFT
You drew the circle so tight I couldn't get the advice I needed. You know you did that.

He's looking right at Gonzales now.

ASHCROFT (CONT'D)
I know things now that I should have known before you ever asked for my signature. And if it were up to me, I would never approve it. But that doesn't matter, because I'm not the attorney general.
(pointing to Comey)
He's the attorney general.

He sinks back onto the bed. Exhausted. Gonzales and Card stand for a moment, and then walk out, without a glance at the DOJ guys.

Janet Ashcroft is proper woman. So she doesn't tell them to go fuck themselves on the way out the door. But she does the closest thing she can. She sticks her tongue out at them.

143 **INT. HOSPITAL - HALLWAY OUTSIDE ASHCROFT'S ROOM - NIGHT** 143

Comey and Jack are outside Ashcroft's room. Shaken.

COMEY
Jesus Christ.

JACK
They're a bunch of thugs. I kept thinking this was about different interpretations of the Constitution, or different visions of the presidency -- it's not, it's just fucking lawless. *

Mueller arrives.

COMEY
They were gonna shove a pen in his hand and have him make a mark on a piece of paper. Six days ago he stated it was not legal. * * *

MUELLER
But he didn't sign?

Jack shakes his head no.

COMEY
You need to go in there and see what condition he's in. We're all gonna be testifying about this one.

MUELLER
Is he alright?

JACK
(beat)
It's not clear he's gonna make it.

Mueller enters Ashcroft's room. Comey's phone BUZZES. He steps away.

COMEY (INTO PHONE)
Hello.

CARD (O.S.)
It's Andy Card, I want you at the White House right now. You're really screwing us here. *

COMEY
Absolutely not.

CARD (O.S.)
I'm not asking, Jim.

COMEY
Are you kidding me? After what I just saw?
(MORE)

COMEY (CONT'D)
There's no way I'm getting in a room with you without a witness. Like the Solicitor General.

CARD (O.S.)
Oh for Christ's sake--

Comey hangs up on him. He leans against the wall for a minute, shaking out his hands. Because he's trembling.

144 **INT. HOSPITAL - ASHCROFT'S ROOM - NIGHT** 144

Mueller's in a chair, close to Ashcroft's bed. The confrontation took a lot out of Ashcroft, and he didn't have much to spare.

ASHCROFT
Bob, I'm struggling.

Mueller takes his hand, silent for a moment.

MUELLER
In every man's life there comes a time when the good Lord tests him. You passed your test tonight.

146 **INT. DOJ - CONFERENCE ROOM - NIGHT** 146

It's late. A lot of people are already here, milling around. In their jeans -- they all rushed in from home. Many have no idea what's going on. Goldsmith, Philbin, Ayres wait, quiet. Finally Comey arrives and silence falls over the room.

COMEY
We're at an impasse with the White House, some of you know why, some of you don't have the clearance. In our judgment, the president is outside the bounds of his lawful authority. We've advised the White House of that, and they are unmoved. Andy Card and Al Gonzales just showed up at the hospital and tried to take advantage of a very sick man...

He trails off, so angry he can barely speak.

COMEY (CONT'D)
This is a nation of laws. Not men. If they continue in this direction... I can't stay.
(MORE)

COMEY (CONT'D)
None of you should feel pressured by that information. You're serving your country in these offices. But if this continues, I can't be part of it.

There's a silence. These people are party loyalists. Bush loyalists. They don't want this. *

JACK
That's true for me as well.

PHILBIN
And me.

And then some more nods. One of the staffers looks around the room, astonished. And pulls out his Blackberry.

147 **INT. WHITE HOUSE - STAFF SECRETARY'S OFFICE - NIGHT** 147

BLEEP. Staff Secretary BRETT KAVANAUGH just got a text message. He reads it. Holy shit.

148 **INT. WHITE HOUSE - ANDY CARD'S OFFICE - NIGHT** 148

Kavanaugh taps on the open door.

KAVANAUGH
What the fuck's going on at Justice?

CARD
(snaps)
It's classified. Shut my door.

KAVANAUGH
A couple dozen people over there are sitting around talking about quitting. Is that classified too? *

149 **INT. WHITE HOUSE - ANDY CARD'S OFFICE - NIGHT** 149

Card and Gonzales are on the speakerphone.

CARD
Mass resignations at the Department of Justice.

INTERCUT WITH:

150 **INT. VICE PRESIDENT'S RESIDENCE - LIBRARY - NIGHT** 150

CARD (O.S.)
It might be time to fold here. We can bring in Congress, or the FISA court. Somebody.

Card's losing his composure. Cheney's not, though he's certainly losing his patience.

CHENEY (INTO PHONE)
An emotional event is happening. Fearless leader threatens to resign. Troops follow him into the breach. It's the middle of the night. We don't shape policy around emotional events.

CARD
Sir, I gotta be honest with you, we might shape it around half the Justice Department resigning.

CHENEY (INTO PHONE)
It's a power grab. They're trying to back us into a corner. Nobody's handed anyone a letter. You really think the entire leadership of the Department of Justice wants to quit? They have children, and mortgages.

Card looks at Gonzales. It does seem implausible.

CHENEY (INTO PHONE) (CONT'D)
Sit down with Comey. And reduce the emotional temperature.

151 **INT. WHITE HOUSE - OUTSIDE CARD'S OFFICE - NIGHT** 151

Card finds Comey and Solicitor General TED OLSON. Andy's calmer now. He looks at Comey.

CARD
Can we talk just you and me?

COMEY
I want the Solicitor General in there.

CARD
What do you think I'm gonna do?

COMEY
You just tried to put a pen in the hand of a barely conscious man, I have no idea what you're capable of doing.

It's devastating. Andy can't believe he did it himself.

CARD
Five minutes. Ted can stay right here.

Comey doesn't trust him for a minute, but Card seems genuinely contrite. And ashamed.

152 **INT. WHITE HOUSE - ANDY CARD'S OFFICE - NIGHT** 152

Comey and Card.

CARD
This got way out of hand. And I feel like shit about it. But I hear a bunch of people are talking abut resigning. I don't think gunpoint's the best way to get things done around here.

COMEY
Absolutely. Nobody should try to get their way by threatening resignation. If they're not comfortable, they should resign.

This isn't going the way Andy wanted it to.

CARD
We're talking about a procedural difference of opinion.

COMEY
Really? *He has failed to take care that the laws were faithfully executed, when he knew of unlawful activities including the electronic surveillance of private citizens*. You know what that is?

CARD
I don't.

COMEY
Articles of Impeachment. Richard Milhous Nixon.

Yeah, Andy's not getting anywhere.

153 **INT. JACK'S HOUSE - FOYER - NIGHT** 153

It's late. Jack opens the front door and then stops. Staring at the door. Upset. Leslie enters.

LESLIE
You just getting home?

JACK
This was open.

LESLIE
What?

JACK
The door was unlocked.

LESLIE
Oh. I must have--

JACK
You need to lock the door. Do you understand me? The door needs to be locked, all the time. With you and the kids here? Alone?

LESLIE
Okay!

She looks at his face as he stalks past her into the house. He sounds crazy. Scared.

154 **INT. WHITE HOUSE - GONZALES' OFFICE - NIGHT** 154

Card enters and looks at Gonzales. *

CARD
I think it's safe to say I failed to "reduce the emotional temperature."

GONZALES
It expires in the morning.

CARD
I'm aware of that.

GONZALES
Maybe we should go to the President.

Card looks at him like he's a fucking moron.

CARD
The President's asleep.

FADE TO:

TITLE: THURSDAY

155 **INT. WHITE HOUSE - OVAL OFFICE - MORNING** 155

The President's Daily Briefing. Comey's among the briefers gathered on the couches.

BRIEFER
Four commuter trains. Ten explosions. There's speculation it could be a group with ties to al Qaeda, but we're skeptical. We've got a call set up with you and President Aznar.

CHENEY *
They'll want our advice on domestic terrorist detection. They were under-prepared.

Cheney doesn't so much as glance at Comey, but that was for his benefit, and Comey knows it. *

BUSH
Get on the call with me.

Cheney nods. Bush rises, and the group disperses. Cheney, Addington, Card and Gonzales stay behind.

CHENEY
Mr. President...

Cheney nods to Addington to take the floor.

ADDINGTON
We were not able to make any progress with the Justice Department. At this point we believe you should simply re-certify the program without them. You have the authority to do it on your own.

Bush looks to Gonzales.

BUSH
You think that's a good idea?

Gonzales is extremely reticent to contradict Cheney and Addington, particularly with them in the room. Nonetheless, after some uncomfortable shifting in his chair...

GONZALES
David's right, we don't want anything to interfere with the program, but... I'm not sure it's prudent to proceed without the Department of Justice.

Card's sure Gonzales' protest wasn't strong enough to make an impression. He's also terrified to cross Cheney, but he's really worried. Tentative...

CARD
It could be dicey politically. It starts to look like an executive power grab.

Cheney glares daggers at both of them.

CHENEY
It's a secret program. It won't look like anything.

CARD
Enough people know.

BUSH
What does Karen think?

ADDINGTON
She's not up to speed on this.

BUSH
Karl?

CHENEY
They're not read into the program. They don't know it exists.

BUSH
So all the advice I can get is in this room.

Bush says it with that half smirk of his, but he's not particularly amused by the notion.

CHENEY
Thanks guys.

Their signal to leave. Cheney remains in his chair. Andy Card hesitates for a moment - he knows Cheney's about to have the last word. But there's nothing he can do. He leaves.

CHENEY (CONT'D)
It's a political hit, internally.
We take ten of those a day. *

Bush still looks concerned.

CHENEY (CONT'D)
Four commuter trains just blew up. *
The world is no safer than it was *
two years ago, we don't let down
our guard one inch. This is a
national security question. And
you're the chief law enforcement
officer of the United States and
the Commander-in-chief of the Armed
Services. National security law is
what you say it is.

Bush is unsure. But he's always relied on this man to * interpret the law for him. To navigate the waters. * Following anyone else's advice... he simply can't imagine * doing it. Off Bush, searching Cheney's steadfast face... *

156 **INT. WHITE HOUSE - CORRIDOR OUTSIDE OVAL - DAY** 156

Card's waiting when Cheney strides out of the Oval.

CHENEY
He'll sign it.

CARD
Did you tell him about the
resignations?

CHENEY
It didn't come up.

Card's bowled over by that admission.

CARD
We should tell him about the
resignations.

Cheney's had about enough shit from Andy Card.

CHENEY
You made it clear you had concerns.
The President'll do what he wants. *

157 **INT. EEOB - ADDINGTON'S OFFICE - DAY** 157

Gonzales is with Addington when Cheney blows in.

CHENEY
Rewrite the Presidential directive. Delete Ashcroft's signature line. No, actually don't delete it, replace his name.
(thinks for a second) *
Put Al's name on there.

Al looks up, confused to be pulled into the proceedings.

CHENEY (CONT'D)
And add some language that reminds us all that nobody -- not Justice, or Congress -- constrains the President's power as Commander-in-Chief.

Cheney's out the door. Addington's typing furiously. Al looks increasingly uncomfortable, as he puts together the implications of Cheney's instructions.

GONZALES
I'm not in the chain of authority that defines criminal law. David. Anybody who follows this thing could be looking at prosecution without better backing than that.

David's ignoring him. Typing.

GONZALES (CONT'D)
We don't want to create a situation where a bunch of high-ranking Administration officials who planned and authorized this program are engaged in a criminal conspiracy.

ADDINGTON
We're all going to be hauled up before congressional committees and grand juries. And you know what? I'm not gonna get a lawyer. My conscience is clear.

He slams the print button.

158 **INT. WHITE HOUSE - OVAL OFFICE - DAY** 158

Bush is on the phone when his ASSISTANT enters and places a document in front of him.

BUSH (INTO PHONE)
How long have I been saying this isn't just an American problem? It's a contagion thing. Maybe it was the Basque, but the idea for a large scale coordinated attack? That comes from al Qaeda.

Bush signs it, right beside another signature line that says ALBERTO GONZALES. *

159 **INT. WHITE HOUSE - OUTER OFFICE - CONTINUOUS** 159

The assistant hands the signed document to David Addington.

160 **INT. DOJ - COMEY'S OFFICE - DAY** 160

Comey's typing. Jack's standing by his desk, incredulous.

JACK
Gonzales signed it?

Comey nods. Jack was surprised to hear that even Bush had signed it. But Gonzales??

JACK (CONT'D)
He's not... The White House counsel doesn't have the authority to legitimize a presidential order.

COMEY
Nope.

JACK
What does that even mean?

COMEY
It means they're just making shit * up. And I'm resigning. *

161 **INT. WHITE HOUSE - ANDY CARD'S OFFICE - DAY** 161 *

Bob Mueller faces Card, deadly serious.

MUELLER
These are the guys you hired to say no to the President. They said no.

CARD
David is confident, as is the Vice President, that--

MUELLER
You can't make an end run around the Justice Department when the Acting Attorney General's told you the Program has no foundation in law. I run a law enforcement agency. You think I can let the FBI take part in a program that Justice says is illegal?

CARD
That's an opinion.

MUELLER
Andy, do you have any idea what's about to happen?

Card's starting to fray now, and spits out -

CARD
I am acting on the President's orders! As you should be!

Silence. Mueller comes to a very sad realization.

162 **EXT. WHITE HOUSE - DAY** 162

Mueller walks out of the White House. We hear his voice.

MUELLER (V.O.)
Dear Mr. President.

And then another voice.

COMEY (V.O.)
At my confirmation hearing, I was asked what I would do if I concluded that a course of action was fundamentally wrong.

163 **INT. DOJ - CONFERENCE ROOM - DAY** 163

As the V.O. continues, Comey, Ayres, Goldsmith, Philbin, and the rest of the top echelon of the Department of Justice gather.

COMEY (V.O.)
Over the last few weeks I have encountered such an apocalyptic situation where I and the Department of Justice--

MUELLER (V.O.)
The Federal Bureau of Investigation--

JACK (V.O.)
With a heavy heart and undiminished love of my country--

MUELLER (V.O.)
Resign.

PHILBIN (V.O.)
Resign.

COMEY (V.O.)
Effective immediately.

As the voice over ends, Comey addresses the group, grim.

COMEY
We need to put together a document for the White House. Exactly what we think happened in the last two weeks. Let's be comprehensive.
(beat)
I wrote a letter. I'll give it to the President in the morning.

There's a silence. And then one of the other lawyers pulls a letter out of his jacket pocket, and places it on the table in front of him. And then another. And another. Jack. Philbin. Ayres. Comey looks around the room. There are easily ten resignation letters on the table. He can't believe it.

AYRES
If it's possible, I'm gonna ask you to wait a day or two, until Ashcroft's stronger. He's gonna want to resign with you.

It’s stunning. None of them -- even the ones who wrote the letters -- expected this number of resignations. Comey looks at Jack. What the hell have they wrought?

164 **INT. DOJ - JACK’S OFFICE - NIGHT** 164

Late that night. Comey finds Jack staring at the portrait on his wall. Elliot Richardson, peering down at Jack.

JACK
Elliot Richardson. He was Nixon's AG. Served five months before he quit. That was the Saturday Night Massacre. Two guys at Justice resigning. It ended the Nixon presidency. What the hell's gonna happen when 18 people quit?

Comey can’t bring himself to answer.

165 **EXT. GONZALES’ HOUSE - NIGHT** 165 *

Jack and Philbin ring the doorbell. Al answers in his pajamas and a robe.

GONZALES
You want to come in?

Jack shakes his head. Philbin hands Gonzales a large envelope.

JACK
Justice put this together -- it’s a blow by blow of how all this went down. So there’s a record.

Gonzales manages a sad smile.

GONZALES
Don’t worry Jack. It’ll all work out. Tomorrow’s another day.

Jack looks at him like he's fucking insane.

JACK
I'm quite sure it’s not gonna work out. I think the whole executive branch is gonna melt down.

Gonzales clutches the envelope. Jack and Philbin walk away.

TITLE: FRIDAY

166 **INT. WHITE HOUSE - LOBBY - MORNING** 166

Jack and Philbin. Waiting. There's some shifting of weight. Checking of watches. The things men do when the world appears to be ending and there's not a thing they can do.

JACK
The upside is... we leave, maybe I don't have a heart attack.

PHILBIN
You planning one?

JACK
My chest feels like there's a rock on it all the time.

PHILBIN
I think I have an ulcer.

JACK
Yeah. I go through a lot of Tums.

PHILBIN
Does it help?

JACK
No.
(beat)
I never would have done it.

PHILBIN
What.

JACK
Any of this. If you hadn't done all that digging. Figured out what was really going on.

It's a thank you, and it means a lot to Philbin.

PHILBIN
I think I ruined your career.

JACK
That you did, sir. That you did. *

They both smile. Almost. Gallows humor. *

167 **INT. WHITE HOUSE - CORRIDOR OUTSIDE THE OVAL - MORNING** 167

Comey, Mueller, stand stock still as the other intelligence brass mill around, chatting, waiting for the President's Daily Briefing to start. Comey and Mueller are pretty sure it's the last time they'll see the inside of this building.

168 **EXT. WHITE HOUSE - PORTICO - DAY** 168

Condi walks Bush down the portico toward the Oval.

RICE
Fran Townsend came to me yesterday. *
Have you spoken to Jim Comey? *

BUSH
I heard about it. They'll sort it *
out. *

RICE
Are you sure? Somebody's giving me a message about a compartmented program, third hand, I don't like the sound of that. Do you?

Bush eyes her, unsure.

RICE (CONT'D)
Comey's a reasonable guy. You need to make sure you're really hearing these folks out.

169 **INT. WHITE HOUSE - OVAL OFFICE - LATER** 169

Comey does his best to focus on the President, but he can't help but glance at Cheney. Cheney studiously ignores him.

BRIEFER
It was found on a jihadist website with links to Saudi al Qaeda. Encouraging their people to attack us by attacking our allies. Britain. Spain. *

BUSH
The trains in Madrid? You told me yesterday it was the Basque.

BRIEFER
We don't know. At this point it's just... something to consider.

Bush likes clarity. He fucking hates "just something to consider."

BUSH
Alright, that's it.

As they scatter, almost an afterthought...

BUSH (CONT'D)
Hey Jim, hang back a minute.

Comey, almost out the door, returns and follows Bush toward the private dining room. Cheney moves to follow.

BUSH (CONT'D)
I'm good, Dick, thanks.

Cheney watches them go. Displeased he's not in the room.

170 **INT. WHITE HOUSE - BUSH'S PRIVATE DINING ROOM - DAY** 170

Bush sits, and nods Comey toward a chair.

BUSH
You look like hell. We wearing you out?

COMEY
A little bit, sir, you are.

BUSH
Let me lift the burden from your shoulders. I've been inside out this NSA stuff. Bottom line is, I decide what the law is for the executive branch.

COMEY
That is absolutely true, sir. But I decide what the Department of Justice can certify, and despite my best efforts I simply cannot.

Bush shakes his head.

BUSH
I really wish you weren't raising it at the last minute. The day before a deadline, how are we supposed to deal with your problem?

Comey can barely comprehend what he's hearing.

COMEY
The day before? Sir, if you've been told that... you have been very poorly served by your advisers.

Now Bush is confused.

COMEY (CONT'D)
We've been telling them we have a huge problem for months.

BUSH
Alright -- just certify it. Give me six weeks, if we don't have it fixed, we'll shut it down.

COMEY
I can't do that. You say what the law is in the executive branch, I understand that. But sir, I put my hand on a bible and swore to defend the Constitution. If I don't believe I'm doing that... I'm sorry, I can't stay.

BUSH
What do you mean? You're resigning??

Comey's silent. Bush never expected anything like this.

COMEY
It's probably not my place to say this, but I want to be sure you know what's going on, and it's not clear to me you're getting complete information. The Director of the FBI is going to resign today as well. And the head of the Office of Legal Counsel. And I believe the Attorney General.

BUSH
(beat)
What???

George W. Bush is totally fucking gobsmacked.

171 **INT. WHITE HOUSE - OUTER OFFICE - DAY** 171

Bush's assistant pretends not to hear the voices inside the Oval. One low and calm, the other fucking pissed off.

Andy Card enters and stops, startled to hear raised voices. The assistant rises. The door is ajar. She clicks it shut.

172 **INT. WHITE HOUSE - OVAL OFFICE - DAY** 172

It’s just Bush and Cheney now.

BUSH
The Attorney General?? Director of the Goddamn FBI??

CHENEY
Sir--

BUSH
This guy's got 15, 20 people about to resign from the government! You didn't want to mention it??

CHENEY
I didn't think an interdepartmental wrestling match should shape the course of our national security. *

BUSH
That is not a man who’s trying to bigfoot us -- he says it’s not legal! Full stop! *

CHENEY
We disagree.

BUSH
It is not just us, my friend! What the hell good does it do if we can't put this stuff on a foundation that will outlast us??

CHENEY
I made a commitment when I joined your ticket that I would help you to restore the strength of the Presidency.

BUSH
You don’t need to sell me on the Presidency.

CHENEY
It's exactly this kind of political infighting that erodes it.

That’s when Bush really loses his shit.

BUSH
THIS IS NOT INFIGHTING -- THIS IS A BLOODBATH.

CHENEY
Sir--

BUSH
I AM RUNNING FOR RE-ELECTION. THIS WILL BE THE END OF MY PRESIDENCY. YOU DON'T WANT TO PLAY POLITICS? YOU'RE DRIVING MY ADMINISTRATION OFF A CLIFF.

Beat.

CHENEY
You have my apologies. If you're not comfortable with the decision, I'm happy to move in another dir--

BUSH
You bet your ass we're moving in another direction. And allow me to be clear. You don't EVER blindside me like this again.

Cheney stands silent. Bush yells to his assistant.

BUSH (CONT'D)
Get the director of the FBI in here.

ASSISTANT (O.S.)
Yes sir.

He looks up and sees Cheney's still standing there.

BUSH
That's it.

It takes him a second to accept. Cheney's been dismissed.

173 **INT. WHITE HOUSE - LOBBY - DAY** 173

Comey, Jack and Philbin waiting for Mueller. Finally he emerges from the Oval. He almost can't believe it himself.

MUELLER
He's rolling it back. Fix what you can fix. Whatever you can't, we stop doing.
(beat)
Back to work, gentlemen.

Mueller walks on. Goldsmith, Comey, and Philbin are silent, not feeling satisfaction so much as relief. Three guys from Justice, who almost burned the house down.

COMEY
That's what we wanted. Right? We didn't actually want to bring down the presidency.

He looks at Jack. There's just a moment of hesitation. Because Jack's not really sure.

JACK
That's all we wanted.

Addington passes, on his way into Cheney's office. We can see into the office -- Dick Cheney at his desk, his expression dark. His eyes flick up as Addington enters. He spots Comey, Jack, and Philbin down the long hall.

For a moment, we see Cheney zero in on Jack, filled with contempt. Libby's by the desk. He follows Cheney's eyeline, and sees Jack, frozen in the Vice President's furious gaze. Libby closes the door.

ON A BLACK SCREEN, text crawls:

Bush authorized Justice to fix Operation Stellar Wind. Some parts were revised. Some were deemed illegal, and never performed again.

It was the first time in American history that subordinates forced a wartime president to withdraw a military command.

Comey and Goldsmith then revised what came to be known as The Torture Memos. Once the torture program was curtailed, Goldsmith resigned. Comey left soon after.

NSA domestic surveillance continues today, but under the supervision of Congress, the FISA court, and three Inspectors General.

Cheney's relationship with Bush never recovered. His influence in the second term, by his own account, was gravely diminished.

FADE TO BLACK.

THE END