A FEW GOOD MEN

screenplay

by

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FADE IN:

1 EXT. A SENTRY TOWER-- 1

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

Small beams of light coming from lamps attached to the tower cut through the ground mist. We HEAR all the unidentifiable sounds of night in the woods. We also HEAR, very, very faintly, a slow, deliberate drum cadence. And as this starts,

We begin to MOVE SLOWLY UP THE TOWER.

More becomes visible now:

...the sandbags on the ground piled ten-high...the steel, fire escape-type stairway wrapping around the structure and leading to the lookout post, and finally...THE LOOKOUT POST, maybe forty feet off the ground.

Standing the post is the silhouette of A MARINE. He's holding a rifle and staring straight out.

The drum cadence has been building slightly.

CUT TO

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

SUBTITLE: UNITED STATES NAVAL BASE, GUANTANAMO BAY CUBA

The drum cadence continues, and we

CUT TO

2 INT. A MARINE BARRACKS 2

We HEAR two pairs of footsteps and then

CUT TO

THE BARRACKS CORRIDOR

where we see that the footsteps belong to DAWSON and DOWNEY, two young marines who we'll get to know later. They stop when they get to a certain door. The drum cadence is still growing. DAWSON puts his hand on the doorknob and turns it slowly. He opens the door and they walk into

3 INT. SANTIAGO'S ROOM - NIGHT 3

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

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

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

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

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

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

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

DOWNEY
(quietly)
You're lucky it's us, Willy.

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

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

SMASH CUT TO

4 EXT. THE WASHINGTON NAVY YARD - DAY 4

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

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

The BAND is performing on the huge and lush parade grounds before a crowd made up mostly of TOURISTS and DAY-CAMPERS.

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

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

CUT TO

HIGH ANGLE of the entire band as we end credits.

CUT TO

5 EXT. A RED BRICK BUILDING - DAY 5

It's an important building, a main building. A few SAILORS enter and exit and

CUT TO

A WOMAN

as she walks across the courtyard toward the brick building. The WOMAN is

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

JO
I'm requesting...I'm...Captain, I'd like to request that I be the attorney assigned to rep--I'd like to request that it be myself who is assigned to represent--
(she stops)
"That it be myself who is assigned to represent"?...Good, Jo, that's confidence inspiring.

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

UNITED STATES NAVY - JUDGE ADVOCATE GENERAL'S CORPS

CUT TO

6 INT. WEST'S OFFICE - DAY 6

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

GIBBS
Jo, come on in.

JO
Thank you, sir.

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

JO
Yes sir.
(to WEST)
Captain, I appreciate your seeing me on such short notice.

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

JO
Yes sir. This past Friday evening. Two marines, Corporal Harold Dawson and Private Louden Downey, entered the barracks room of a PFC William Santiago and assaulted him. Santiago died at the base hospital approximately an hour later. The NIS agent who took their statements maintains they were trying to prevent Santiago from naming them in a fenceline shooting incident. They're scheduled to have a hearing down in Cuba at 4:00 this afternoon.

LAWRENCE
What's the problem?

JO
Dawson and Downey are both recruiting poster marines and Santiago was known to be a screw-up. I was thinking that it sounded an awful lot like a code red.

JO lets this sink in a moment.

WEST
(under his breath)
Christ.

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

JO looks around the room for a response.

WEST
Joanne, why don't you get yourself a cup of coffee.

JO
Thank you, sir, I'm fine.

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

JO
Certainly, sir.

JO gets up and walks out.

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

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

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

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

WEST
And before that?

GIBBS
She disposed of three cases in two years.

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

GIBBS
She's not cut out for litigation.

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

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

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

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

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

JO
Thank you, sir.

WEST
And I'll have Division assign them counsel.

JO
(beat)
But...not me.

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

JO
Sir--

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

CUT TO

7 OMIT 7

8 OMIT 8

9 EXT. SOFTBALL FIELD - DAY 9

THE RIGHT MAN FOR THE JOB

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

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

KAFFEE
(calling out to the team)
Alright, let's get two!

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

SECOND BASEMAN
Sorry!

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

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

SECOND BASEMAN (SHERBY)
Sorry!

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

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

SPRADLING
Kaffee!

KAFFEE
Let's try it again.

SPRADLING
Kaffee!!

KAFFEE
(turning)
Dave. You seem upset and distraught.

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

KAFFEE
A yardarm?
(calling out)
Sherby, does the Navy still hang people from yardarms?

SHERBY
(calling back)
I don't think so, Danny.

KAFFEE
(back to SPRADLING)
Dave, Sherby doesn't think the Navy hangs people from yardarms anymore.
(back to the field)
Let's go, let's get two!

He goes back to hitting fungoes.

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

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

SPRADLING
Yeah, well your client thought it was marijuana.

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

Swapp! The THIRD BASEMAN takes one in the face.

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

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

KAFFEE
With what, possession of a condiment?

SPRADLING
Kaffee--

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

SPRADLING
You won't get it.

KAFFEE
I will get it.
(MORE)

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

SPRADLING
B Misdemeanor, 20 days in the brig.

KAFFEE
C Misdemeanor, 15 days restricted duty.

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

KAFFEE
'Cause you have wisdom beyond your years. Dave, can you play third base?

10 INT. CONFERENCE ROOM - DAY 10

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

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

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

CAPTAIN WHITAKER walks in.

WHITAKER
'Morning.

LAWYERS
(school class)
'Morning Captain Whitaker.

WHITAKER
Sam, how's the baby?

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

WHITAKER
How can you tell?

SAM
She just looks like she has something to say.

KAFFEE walks in.

KAFFEE
Excuse me, sorry I'm late.

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

KAFFEE
Thank you, Isaac, that's nice of you.

WHITAKER
Siddown, this first one's for you.

He hands KAFFEE some files.

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

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

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

KAFFEE
Requested to do what?

WHITAKER hands him a file.

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

KAFFEE
What's a fenceline?

WHITAKER
Sam?

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

KAFFEE
Teachers pet.

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

KAFFEE
They poisoned the rag?

WHITAKER
Not according to them.

KAFFEE
What do they say?

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

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

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

SAM
No.

WHITAKER
Sam.

SAM
I have a stack of paper on my desk--

WHITAKER
Work with Kaffee on this.

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

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

SAM
In other words I have no responsibilities whatsoever.

WHITAKER
Right.

SAM
My kinda case.

CUT TO

11 INT. JO'S OFFICE - DAY 11

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

JO looks up.

KAFFEE
Hi.

JO
(beat)
Hi.

KAFFEE
I'm Daniel Kaffee. I was told to meet with--
(checks notes)
--Commander Galloway.

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

KAFFEE
About a briefing.

JO is finding this hard to believe.

JO
You're the attorney that Division assigned?

KAFFEE
I'm lead counsel. This is Sam Weinberg.

SAM
I have no responsibilities here whatsoever.

JO's deeply puzzled.

JO
(beat)
Come in, please, have a seat.

KAFFEE and SAM come into the office and sit.

JO
Lieutenant, how long have you been in the Navy?

KAFFEE
Going on nine months now.

JO
And how long have you been out of law school?

KAFFEE
A little over a year.

JO
(beat)
I see.

KAFFEE
Have I done something wrong?

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

KAFFEE and SAM exchange a look.

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

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

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

JO
Have you ever been in a courtroom?

KAFFEE
I once had my drivers license suspended.

SAM
Danny--

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

JO
No. They'll need a lawyer.

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

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

None of this really means anything to KAFFEE.

JO
Would you like me to take care of that?

KAFFEE
Sure, if you feel like it.

JO takes another beat to size this guy up.

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

KAFFEE
(beat)
Who hasn't?

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

Passing KAFFEE another file--

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

SAM
(whispering to KAFFEE)
Guantanamo Bay.

KAFFEE
I knew that one.

JO
He wrote to his recruiter, the fleet commander, HQ, Atlantic, even his senator. He wanted a transfer. Nobody was listening. You with me?

KAFFEE
Yes.

JO
This last letter to the Naval Investigative Service--

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

JO
(continued)
--where he offers information about Corporal Dawson's fenceline shooting in exchange for a transfer, was just a last ditch effort.

KAFFEE
Right. Is that all?

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

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

JO
(beat)
The victim.

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

JO
Yes, among other--

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

JO
Colonel Jessep, yes, but--

KAFFEE
Twelve years.

JO
I'm sorry?

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

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

KAFFEE
Pretty impressive, huh?

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

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

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

KAFFEE
Sure.

KAFFEE gets up without waiting for JO to say--

JO
You're dismissed.

KAFFEE
Sorry, I always forget that.

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

SAM
He's a little preoccupied.
(beat)
The team's playing Bethesda Medical next week.

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

SAM
About what?

And in VOICE OVER we HEAR--

SANTIAGO (V.O.)
"Dear Sir,"

JO
About being marines.

CUT TO

12 EXT. CUBAN FIELD - DAY 12

A SERIES OF SHOTS - DAY

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

The shots should include:

-- SANTIAGO running along at the rear of a squad of MARINES. It's been over seven miles and he's matted with sweat. A SERGEANT runs up along side, grabs his back, and pushes him to keep up with the group. SANTIAGO falls, struggles to get back up and keep running, and

CUT TO

13 EXT. MARINE BARRACKS - DAY 13

-- SANTIAGO doing push-ups alone in the rain. He's being supervised by a SERGEANT who sees to it that his face hits the mud every time down and

CUT TO

14 INT. MESS HALL - DAY 14

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

CUT TO

15 EXT. MARINE BARRACKS - DAY 15

-- SANTIAGO being chewed out by a Lieutenant in front of his squad and

CUT TO

16 EXT. ROCKY HILL - DAY 16

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

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

Over this, we HEAR

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

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

CUT TO

17 INT. JESSEP'S OFFICE - DAY 17

THE LETTER - DAY

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

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

And as these last words are spoken, we

PULL BACK TO REVEAL

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

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

JESSEP
Who the fuck is PFC William T. Santiago.

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

KENDRICK
Sir, Santiago is a member of Second Platoon, Delta.

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

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

JESSEP
Matthew?

MARKINSON
I'm appalled, sir.

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

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

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

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

KENDRICK
My methods of leadership are--

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

JESSEP
And I'm yours, Matthew.

The room calms down for a moment.

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

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

JESSEP
He's that bad, huh?

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

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

The ORDERLY comes in from the outer office.

ORDERLY
Sir!

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

ORDERLY
Yes sir!

JESSEP
Wait a minute, Tom.

The ORDERLY stops.

JESSEP
Don't call the President just yet. Maybe we should consider this for a second. Maybe--and I'm just spit balling here--but maybe we as officers have a responsibility to train Santiago. Maybe we as officers have a responsibility to this country to see that the men and women charged with its security are trained professionals. Yes. I'm certain I once read that somewhere. And now I'm thinking that your suggestion of transferring Santiago, while expeditious, and certainly painless, might not be in a manner of speaking, the American way. Santiago stays where he is. We're gonna train the lad. You're in charge, Jon. Santiago doesn't make 4.1 on his next fitness report, I'm gonna blame you. Then I'm gonna kill you.

KENDRICK
Yes sir.

MARKINSON
I think that's a mistake, Colonel.

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

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

JESSEP
Dismissed.

KENDRICK is gone.

JESSEP
Matthew, sit, please.

MARKINSON sits.

JESSEP
What do you think of Kendrick?

MARKINSON
(beat)
I don't know that--

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

MARKINSON starts to stand--

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

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

CUT TO

18 EXT. WASHINGTON NAVY YARD - MAIN GATE - DAY 18

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

CUT TO

19 EXT. THE BRIG - DAY 19

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

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

DAWSON's his hero.

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

DOWNEY
Hal?

DAWSON doesn't say anything.

DOWNEY
Is this Washington, D.C.?

M.P.
Alright, let's move.

CUT TO

20 EXT. SOFTBALL FIELD - DAY 20

and KAFFEE's at it again.

KAFFEE
Alright, let's get tough out there!

JO walks up from behind the backstop.

JO
Excuse me.

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

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

KAFFEE
That's okay, neither can they.

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

KAFFEE
Say again?

JO
Dawson and Downey.

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

JO
Dawson! Downey! Your clients!

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

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

KAFFEE
We need the practice.

JO
That wasn't funny.

KAFFEE
It was a little funny.

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

KAFFEE
Why?

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

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

JO just stares.

KAFFEE
Oh come on, that was damn funny.

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

JO
I do know you. Daniel Allistair Kaffee, born June 8th, 1964 at Boston Mercy Hospital. Your father's Lionel Kaffee, former Navy Judge Advocate and Attorney General of the United States, died 1985. You went to Harvard Law on a Navy scholarship, probably because that's what your father wanted you to do, and now you're just treading water for the three years you've gotta serve in the JAG Corps, just kinda layin' low 'til you can get out and get a real job. And if that's the situation, that's fine, I won't tell anyone. But my feeling is that if this case is handled in the same fast-food, slick-ass, Persian Bazaar manner with which you seem to handle everything else, something's gonna get missed. And I wouldn't be doing my job if I allowed Dawson and Downey to spend any more time in prison than absolutely necessary, because their attorney had pre-determined the path of least resistance.

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

KAFFEE
Wow.
(beat)
I'm sexually aroused, Commander.

JO
I don't think your clients murdered anybody.

KAFFEE
What are you basing this on?

JO
There was no intent.

KAFFEE
The doctor's report says that Santiago died of asphyxiation brought on by acute lactic acidosis, and that the nature of the acidosis strongly suggests poisoning.
(beat)
Now, I don't know what any of that means, but it sounds pretty bad.

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

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

JO
I'm gonna speak to your supervisor.

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

JO
Thank you.

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

JO
Do you know what a code red is?

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

JO
What a pity.

CUT TO

21 INT. THE BRIG - DAY 21

And an M.P. is leading KAFFEE and SAM down to DAWSON and DOWNEY's cell.

M.P.
Officer on deck, ten-hut.

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

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

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

DAWSON
Sir, yes sir!

DOWNEY
Sir, PFC Louden Downey.

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

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

KAFFEE
(to DAWSON)
Is this your signature?

DAWSON
Yes sir.

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

DOWNEY
Sir, yes sir.

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

DAWSON
Sir, a Code Red is a disciplinary engagement.

KAFFEE
What does that mean, exactly?

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

KAFFEE
What's a garden variety Code Red?

DAWSON
Sir?

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

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

KAFFEE
What's that?

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

SAM
Beautiful.

KAFFEE
Was the attack on Santiago a Code Red?

DAWSON
Yes sir.

KAFFEE
(to DOWNEY)
Do you ever talk?

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

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

DOWNEY
No sir.

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

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

KAFFEE
When all of a sudden...?

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

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

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

DAWSON
No sir.

KAFFEE
Were you there when the ambulance got there?

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

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

SAM
(to DAWSON)
On the night of August 2nd, did you fire a shot across the fenceline into Cuba?

DAWSON
Yes sir.

SAM
Why?

DAWSON
My mirror engaged, sir.

KAFFEE
(to SAM)
His mirror engaged?

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

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

DAWSON says nothing.

KAFFEE
Oh, Harold?

SAM is staring at DAWSON.

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

DAWSON
Because he broke the chain of command, sir.

KAFFEE
He what?

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

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

DAWSON
No sir.

KAFFEE
What was your intent?

DAWSON
To train him, sir.

KAFFEE
Train him to do what?

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

SAM
What's the code?

DAWSON
Unit Corps God Country.

SAM
I beg your pardon?

DAWSON
Unit Corps God Country, sir.

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

DAWSON stares at KAFFEE.

DAWSON
That's our Code, sir.

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

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

DAWSON
Sir. No thank you. Sir.

KAFFEE smiles at DAWSON

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

DAWSON
Sir?

KAFFEE
I'm the only friend you've got.

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

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

CUT TO

22 INT. KAFFEE'S OFFICE - DAY 22

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

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

ROSS
Dan Kaffee.

KAFFEE
Smilin' Jack Ross.

ROSS
Welcome to the big time.

KAFFEE
You think so?

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

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

ROSS
They plead guilty to manslaughter, I'll drop the conspiracy and the conduct unbecoming. 20 years, they'll be home in half that time.

KAFFEE
I want twelve.

ROSS
Can't do it.

KAFFEE
They called the ambulance, Jack.

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

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

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

KAFFEE
What do you know about Code Reds?

ROSS smiles and shakes his head.

ROSS
Oh man.

He closes the office door.

ROSS
Are we off the record?

KAFFEE
You tell me.

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

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

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

He picks up his briefcase and cleats.

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

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

CUT TO

23 EXT. THE PARKING LOT - DUSK 23

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

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

JO
Hi there.

KAFFEE
Any luck getting me replaced?

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

KAFFEE
Commander--

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

KAFFEE
Look, I don't--

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

KAFFEE
Commander--

JO
You can call me Joanne.

KAFFEE
Joanne--

JO
Or Jo.

KAFFEE
Jo?

JO
Yes.

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

JO
I had authorization.

KAFFEE
From where?

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

KAFFEE
You got authorization from Aunt Ginny?

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

KAFFEE
You got authorization from Aunt Ginny.

JO
Perfectly within my province.

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

JO steps aside and lets KAFFEE get into his car.

JO
I'm going to Cuba with you tomorrow.

KAFFEE
And the hits just keep on comin'.

HOLD on KAFFEE and JO. JO smiles.

CUT TO

24 EXT. SIDEWALK NEWSSTAND - DUSK 24

KAFFEE IN HIS CAR

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

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

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

KAFFEE
How's it goin', Luther?

LUTHER
Another day, another dollar, Captain.

KAFFEE
You gotta play 'em as they lay, Luther.

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

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

LUTHER
Hey, if you've got your health, you got everything.

KAFFEE
Love makes the world go round. I'll see you tomorrow, Luther.

And we

CUT TO

25 INT. SAM'S LIVING ROOM - NIGHT 25

A BABY SLEEPING IN A CRIB

PULL BACK TO REVEAL

SAM is standing over the crib. KAFFEE's sitting on the couch drinking a beer.

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

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

SAM
Oh come on, it was a word.

KAFFEE
Okay.

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

KAFFEE
She was pointing at a doorknob.

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

SAM joins KAFFEE in the living room.

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

SAM
That's what you wanted.

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

SAM
So?

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

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

KAFFEE finishes off his beer, and stands.

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

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

KAFFEE nods and puts down the empty beer bottle.

KAFFEE
I'll see you tomorrow.

SAM opens the front door for him and they stand out on the stoop for a moment.

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

KAFFEE
I don't like the whites.

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

KAFFEE
Dramamine keeps you cool?

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

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

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

KAFFEE
Yeah, right.

KAFFEE starts toward his car, then turns around.

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

SAM
(beat)
So?

KAFFEE
I never mentioned Kendrick. I don't even know who he is.
(beat)
What the hell.
(beat)
I'll see you tomorrow.

We hold for a moment on KAFFEE as he walks to his car, then

CUT TO

26 EXT. THE AIRSTRIP AT GUANTANAMO BAY - DAY 26

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

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

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

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

HOWARD shouts over the noise from the planes.

HOWARD
Lieutenants Kaffee and Weinberg?

KAFFEE
(shouting)
Yeah.

JO
Commander Galloway.

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

JO
Thank you.

HOWARD
I've got some camouflage jackets in the back of the jeep, sirs, I'll have to ask you both to put them on.

KAFFEE
Camouflage jackets?

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

KAFFEE turns and glares at SAM.

KAFFEE
Good call, Sam.

CUT TO

27 EXT. CUBAN ROAD - THE JEEP - DAY 27

Tearing along down the road, and now we see

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

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

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

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

KAFFEE
Nobody said anything about a boat.

HOWARD
(shouting)
Is there a problem, sir?

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

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

KAFFEE
(shouting)
Nobody likes her very much.

HOWARD
(shouting)
Yes sir.

The jeep drives on and we

CUT TO

28 INT. JESSEP'S OFFICE - DAY 28

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

JESSEP
Nathan Jessep, come on in and siddown.

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

JO
(shaking hands)
Colonel.

JESSEP
Pleased to meet you, Commander.

KAFFEE
Sam Weinberg. He has no responsibilities here whatsoever.

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

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

KAFFEE smiles and nods.

JESSEP
Lionel Kaffee?

KAFFEE
Yes sir.

JESSEP
Well what do you know. Jon, this man's dad once made a lot of enemies down in your neck of the woods. Jefferson vs. Madison County School District.
(MORE)

JESSEP (cont'd)
The folks down there said a little black girl couldn't go to an all white school, Lionel Kaffee said we'll just see about that. How the hell is your dad?

KAFFEE
He passed away seven years ago, colonel.

JESSEP
(pause)
Well...don't I feel like the fuckin' asshole.

KAFFEE
Not at all, sir.

JESSEP
Well, what can we do for you, Danny.

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

JO
The JAG Corps can be demanding that way.

JESSEP smiles.

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

KAFFEE
Fine, sir.

CUT TO

29 EXT. THE FENCELINE - DAY 29

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

We FOLLOW the jeep.

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

KENDRICK
Yes.

KAFFEE
What'd you guys talk about?

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

KAFFEE
What time was that meeting?

KENDRICK
Sixteen-hundred.

KAFFEE turns around and looks at SAM.

SAM
(leaning forward)
Four o'clock.

CUT TO

30 INT. THE BARRACKS CORRIDOR - DAY 30

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

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

31 INT. SANTIAGO'S ROOM - DAY 31

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

The LAWYERS look around for a moment.

The room is sparse.

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

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

KAFFEE closes the footlocker.

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

KENDRICK
Actually, the uniforms belong to the marine corps.

The LAWYERS take a moment.

KAFFEE
Lt. Kendrick--can I call you Jon?

KENDRICK
No, you may not.

KAFFEE
(beat)
Have I done something to offend you?

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

JO
Lt. Kendrick, do you think Santiago was murdered?

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

SAM turns to KAFFEE.

SAM
How do you feel about that theory?

KAFFEE
(beat)
Sounds good. Let's move on.

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

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

KAFFEE
(beat)
I'm pacing myself.

CUT TO

32 INT. THE OFFICERS CLUB - DAY 32

JESSEP, MARKINSON, KENDRICK and the LAWYERS are seated at a table in the corner.

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

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

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

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

STEWARD
Our pleasure, sir.

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

JESSEP
Shoot.

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

JESSEP
Yes.

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

JESSEP
Yes.

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

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

JESSEP
Thank you.

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

JESSEP
Yes.

KAFFEE
And what happened then?

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

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

MARKINSON doesn't flinch.

KAFFEE
Santiago was set to be transferred?

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

KAFFEE nods.

KAFFEE
Yeah.

There's silence for a moment.

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

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

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

KAFFEE
(standing)
Thank you.

JO
Wait a minute, I've got some questions.

KAFFEE
No you don't.

JO
Yes I do.

KAFFEE
No you don't.

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

KAFFEE
Jo--

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

KAFFEE
(to JO)
See? The man was dead. Let's go.

JO
(to JESSEP)
I was wondering if you've ever heard the term Code Red.

KAFFEE
Jo--

JESSEP
I've heard the term, yes.

JO
Colonel, this past February, you received a cautionary memo from the Naval Investigative Service, warning that the practice of enlisted men disciplining their own wasn't to be condoned by officers.

JESSEP
I submit to you that whoever wrote that memo has never served on the working end of a Soviet-made Cuban M1-A16 Assault Rifle. However, the directive having come from the NIS, I gave it its due attention. What's your point, Jo?

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

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

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

JO
Yes he does.

KAFFEE
No, he really doesn't.

JO
Yeah, he really does. Colonel?

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

KAFFEE
Yes sir.

JESSEP
I want to tell you something Danny and listen up 'cause I mean this: You're the luckiest man in the world. There is, believe me gentlemen, nothing sexier on earth than a woman you have to salute in the morning. Promote 'em all I say.

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

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

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

JO
I need an answer to my question, sir.

JESSEP
Take caution in your tone, Commander. I'm a fair guy, but this fuckin' heat's making me absolutely crazy. You want to know about code reds? On the record I tell you that I discourage the practice in accordance with the NIS directive. Off the record I tell you that it's an invaluable part of close infantry training, and if it happens to go on without my knowledge, so be it. I run my base how I run my base.
(MORE)

JESSEP (cont'd)
You want to investigate me, roll the dice and take your chances. I eat breakfast 80 yards away from 4000 Cubans who are trained to kill me. So don't for one second think you're gonna come down here, flash a badge, and make me nervous.

A moment of tense silence before--

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

JESSEP
What's that?

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

JESSEP
For the file.

KAFFEE
Yeah.

JESSEP
(pause)
Of course you can have a copy of the transfer order. For the file. I'm here to help anyway I can.

KAFFEE
Thank you.

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

KAFFEE
Of course.

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

KAFFEE
(to JO and SAM)
Let's go.

The LAWYERS start to leave.

JESSEP
But you have to ask me nicely.

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

KAFFEE
I beg your pardon?

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

KAFFEE and JESSEP are frozen. Everyone's staring at Kaffee; The OFFICERS at their tables...KENDRICK...SAM...MARKINSON... JO...

KAFFEE makes his decision.

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

JESSEP smiles.

JESSEP
No problem.

HOLD for a moment. JO's very disappointed.

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

JESSEP
I hate casualties, Matthew. There are casualties even in victory. A marine smothers a grenade and saves his platoon, that marine's a hero. The foundation of the unit, the fabric of this base, the spirit of the Corps, these are things worth fighting for.

MARKINSON looks at the ground.

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

MARKINSON looks up as we

CUT TO

33 EXT. ANDREWS AIRFORCE BASE - DUSK 33

As a plane touches down on the runway.

It's dusk in Washington and

CUT TO

34 EXT. KAFFEE'S APARTMENT - DAY 34

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

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

KAFFEE
Who is it?

JO (O.S.)
It's me.

KAFFEE opens the door and JO walks in.

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

JO
Markinson resigned his commission.

KAFFEE
(pause)
When?

JO
This afternoon. Sometime after we left.

KAFFEE
I'll talk to him in the morning.

JO
I already tried, I can't find him.

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

JO hands KAFFEE the file she's been holding.

JO
I'm Louden Downey's attorney.

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

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

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

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

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

KAFFEE hands her back the file.

KAFFEE
Splendid.

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

CUT TO

35 INT. A HOLDING ROOM IN THE BRIG - NIGHT 35

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

DAWSON
Officer on deck, ten hut.

KAFFEE starts in immediately.

KAFFEE
Did Kendrick order the code red?

DAWSON
Sir?

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

DAWSON
Yes sir.

KAFFEE
(to DOWNEY)
Did he?

DOWNEY
Yes sir.

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

DAWSON
You didn't ask us, sir.

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

DAWSON
Yes sir. I know you do, sir.

KAFFEE
Fuck you, Harold.

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

JO
Alright. Let's sort this out. There was a platoon meeting on August 6th at four in the afternoon. And Lt. Kendrick says he gave strict instructions that nothing was to happen to Santiago. Now is that true? I want you to speak freely.

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

JO
And what happened then?

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

KAFFEE
When?

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

KAFFEE
And what happened then?

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

CUT TO

36 INT. THE GYMNASIUM - NIGHT 36

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

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

KAFFEE shouts--

KAFFEE
Jack!

But ROSS is into the game...

KAFFEE
Jack!!

ROSS
(waving him off)
Hang on...

KAFFEE
They were given an order.

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

JO
How long have you known about the order?

ROSS
I didn't--
(to KAFFEE)
Who is this?

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

ROSS
What exactly are you accusing me of, commander?

JO
I'm accusing you of--

They're in the

37 INT. LOCKER ROOM - NIGHT 37

and KAFFEE slams the door shut behind them.

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

ROSS
Kendrick specifically told the men not to touch Santiago.

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

ROSS
That's not what Kendrick said.

KAFFEE
Kendrick's lying.

ROSS
You have proof?

KAFFEE
I have the defendants.

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

KAFFEE
Why did Markinson resign his commission?

ROSS
We'll never know.

KAFFEE
You don't think I can subpoena Markinson?

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

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

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

KAFFEE
How much room?

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

JO
No deal, we're going to a jury.

KAFFEE
Jo--

ROSS
No you're not.

JO
Why not?

ROSS
'Cause you'll lose, and Danny knows it. And he knows that if we go to court, I'll have to go all the way, they'll be charged with the whole truckload. Murder, Conspiracy, Conduct Unbecoming, and even though he's got me by the balls out here, Danny knows that in a courtroom, he loses this case. Danny's an awfully talented lawyer, and he's not about to see his clients go to jail for life when he knows they could be home in six months.

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

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

ROSS turns and heads back to the gym as we

CUT TO

38 INT. A HOLDING ROOM - NIGHT 38

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

KAFFEE lights a cigarette.

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

DAWSON and DOWNEY say nothing.

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

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

KAFFEE
Do what?

DAWSON
Make a deal, sir.

KAFFEE
What are you talking about?

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

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

KAFFEE
Did you--
(to DAWSON and DOWNEY)
Did she put you up to this?

JO
No.

DAWSON
We have a code, sir.

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

DAWSON just stares at him.

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

DAWSON
Permission to-

KAFFEE
Speak!

DAWSON
What do we do then, sir?

KAFFEE
When?

DAWSON
After six months. We'd be dishonorably discharged, right sir?

KAFFEE
Yes.

DAWSON
What do we do then, sir? We joined the Corps 'cause we wanted to live our lives by a certain code. And we found it in the corps. And now you're asking us to sign a piece of paper that says we have no honor. You're asking us to say we're not marines. If a judge and jury decide that what we did was wrong, I'll accept whatever punishment they give. But I believe I was right, sir. I believe I did my job. And I won't dishonor myself, my unit, or the Corps, so that I can go home in six months.
(beat)
Sir.

HOLD ON the four of them for a moment, then

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

JO waits just a moment before she calls out--

JO
M.P.!
(to DOWNEY)
Let's go in another room. Louden, everything's gonna be alright.

The M.P. has shown up and unlocked the cell door.

JO
(to M.P.)
We're gonna go into a holding room.

M.P.
Aye, aye, ma'am.

JO, DOWNEY, and the M.P. are gone.

KAFFEE paces a moment before he says--

KAFFEE
You don't like me that much, do you?
(beat)
Forget it, don't answer that, it doesn't matter.

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

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

DAWSON
Do you think we were right?

KAFFEE
It doesn't matter what I--

DAWSON
Do you think we were right?

KAFFEE gets up.

KAFFEE
(beat)
I think you'd lose.

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

KAFFEE stares at DAWSON.

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

KAFFEE calls out--

KAFFEE
M.P.!

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

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

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

The cell door closes and we

CUT TO

39 INT. THE OFFICE CORRIDOR - NIGHT 39

One light is on at the end of the hall.

CUT TO

40 INT. KAFFEE'S OFFICE - NIGHT 40

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

KAFFEE
Dawson's gonna go to jail just to spite me. Fine. If he wants to jump off a cliff, that's his business. I'm not gonna hold his hand on the way down.
(to SAM)
I want to get him a new lawyer. How do I do it?

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

KAFFEE
(beat)
Then that's that.

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

KAFFEE
What do you want from me?

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

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

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

There's a pause in the room.

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

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

JO
Why are you so afraid to be a lawyer?

KAFFEE
Look--

JO
Were daddy's expectations really that high?

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

JO
Another lawyer won't be good enough. They need you.
(MORE)

JO (cont'd)
(pause)
You know how to win.
(beat)
You know they have a case. And you know how to win. You walk away from this now, and you have sealed their fate.

KAFFEE
Their fate was sealed the moment Santiago died.

JO
Do you believe they have a defense?

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

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

JO
You know nothing about the law. You're a used car salesman, Daniel. You're an ambulance chaser with a rank. You're nothing.
(beat)
Live with that.

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

CUT TO

41 INT. A GEORGETOWN BAR - NIGHT 41

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

YUPPIE LAWYER
...so I told Duncan if we leverage the acquisition of BioTech, the interrogatories would be there on demand. All I have to do is not pick up the phone and it'll run Flaherty ten-thousand a day in court costs.

We HOLD on a KAFFEE a moment longer, then

CUT TO

42 EXT. A GEORGETOWN STREET - NIGHT 42

KAFFEE sits on a bench in the night. He takes a sip from a bottle he's holding in a brown paper bag.

CUT TO

43 EXT. THE PARADE GROUNDS - DAY 43

A bright, sunny morning. The BAND is performing for a group of DAY CAMPERS.

CUT TO

44 INT. THE COURTROOM - DAY 44

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

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

SERGEANT AT ARMS
All rise.

Everyone present in the courtroom stands.

RANDOLPH
Where are we?

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

RANDOLPH
Does defense wish to enter a plea?

KAFFEE stands.

KAFFEE
Yeah.
(pause)
They're not guilty.

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

RANDOLPH looks at KAFFEE and ROSS, then turns to the SERGEANT AT ARMS.

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

He raps the gavel.

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

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

KAFFEE
Why does a junior grade with six months experience and a track record for plea bargaining get assigned a murder case?
(beat)
Would it be so that it never sees the inside of a courtroom?

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

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

JO's still stunned.

JO
Yeah.

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

KAFFEE
So this is what a courtroom looks like.

He walks out the door, and we

CUT TO

45 INT. KAFFEE'S APARTMENT - NIGHT 45

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

INTENT CODE RED THE ORDER

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

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

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

KAFFEE
Are you Markinson?

SAM
No.

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

SAM doesn't laugh.

KAFFEE
What.

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

KAFFEE
(pause)
They were following an order, Sam.

SAM
An illegal order.

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

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

KAFFEE
They're not permitted to question orders.

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

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

SAM looks away. He doesn't buy it.

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

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

But we stay with KAFFEE and SAM a moment longer. .

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

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

SAM
Did you get any dumplings?

CUT TO

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

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

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

SAM
What about motive?

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

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

KAFFEE
Relax. We'll deal with the fenceline shooting when it comes up. For now we start here--
(pointing to INTENT)
I don't know what made Santiago die, I don't want to know. I just want to be able to show it could've been something other than poison. Jo, talk to doctors. Find out everything there is to know about lactic acidosis. Let's start prepping for Stone.

JO
As long as we're on the subject of the doctor--

KAFFEE
Here we go.

JO
Listen to me, three o'clock he doesn't know what killed Santiago, then he meets with Jessep, and at five o'clock he says it was poison? The doctor's covering up the truth.

KAFFEE
Oh, that's a relief. I was afraid I wouldn't be able to use the "Liar, Liar, Pants on Fire" defense. We can't prove coercion!! Alright, fitness reports and biographical information.

SAM
Cartons 3 and 4.

KAFFEE looks at the cartons and the mind-numbing amount of paper.

KAFFEE
No Cliff-Notes on these things?

DISSOLVE TO

47 INT. KAFFEE'S APARTMENT - NIGHT 47

A SERIES OF SCENES

The scenes cover the three weeks of preparation leading up to the trial, and are interspersed with shots of Kaffee's apartment getting messier, KAFFEE, JO and SAM flipping through documents and reference books, writing on the blackboard, dozing off...

...we start with

48 INT. KAFFEE'S APARTMENT - NIGHT 48

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

JO
(into phone)
Captain Hill, this is Lt. Commander Galloway, I'm an internal affairs officer with the JAG Corps in Washington, D.C. I'm trying to track down a Captain Matthew Andrew Markinson, USMC...

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

SAM
No.

KAFFEE
No scrapes?

SAM
No.

KAFFEE
No cuts?

JO
(into phone)
He resigned his commission a week ago Thursday.

KAFFEE
Bruises? Broken bones?

SAM
No.

JO
(into phone)
No, please don't put me on hold--

KAFFEE
Doctor, was there any sign of violence?

SAM
(beat)
You mean other than the dead body?

KAFFEE
Fuck!! I walk into that every goddam time!

SAM
Don't ask the last question.

CUT TO

49 INT. A LAW LIBRARY - NIGHT 49

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

CUT TO

50 INT. A COFFEE SHOP - DAY 50

The LAWYERS have their books and papers spread out in front of them.

KAFFEE
Lt. Kendrick, the type of disciplinary action, or "training" as you say--

JO
Object.

KAFFEE
Please the Court, I maintain that nothing could be more relevant than what the defendants learned by the example of, among others, the witness.

JO
Nice.

CUT TO

51 INT. KAFFEE'S APARTMENT - NIGHT 51

MOS--KAFFEE's paying the PIZZA MAN again. He goes into the living room where SAM is on the "stand". It's getting hard to see the floor from all the papers, cartons, books, pizza boxes, etc., and

CUT TO

52 INT. THE BRIG - DAY 52

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

JO
And what happened after Kendrick came into your room?

DOWNEY
(beat)
He ordered me and Corporal Dawson to give Willy a Code Red.

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

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

CUT TO

53 INT. THE APARTMENT - NIGHT 53

MOS--The clock reads 3:37, and KAFFEE, in sweatpants and a bathrobe, is pacing around slowly with his baseball bat and

CUT TO

54 INT. THE APARTMENT - NIGHT 54

SAM and JO are listening to a lecture for the 14th time.

KAFFEE
Poker faces. Don't flinch in front of the jury.
(MORE)

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

JO/SAM
Do it swiftly, but don't look overanxious.

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

JO
Really?

KAFFEE
I was talking to Sam.

SAM
What time is it?

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

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

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

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

SAM
I'll see you in court.

SAM steps out the door.

JO looks at the ground, then up at KAFFEE.

JO
Danny--

KAFFEE
I know what you're gonna say. You don't have to. We've had our differences. I've said some things I didn't mean, you've said some things you didn't mean, but you're happy that I stuck with the case.
(MORE)

KAFFEE (cont'd)
And if you've gained a certain respect for me over the last three weeks that you didn't have before, well, of course I'm happy about that, but we don't have to make a whole big deal out of it. You like me. I won't make you say it.

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

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

JO
We're ready.

KAFFEE
Bet your ass.

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

KAFFEE
We're gonna get creamed.

CUT TO

55 INT. THE COURTHOUSE CORRIDOR - DAY 55

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

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

56 INT. THE COURTROOM - DAY 56

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

MAN (O.S.)
Lieutenant Kaffee?

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

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

KAFFEE
(pause)
I'll do my best.

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

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

KAFFEE
You're Aunt Ginny?

GINNY
Uh-huh.

KAFFEE
I'm sorry, I was expecting someone older.

GINNY
So was I.

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

He walks over to ROSS.

KAFFEE
Last chance. I'll flip you for it.

RANDOLPH enters.

SERGEANT AT ARMS
All rise.

ROSS
Too late.

KAFFEE walks back to his table as

SERGEANT AT ARMS
All those having business with this General Court-Martial, stand forward and you shall be heard. Captain Julius Alexander Randolph is presiding. God save the United States of America.

RANDOLPH raps the gavel.

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

ROSS
No objection, your honor.

KAFFEE
No objection.

RANDOLPH
Is the Government prepared to make an opening statement?

ROSS
(standing)
Yes sir.

ROSS walks to the jury box.

ROSS
The facts of the case are this: At midnight on August 6th, the defendants, went into the barracks room of their platoon-mate, PFC William Santiago. They woke him up, tied his arms and legs with rope, and forced a rag into his throat. A few minutes later, a chemical reaction in Santiago's body called lactic acidosis caused his lungs to begin bleeding. He drowned in his own blood and was pronounced dead at 32 minutes past midnight. These are the facts of the case. And they are undisputed. That's right. The story I just told you is the exact same story you're going to hear from Corporal Dawson, and it's the exact same story you're going to hear from Private Downey. Furthermore, the Government will also demonstrate that the defendants soaked the rag with poison, and entered Santiago's room with motive and intent to kill.
(beat)
Now, Lt. Kaffee, is gonna try to pull off a little magic act, he's gonna try a little misdirection. He's going to astonish you with stories of rituals and dazzle you with official sounding terms like Code Red. He might even cut into a few officers for you. He'll have no evidence, mind you, none. But it's gonna be entertaining.
(MORE)

ROSS (cont'd)
And when we get to the end, all the magic in the world will not have been able to divert your attention from the fact that Willy Santiago is dead, and Dawson and Downey killed him. These are the facts of the case.
(beat)
And they are undisputed.

ROSS walks back to his seat.

RANDOLPH
Lt. Kaffee?

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

KAFFEE
There was no poison on the rag and there was no intent to kill and any attempt to prove otherwise is futile because it just ain't true.
(beat)
When Dawson and Downey went into Santiago's room that night, it wasn't because of vengeance or hatred, it wasn't to kill or harm, and it wasn't because they were looking for kicks on a Friday night. It's because it was what they were ordered to do.
(beat)
Let me say that again: It's because it was what they were ordered to do. Now, out in the real world, that means nothing. And here at the Washington Navy Yard, it doesn't mean a whole lot more. But if you're a marine assigned to Rifle Security Company Windward, Guantanamo Bay, Cuba, and you're given an order, you follow it or you pack your bags.
(beat)
Make no mistake about it, Harold Dawson and Louden Downey are sitting before you in judgement today because they did their job.

KAFFEE walks back to the table and takes his seat.

RANDOLPH
Is the Government ready to call its first witness?

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

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

He leans over to DAWSON and whispers.

KAFFEE
How you doin'?

DAWSON doesn't change his expression.

KAFFEE
Good.

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

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

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

MCGUIRE
We did.

ROSS
What did the letter say?

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

ROSS
Was that marine identified in the letter?

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

ROSS
And what did you find?

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

ROSS
And who was that?

MCGUIRE
Lance Corporal Harold Dawson.

ROSS
(to KAFFEE)
Your witness.

ROSS goes back to his table. KAFFEE stands.

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

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

KAFFEE
But you don't believe him.

MCGUIRE
It's not my place--

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

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

KAFFEE
Thank you.

KAFFEE sits.

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

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

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

MCGUIRE
No.

ROSS
No more questions.

DISSOLVE TO

57 INT. THE COURTROOM - LATER THAT DAY 57

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

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

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

HAMMAKER
Yes sir.

ROSS
Would you tell the Court the substance of that meeting?

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

ROSS
Did that make you mad?
(pause)
You can tell the truth, corporal, it's alright. Did it make you mad?

HAMMAKER
Yes sir.

ROSS
How mad?

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

ROSS
Were the other members of the squad angry?

KAFFEE
Object--

ROSS
Were Dawson and Downey?

KAFFEE
Please the Court, is the judge advocate honestly asking this witness to testify as to how the defendants felt on August 6th?

RANDOLPH
Sustained.

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

HAMMAKER
Yes sir.

ROSS
What was it?

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

ROSS
What was the order?

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

ROSS
(to KAFFEE)
Your witness.

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

HAMMAKER
No sir.

KAFFEE
Thanks, I have no more questions.

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

KAFFEE makes a decision.

ROSS
The Government calls Corporal Raymond Thomas--

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

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

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

RANDOLPH
(to ROSS)
Lieutenant?

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

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

CUT TO

58 SHOT OF WASHINGTON AT NIGHT 58

DISSOLVE TO

THE PARADE GROUNDS - EARLY MORNING

Two SAILORS are raising the flag.

CUT TO

59 INT. THE COURTROOM - DAY 59

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

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

ROSS
Dr. Stone, what's lactic acidosis?

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

ROSS
How long does it take for the muscles and other cells to begin burning oxygen instead of sugar?

STONE
Twenty to thirty minutes.

ROSS
And what caused Santiago's muscles and other cells to start burning sugar?

STONE
An ingested poison of some kind.

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

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

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

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

KAFFEE
Not at all, sir. Objection withdrawn.

KAFFEE sits.

ROSS
Doctor Stone, did Willy Santiago die of poisoning?

STONE
Absolutely.

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

STONE
Yes I am.

ROSS
Then how do you justify--

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

ROSS
Thank you, sir.

KAFFEE gets up.

KAFFEE
Commander, you testified that it takes lactic acidosis 20 to 30 minutes before it becomes lethal.

STONE
Yes.

KAFFEE
Let me ask you, is it possible for a person to have an affliction, some sort of condition, which might, in the case of this person, actually speed up the process of acidosis dramatically?

STONE says nothing for a moment.

KAFFEE
Commander, is it possible?

STONE
Certainly.

KAFFEE
What might some of those conditions be?

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

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

STONE
(pause)
It would have to be a very serious condition.

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

STONE
Possibly. There would still be symptoms, though.

KAFFEE
What kind of symptoms?

STONE
There are hundreds of symptoms of a--

KAFFEE
Chest pains?

STONE
(beat)
Yes.

KAFFEE
Shortness of breath?

STONE
Yes.

KAFFEE
Fatigue?

STONE
Of course.

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

KAFFEE
Doctor, is this your signature?

STONE
Yes it is.

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

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

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

STONE
No. I personally give the men a physical examination every three months. And every three months Private Santiago got a clean bill of health.

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

ROSS
Object. Move to strike.

RANDOLPH
Sustained. Strike it.

KAFFEE
No more questions, judge.

ROSS stands immediately.

ROSS
Dr. Stone, you've held a license to practice medicine for 21 years, you are Board Certified in Internal Medicine, you are the Chief of Internal Medicine at a hospital which serves over 8000 men. In your professional opinion, was Willy Santiago poisoned?

JO stands.

JO
Your Honor, we re-new our objection to Commander Stone's testimony, and ask that it be stricken from the record.
(MORE)

JO (cont'd)
And we further ask that the Court instruct the jury to lend no weight to this witness's testimony.

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

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

RANDOLPH
The objection's overruled, counsel.

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

RANDOLPH
The objection of the defense has been heard and overruled.

JO
Exception.

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

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

STONE
Yes.

ROSS
Thank you, sir, I have no more questions.

RANDOLPH
Commander, you may step down.

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

RANDOLPH
We'll stand in recess until ten-hundred hours this Monday, the 19th, at which time the defense will call its first witness.

RANDOLPH raps his gavel.

SERGEANT AT ARMS
Ten hut.

And the courtroom begins clearing out.

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

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

JO
I got it on the record.

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

KAFFEE
Sam--

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

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

There's an uncomfortable silence.

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

SAM starts to leave. JO turns and says

JO
Why do you hate them so much?

SAM stops and turns around.

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

A long silence. KAFFEE makes a decision.

KAFFEE
Alright. Everybody take the night off.

SAM
I apologize, I'm--

KAFFEE
It's alright. We've been working 20 hour days for three and a half weeks straight. Take the night off. Go see your wife, see your daughter. Jo, do whatever it is you do when you're not here. What day is tomorrow?

SAM
Saturday.

KAFFEE
We'll start at ten.

KAFFEE picks up his stuff and walks out.

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

SAM
Why do you like them so much?

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

Despite their differences, SAM likes this woman.

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

CUT TO

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

KAFFEE calls out--

KAFFEE
M.P.!

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

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

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

The cell door closes and we

CUT TO

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CUT TO

60 INT. KAFFEE'S APARTMENT - NIGHT 60

A baseball game is on.

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

INTENT CODE RED THE ORDER

He's studying it. Studying it hard.

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

JO is standing in the doorway.

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

KAFFEE
No, I was just watching a baseball game.

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

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

JO
No.

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

JO
I wasn't.

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

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

CUT TO

61 INT. A SEAFOOD RESTAURANT - NIGHT 61

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

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

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

JO
15 days.

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

JO
After that, they moved me to internal affairs.

KAFFEE
Tough to blame them.

JO
Where I've earned two distinguished service medals and two letters of commendation.

KAFFEE
Why are you always giving me your resume?

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

KAFFEE
I do.

JO
No you don't.
(beat)
I think you're an exceptional lawyer. I watch the jurors, they respond to you, they like you. I see you convincing them. I think Dawson and Downey are gonna end up owing their lives to you.

KAFFEE
(pause)
Jo...I think you have to prepare yourself for the fact that we're gonna lose.
(beat)
Ross's opening speech, it was all true.
(beat)
I mean, let's pretend for a minute that it would actually matter to this jury that the guys were given an order. I can't prove it ever happened.
(beat)
We'll keep doing what we're doing, and we'll put on a show, but at the end of the day, all we have is the testimony of two people accused of murder.

JO
We'll find Markinson.

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

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

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

CUT TO

62 INT. THE COURTROOM - DAY 62

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

KAFFEE
Corporal Howard, name some reasons why a marine would get a code red?

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

KAFFEE
Have you ever received a code red?

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

KAFFEE
And what happened?

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

KAFFEE
Was Private Santiago ever late for platoon meetings?

HOWARD
Yes sir.

KAFFEE
Was his barracks ever in disorder?

HOWARD
Yes sir.

KAFFEE
Did he ever fall back on a run?

HOWARD
All the time, sir.

KAFFEE
Did he ever, prior to the night of August 6th, receive a code red?

HOWARD
No sir.

KAFFEE
(beat)
Never?

HOWARD
No, sir.

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

HOWARD
Dawson wouldn't allow it, sir.

KAFFEE
Dawson wouldn't allow it.

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

ROSS
Object. The witness is characterizing.

KAFFEE
I'll rephrase. Jeffrey, did you ever want to give Santiago a code red?

HOWARD
Yes sir.

KAFFEE
Why didn't you?

HOWARD
'Cause Dawson'd kick my butt, sir.

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

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

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

HOWARD
Yes sir.

ROSS
Have you read it?

HOWARD
Yes sir.

ROSS
Good.
(hands him the book)
Would you turn to the chapter that deals with code reds, please.

HOWARD
Sir?

ROSS
Just flip to the page in that book that discusses code reds.

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

ROSS has produced another book.

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

HOWARD
No sir.

ROSS
No? Corporal Howard, I'm a marine. Is their no book, no manual or pamphlet, no set of orders or regulations that let me know that, as a marine, one of my duties is to perform code reds?

HOWARD
(pause)
No sir. No books, sir.

ROSS
No further questions.

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

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

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

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

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

KAFFEE
No more questions.

KAFFEE chucks the book back on ROSS's desk.

RANDOLPH
Corporal Howard, you can step down.

HOWARD
(greatly relieved)
Thank you, sir.

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

CUT TO

63 INT. THE COURTHOUSE CORRIDOR - DUSK 63

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

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

CUT TO

64 EXT. SIDEWALK STAND - NIGHT 64

KAFFEE'S CAR

as it drives along a street in the D.C. business district. It's evening now and the windshield wipers are fighting against a rain .

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

KAFFEE
Hey, Luther.

LUTHER
Admiral, how's the big case goin'?

KAFFEE
Nose to the grindstone.

LUTHER
No flies on you.

KAFFEE
A rolling stone gathers no moss.

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

KAFFEE
Ain't that the truth. Catch you tomorrow.

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

--a hand is slapped over his mouth--

VOICE (O.S.)
It's Matthew Markinson.

--and KAFFEE jumps out of his skin.

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

KAFFEE
Jesus fucking Christ!!--

MARKINSON
You left the door unlocked.

KAFFEE
Scared the shit outta me.

MARKINSON
Drive.

KAFFEE
Are you aware you're under subpoena?

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

KAFFEE begins driving down the street.

KAFFEE
What do you know?

MARKINSON
I know everything.

KAFFEE
Was it a code red?

MARKINSON
Yes.

KAFFEE
Did Kendrick give the order?

MARKINSON
Yes.

KAFFEE
Did you witness it?

MARKINSON
I didn't need to--

KAFFEE
Did you witness it?!

MARKINSON
No.

KAFFEE
Then how do you know?

MARKINSON
I know.

KAFFEE
You know shit.

MARKINSON
He was never gonna be transferred off the base.

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

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

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

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

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

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

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

KAFFEE shakes his head and laughs.

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

KAFFEE puts the car in gear and we

CUT TO

65 INT. KAFFEE'S APARTMENT - NIGHT 65

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

There's silence.

Then JO has a total adrenaline rush.

JO
Where is he?

KAFFEE
The Route 23 Best Western.

JO picks up the phone.

JO
I want him guarded.

KAFFEE
That's probably a good idea.

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

KAFFEE is impressed. He turns to SAM--

KAFFEE
Clearance code?

JO
(into phone)
Thank you.

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

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

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

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

JO hangs up the phone.

JO
Done.

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

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

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

KAFFEE
(to SAM)
Get it.

JO
We're gonna win.

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

JO
(sing-song)
"Kaffee's got his case now, Kaffee's got his case now."

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

CUT TO

66 INT. A WASHINGTON SALOON - NIGHT 66

A WAITRESS sets two drinks down in front of KAFFEE and ROSS, who are sitting across from each other in a booth in the back.

ROSS
That was nice work today. The redirect on Howard.

KAFFEE
I have Markinson.

ROSS only takes a moment digest this.

ROSS
Where is he?

KAFFEE
A motel room in Arlington with 14 Federal Marshals outside his door. Take a sip of your drink.

ROSS does.

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

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

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

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

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

ROSS
Don't you dare lump me in with Jessep and Markinson and Kendrick because we wear the same uniform. I'm your friend, Danny, and I'm telling you, I don't think your clients belong in jail. But I don't get to make that decision. I represent the Government of the United States. Without passion or prejudice. And my client has a case.
(pause)
I want you to acknowledge that the judge advocate has made you aware of the possible consequences involved in accusing a marine officer of a felony without proper evidence.

KAFFEE
I've been so advised.

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

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

KAFFEE
(pause)
You're a lousy fuckin' softball player, Jack.

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

CUT TO

67 INT. COURTHOUSE CORRIDOR - DAY 67

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

KAFFEE
Batter up, J.J.

KENDRICK watches this impudent thing walk into the courtroom as we

CUT TO

68 INT. THE COURTROOM - DAY 68

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

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

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

KENDRICK
I'd say he was about average.

KAFFEE
Lieutenant, you signed three fitness reports on Santiago. On all three reports you indicated a rating of Below Average.

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

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

KENDRICK
I'm aware of my oath.

KAFFEE's handed some more files.

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

KENDRICK
That's fine.

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

KENDRICK
I'm sure it was.

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

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

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

KENDRICK
Yes.

KAFFEE
Did you report Private Barnes to the proper authorities?

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

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

ROSS
Objection. Argumentative.

RANDOLPH
Sustained.
(to KAFFEE)
Watch yourself, counselor.

KAFFEE
Did you report Private Barnes to your superiors?

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

KAFFEE
You preferred it to be handled within the unit.

KENDRICK
I most certainly did.

KAFFEE
Lieutenant, do you know what a Code Red is?

KENDRICK
Yes I do.

KAFFEE
Have you ever ordered a code red?

KENDRICK
No, I have not.

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

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

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

KENDRICK
Yes.

KAFFEE
Wouldn't this form of discipline be considered a code red?

KENDRICK
(beat)
Not necessarily.

KAFFEE
If I called the other 8000 men at Guantanamo Bay to testify, would they consider it a Code Red?

ROSS
Please the court, the witness can't possibly testify as to what 8000 other men would say. We object to this entire line of questioning as argumentative and irrelevant badgering of the witness.

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

ROSS
Thank you judge.

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

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

ROSS
Object.

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

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

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

KENDRICK
He disobeyed an order.

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

KENDRICK
Corporal Dawson disobeyed an order.

KAFFEE
Yeah, but it wasn't a <u>real</u> order, was it? After all, it's peacetime. He wasn't being asked to secure a hill...or advance on a beachhead. I mean, surely a marine of Dawson's intelligence can be trusted to determine on his own, which are the really important orders, and which orders might, say, be morally questionable.
(beat)
Lt. Kendrick?
(beat)
Can he? Can Corporal Dawson determine on his own which orders he's gonna follow?

KENDRICK
(pause)
No, he can not.

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

KENDRICK
I would think so.

KAFFEE
You know so, don't you, Lieutenant.

ROSS
Object!

RANDOLPH
Sustained.

KAFFEE
Lieutenant Kendrick, one final question: If you had ordered Dawson to give Santiago a code red...

ROSS
--please the court--

KENDRICK
I told those men not to touch Santiago.

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

ROSS
Lieutenant, don't answer that.

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

ROSS doesn't even wait before he says--

ROSS
Lieutenant Kendrick, did you order Corporal Dawson and Private Downey to give Willy Santiago a code red?

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

ROSS
Lt. Kendrick, did you--

KENDRICK
No I did not.

ROSS
Thank you.

CUT TO

FWAP! - a nerf ball slams into a hoop.

PULL BACK TO REVEAL

69 INT. KAFFEE'S APARTMENT - NIGHT 69

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

KAFFEE
What's the word?

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

KAFFEE lets the ball drop out of his hands.

KAFFEE
Let me see that.

CUT TO

70 EXT. A MOTEL - NIGHT 70

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

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

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

AGENT #1
Workin' late, Lieutenant?

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

71 INT. MOTEL ROOM 71

HE tosses the log book on the table.

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

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

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

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

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

KAFFEE
What are you telling me?
(beat)
He fixed the log book?

Setback. Big setback.

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

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

KAFFEE
(beat)
He made an entire flight disappear?

MARKINSON
Nathan Jessep is about to be named Director of Operations for the National Security Council. You don't get to that position without knowing how to side-step a few land mines.
(beat)
And putting me on the stand isn't gonna make him step on one.

KAFFEE stares at him.

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

KAFFEE
You're taking the stand. Thursday.

KAFFEE leaves.

HOLD on MARKINSON.

CUT TO

72 INT. KAFFEE'S APARTMENT - NIGHT 72

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

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

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

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

CUT TO

73 INT. THE HOLDING ROOM - DAY 73

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

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

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

JO
And why did you give him a Code Red?

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

JO smiles.

JO
You're gonna do fine.

DOWNEY smiles.

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

JO
(pause)
Absolutely.

CUT TO

74 INT. THE COURTHOUSE CORRIDOR - DAY 74

JO is going over last-minute details with KAFFEE.

JO
You remember the order of the questions?

KAFFEE
Yes.

JO
Are you sure?

KAFFEE
Yes.

JO
And you'll use small words?

KAFFEE
Yes.

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

KAFFEE
Jo--

JO
I'm just saying go slow.

KAFFEE
I'm gonna go slow.

JO
Okay.

KAFFEE
Alright.

JO
And get him off as fast as you can.

KAFFEE
Joanne!

JO
What? It's gonna be fine.

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

MARKINSON (V.O.)
"Dear Mr. and Mrs. Santiago..."

CUT TO

75 INT. MARKINSON'S ROOM - DAY 75

MARKINSON is writing a letter and we HEAR it in V.O.

MARKINSON (V.O.)
I was William's company commander. I knew your son vaguely, which is to say I knew his name.

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

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

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

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

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

MARKINSON (V.O.)
Always, Captain Matthew Andrew Markinson,

MARKINSON puts the pistol in his mouth--

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

We HEAR the BLAST of the gunshot as we

CUT TO

76 INT. THE COURTROOM - DAY 76

KAFFEE is at the end of his examination of DOWNEY.

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

DOWNEY
A code red was ordered by my platoon commander, Lt. Jonathan James Kendrick.

KAFFEE
Thank you.
(to ROSS)
Your witness.

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

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

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

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

ROSS
About how far by jeep?

DOWNEY
About ten, fifteen minutes, sir.

ROSS
Have you ever had to walk it?

DOWNEY
Yes sir. That day, sir. Friday. The Pick-up Private--sir, that's what we call the fella who drops us at our posts and picks us up... also, 'cause he can get girls in New York City -- the Pick-up Private got a flat...

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

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

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

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

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

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

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

DOWNEY
Yes sir.

JO. Helpless. Panicked.

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

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

DOWNEY
Sir?

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

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

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

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

DOWNEY
(pause)
No, sir.

JO leaps to her feet.

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

ROSS
Why did you go into Santiago's room?

JO
The witness has rights.

ROSS
The witness has been <u>read</u> his rights, commander.

DOWNEY
(confused)
Hal?

RANDOLPH
The question will be repeated.

ROSS
Why did you go into Santiago's room?

JO
Your honor--

DOWNEY
Hal?

ROSS
Did Corporal Dawson tell you to do it?

Everyone is frozen.

ROSS
He did, didn't he? Dawson told you to give Santiago a code red.

DOWNEY looks at DAWSON.

DOWNEY
Hal?

ROSS
Don't look at him.

DOWNEY
Hal?

DAWSON
Private. Answer the Lieutenant's question.

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

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

ROSS let's it hang. He looks over at KAFFEE.

KAFFEE won't meet his eyes.

CUT TO

77 INT. KAFFEE'S APARTMENT - NIGHT 77

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

JO
Where do you think he is?

SAM doesn't know.

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

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

SAM understands, but he doesn't say anything.

The door opens and KAFFEE walks in.

JO
Danny. I'm sorry.

KAFFEE seems to be in an incredibly normal mood.

KAFFEE
Don't worry about it.

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

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

JO studies KAFFEE for a moment.

JO
Are you drunk?

KAFFEE
(a simple answer)
Pretty much. Yeah.

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

KAFFEE
She's gonna make coffee. That's nice.
(beat)
He wasn't in his room.
(Kaffee's amazed)
He wasn't even <u>there</u>.
(beat)
That was an important piece of information, don't you think?

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

KAFFEE
Markinson's dead.

JO and SAM are frozen.

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

KAFFEE
You really gotta hand it to those Federal Marshals, boy.
(he almost has to laugh)
It's not like he hanged himself by his shoelaces or slashed his wrists with a concealed butter knife.
(MORE)

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

JO and SAM don't say anything.

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

JO
I still think we can win.

KAFFEE
Then maybe you should drink a little.

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

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

JO
To subpoena Colonel Jessep.

KAFFEE
(pause)
What?

JO
Listen for a second--

KAFFEE
No.

JO
Just hear me out--

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

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

KAFFEE
It's over!

JO
Why did you ask Jessep for the transfer order?

KAFFEE
(beat)
What are you--

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

KAFFEE
What does it matter--

JO
Why?!

KAFFEE
I wanted the damn transfer order!

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

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

JO
He told Kendrick to order the Code Red.

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

JO
I--

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

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

KAFFEE
We get it from him. Yes. No problem.
(to SAM)
Colonel, isn't it true that you ordered the Code Red on Santiago?

SAM
Look, we're all a little--

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

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

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

Finally...

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

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

KAFFEE walks into the kitchen without a word.

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

KAFFEE comes back in with a bottle of Jack Daniels.

KAFFEE
Stop cleaning up.

But SAM continues.

KAFFEE
Sam. Stop cleaning up.

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

KAFFEE
(pause)
You want a drink?

SAM
Yeah.

SAM takes a swig from the bottle.

KAFFEE
Is your father proud of you?

SAM
Don't do this to yourself.

KAFFEE
I'll bet he is. I'll bet he bores the shit outta the neighbors and the relatives. "Sam made Law Review. He's got a big case he's making--He's arguing--He's making an argument."
(pause)
I think my father would've enjoyed seeing me graduate from law school.
(beat)
I think he would've liked that...an awful lot.

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

KAFFEE
Yeah?

SAM
He was one of the best trial lawyers ever.

KAFFEE
Yes he was.

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

KAFFEE
Would you put Jessep on the stand?

SAM
No.

KAFFEE
You think my father would've?

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

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

CUT TO

78 EXT. A SUBURBAN STREET - NIGHT 78

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

TWO HEADLIGHTS appear coming down the street, and KAFFEE's CAR, with SAM driving and KAFFEE riding shotgun, slows down alongside JO. KAFFEE rolls down his window.

KAFFEE
Joanne.

JO ignores them and keeps walking. The car crawls along with her.

KAFFEE
Jo--

JO starts walking faster.

KAFFEE
Jo, we look ridiculous.
(to SAM)
Stop the car.

KAFFEE hops out and calls--

KAFFEE
Joanne!

JO keeps walking.

KAFFEE
I apologize. I was angry and...I'm sorry about what I said.

But JO's still walking.

KAFFEE
(calling)
I'm gonna put Jessep on the stand.

JO stops. She turns around.

CUT TO

79 INT. KAFFEE'S APARTMENT - LATE AFTERNOON 79

A nerf ball bounces off the rim.

KAFFEE, JO and SAM are sprawled out in the living room. For hours now they've been trying to come up with an idea. KAFFEE's mind seems to be on his basketball game.

JO
I say we hit him with the phoney transfer order.

SAM
What's the transfer order without a witness?

KAFFEE
We have a witness.

SAM
A dead witness.

KAFFEE
And in the hands of a lesser attorney, that'd be a problem.

SAM
Look at this. Last night he was swimmin' in his Jack Daniels, now he can leap tall buildings in a single bound.

KAFFEE
I'm getting my second wind. Siddown. Both of you.

He sees that SAM and JO were already sitting down.

KAFFEE
Good.
(beat)
Jessep told Kendrick to order a code red. Kendrick did, and our clients followed the order. The cover-up isn't our case. To win, Jessep has to tell the jury that he ordered the code red.

SAM
And you think you can get him to just say it?

KAFFEE
I think he wants to say it. I think he's pissed off that he's gotta hide from us. I think he wants to say that he made a command decision and that's the end of it. He eats breakfast 80 yards away from 4000 Cubans who are trained to kill him, and no one's gonna tell him how to run his base. Least of all the pushy broad, the smart Jew, and the Harvard clown. I need to shake him and put him on the defensive.

SAM and JO are silent for a moment.

SAM
That's it? That's the plan?

KAFFEE
That's the plan.

SAM
You're gonna trip Jessep and he's gonna confess.

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

SAM
And how are you gonna do that?

KAFFEE
I have no idea. I need my bat.

JO
What?

KAFFEE
(looking around)
I need my bat. I think better with my bat. Where's my bat?

JO
I put it in the closet.

KAFFEE
You put it in the closet.

KAFFEE heads to the closet.

JO
I was tripping over it.

KAFFEE (O.S.)
Don't ever put a bat in a closet.

SAM
He thinks better with his bat?

And we go to KAFFEE AT THE CLOSET

OFF-SCREEN we HEAR

JO (O.S.)
I can understand that. I used to have stuffed panda named Mr. Bobo. I could never do my home work without him.

During this, KAFFEE's opened the closet door. He reaches in to grab his bat when all of a sudden he notices something:

His clothes.

His uniforms and his civilian clothes.

Hanging neatly along the bar.

He stares at this a moment, then suddenly heads back through the living room towards the front door.

KAFFEE
Stay here, I'm going to the office for a while.

KAFFEE storms out.

SAM
Boy, he does think better with that bat.

CUT TO

80 INT. THE COMPUTER ROOM - DUSK 80

A small room at the end of a corridor at the office. KAFFEE stands over a printer and watches it spit out something he's been waiting for. He tears the printout off and we

CUT TO

81 INT. KAFFEE'S OFFICE - EARLY EVENING 81

KAFFEE's looking over the computer printout. From what we can tell, it resembles a large, military coded phone bill.

KAFFEE picks up the phone and dials.

KAFFEE
(into phone)
Sam.

(MORE)

KAFFEE (cont'd)
(beat)
I need you to do something.

CUT TO

82 INT. KAFFEE'S APARTMENT - NIGHT 82

SAM hangs up the phone slowly.

JO
What's goin' on?

SAM
I've gotta go out to Andrews.

CUT TO

83 INT. COURTHOUSE CORRIDOR - DAY 83

The day's session is going to begin in a few minutes. KAFFEE comes around the corner and runs into JO.

KAFFEE
Is Sam here?

JO
Not yet.

KAFFEE
Where is he?

JO
He's on his way.

KAFFEE
Did he get the guys?

JO
Yeah. Listen, can I talk to you for a second?

CUT TO

84 INT. AN ANTE-ROOM OFF THE CORRIDOR - DAY 84

JO closes the door behind them.

JO
How're you feeling?

KAFFEE
I think he's gonna have his hands full today.

JO
(beat)
Listen.
(beat)
Danny.
(beat)
When you're out there...if you feel like it's not gonna happen...if you feel like he's not gonna say it...
(beat)
...don't go for it.

KAFFEE looks at her.

JO
You could get in trouble.
(beat)
I'm special counsel for internal affairs, and I'm telling you, you could get in a lot of trouble.

KAFFEE
(pause)
Why Lt. Commander Galloway...are you suggesting I back off a material witness?

JO
(pause)
If you think you can't get him.
(beat)
Yeah.

KAFFEE
Do you think I can get him?

JO
(pause)
I think it doesn't matter what I think.
(beat)
I'm an administrator.
(beat)
I can't seem to defend people.

KAFFEE takes that in. He picks up his briefcase andgrabs his jacket.

Then he turns to JO.

KAFFEE
You're my hero, Joanne.
(beat)
From the first day, you were a lawyer.
(beat)
Live with that.

And in VOICE OVER we HEAR the SERGEANT AT ARMS.

SERGEANT AT ARMS (V.O.)
All rise.

CUT TO

85 INT. THE COURTROOM - DAY 85

Everyone stands at attention as RANDOLPH enters.

SAM is missing.

RANDOLPH
(to KAFFEE)
Call your witness.

KAFFEE
Where's Sam?

JO
He'll be here.

RANDOLPH
Lieutenant, call your witness.

KAFFEE
Defense calls Colonel Nathan Jessep.

JESSEP is escorted in through a side door. He's wearing his dress uniforms, adorned with the appropriate medals.

ROSS
Colonel, do you solemnly swear that the testimony you will give in this General Court-Martial will be the truth, the whole truth, and nothing but the truth so help you God?

JESSEP
Yes I do.

ROSS
Would you state your name, rank, and current billet for the record please, sir?

JESSEP
Colonel Nathan R. Jessep, Commanding Officer, Marine Ground Forces, Guantanamo Bay, Cuba.

ROSS
Thank you, sir, would you have a seat, please.

JESSEP sits.

KAFFEE
(standing)
Colonel, when you learned of Santiago's letter to the NIS, you had a meeting with your two senior officers, is that right?

JESSEP
Yes.

KAFFEE
The Executive Officer, Lt. Jonathan Kendrick, and the Company Commander, Captain Matthew Markinson.

JESSEP
Yes.

KAFFEE
And at present, Captain Markinson is dead, is that right?

ROSS
Objection. I'd like to know just what defense counsel is implying?

KAFFEE
I'm implying simply that, at present, Captain Markinson is not alive.

ROSS
Surely Colonel Jessep doesn't need to appear in this courtroom to confirm that information.

KAFFEE
I just wasn't sure if the witness was aware that two days ago, Captain Markinson took his own life with a .45 calibre pistol.

And from the back of the room, SAM enters. He's escorting two young AIRMEN in Airforce dress uniforms. SAM shows the AIRMEN to a seat near the front, and takes his place at the defense table.

Over this we HEAR--

RANDOLPH (O.S.)
The witness is aware, the Court is aware, and now the jury is aware. We thank you for bringing this to our attention. Move on Lieutenant.

SAM scribbles something on a piece of paper, KAFFEE walks over, looks at the paper on which are written two names: Cecil O'Malley and Anthony Perez, then turns back to RANDOLPH.

KAFFEE
Yes sir.
(to JESSEP)
Colonel, at the time of this meeting, you gave Lt. Kendrick an order, is that right?

JESSEP
I told Kendrick to tell his men that Santiago wasn't to be touched.

KAFFEE
And did you give an order to Captain Markinson as well?

JESSEP
I ordered Markinson to have Santiago transferred off the base immediately.

KAFFEE
Why?

JESSEP
I felt that his life might be in danger once word of the letter got out.

KAFFEE
Grave danger?

JESSEP
Is there another kind?

KAFFEE holds up a document from his table.

KAFFEE
We have the transfer order that you and Markinson co-signed, ordering that Santiago be lifted on a flight leaving Guantanamo at six the next morning. Was that the first flight off the base?

JESSEP
The six a.m. flight was the first flight off the base.

KAFFEE nods and decides to move on.

JESSEP steals a quick glance at the two AIRMEN sitting out in the courtroom.

KAFFEE
Colonel, you flew up to Washington early this morning, is that right?

JESSEP
Yes.

KAFFEE
I notice you're wearing your Class A dress uniform for your appearance in court today.

JESSEP
(smiles)
As are you, Lieutenant.

KAFFEE
Did you wear that uniform on the plane?

ROSS
Please the Court, is this dialogue relevant to anything in particular?

KAFFEE
The defense didn't have an opportunity to depose this witness, your honor. I'd ask the Court for a little latitude.

RANDOLPH
A very little latitude.

KAFFEE
Colonel?

JESSEP
I wore fatigues on the plane.

KAFFEE
And you brought your dress uniform with you.

JESSEP
Yes.

KAFFEE
And a toothbrush? A shaving kit? Change of underwear?

ROSS
Your honor.

KAFFEE
(to ROSS)
Is the Colonel's underwear a matter of national security?

RANDOLPH
Gentlemen.
(to KAFFEE)
You better get somewhere fast with this, Lieutenant.

KAFFEE
Yes sir. Colonel?

JESSEP
I brought a change of clothes and some personal items.

KAFFEE
Thank you.

KAFFEE gets a document from his table.

KAFFEE
After Dawson and Downey's arrest on the night of the sixth, Santiago's barracks room was sealed off and its contents inventoried.
(reading)
"6 pairs of camouflage pants, 6 camouflage shirts, 2 pairs of boots, 1 pair of brown shoes, 1 pair of tennis shoes, 8 khaki tee-shirts, 2 belts, 1 sweater--

ROSS
Please the Court, is there a question anywhere in our future?

RANDOLPH
Lt. Kaffee, I have to--

KAFFEE
I'm wondering why Santiago wasn't packed.

That landed. On the JURY, RANDOLPH, ROSS...

KAFFEE
I'll tell you what, we'll get back to that one in a minute.

JO hands KAFFEE the computer printout.

KAFFEE
This is a record of all telephone calls made from your base in past 24 hours. After being subpoenaed to Washington, you made three calls.

Handing Jessep the printout--

KAFFEE
I've hi-lighted those calls in yellow. Do you recognize those numbers?

JESSEP
I called Colonel Fitzhughes in Quantico, Va. I wanted to let him know I'd be in town.
(MORE)

JESSEP (cont'd)
The second call was to set up a meeting with Congressman Richmond of the House Armed Services Committee, and the third call was to my sister Elizabeth.

KAFFEE
Why did you make that call, sir?

JESSEP
I thought she might like to have dinner tonight.

ROSS
Judge--

RANDOLPH
I'm gonna put a stop to this now.

JO's handed KAFFEE another printout and a stack of letters.

KAFFEE
Your honor, these are the telephone records from GITMO for August 6th. And these are 14 letters that Santiago wrote in nine months requesting, in fact begging, for a transfer.
(to JESSEP)
Upon hearing the news that he was finally getting his transfer, Santiago was so excited, that do you know how many people he called? Zero. Nobody. Not one call to his parents saying he was coming home. Not one call to a friend saying can you pick me up at the airport. He was asleep in his bed at midnight, and according to you he was getting on a plane in six hours, yet everything he owned was hanging neatly in his closet and folded neatly in his footlocker. You were leaving for one day and you packed a bag and made three phone calls. Santiago was leaving for the rest of his life, and he hadn't called a soul and he hadn't packed a thing. Can you explain that? The fact is there <u>was</u> no transfer order. Santiago wasn't going anywhere, isn't that right, Colonel?

ROSS
Object. Your Honor, it's obvious that Lt. Kaffee's intention this morning is to smear a high ranking marine officer in the desperate hope that the mere appearance of impropriety will win him points with the jury.
(MORE)

ROSS (cont'd)
It's my recommendation, sir, that Lt. Kaffee receive an official reprimand from the bench, and that the witness be excused with the Court's deepest apologies.

RANDOLPH ponders this a moment.

RANDOLPH
(pause)
Overruled.

ROSS
Your honor--

RANDOLPH
The objection's noted.

KAFFEE
(beat)
Colonel?

JESSEP'S smiling...

...and now he can't help but let out a short laugh.

KAFFEE
Is this funny, sir?

JESSEP
No. It's not. It's tragic.

KAFFEE
Do you have an answer?

JESSEP
Absolutely. My answer is I don't have the first damn clue. Maybe he was an early riser and he liked to pack in the morning. And maybe he didn't have any friends. I'm an educated man, but I'm afraid I can't speak intelligently about the travel habits of William Santiago. What I do know is that he was set to leave the base at 0600. Now are these really the questions I was called here to answer? Phone calls and footlockers? Please tell me you've got something more, Lieutenant. Please tell me there's an ace up your sleeve. These two marines are on trial for their lives. Please tell me their lawyer hasn't pinned their hopes to a phone bill.
(beat)
Do you have any other questions for me, counselor?

The courtroom is silenced. JESSEP'S slammed the door.

KAFFEE looks around the room, sees that the world is waiting for him to do something...

RANDOLPH
Lt. Kaffee?

KAFFEE says nothing. He glances over to AIRMEN O'MALLEY and PEREZ.

RANDOLPH
Lieutenant, do you have anything further for this witness?

KAFFEE doesn't respond. JESSEP gets up to leave.

JESSEP
(standing)
Thanks, Danny. I love Washington.

And JESSEP starts to leave, but he's stopped by--

KAFFEE
Excuse me, I didn't dismiss you.

JESSEP turns around.

JESSEP
I beg your pardon.

KAFFEE
I'm not through with my examination. Siddown.

JESSEP
Colonel.

KAFFEE
What's that?

JESSEP
(to RANDOLPH)
I'd appreciate it if he addressed me as Colonel or Sir. I believe I've earned it.

RANDOLPH
Defense counsel will address the witness as Colonel or Sir.

JESSEP
(to RANDOLPH)
I don't know what the hell kind of an outfit you're runnin' here.

RANDOLPH
And the witness will address this Court as Judge or Your Honor. I'm quite certain I've earned it. Take your seat, Colonel.

JESSEP goes back to the stand.

JESSEP
What would you like to discuss now? My favorite color?

KAFFEE
Colonel, the six a.m. flight, was the first one off the base?

JESSEP
Yes.

KAFFEE
There wasn't a flight that left seven hours earlier and landed at Andrews Airforce Base at 2 a.m.?

RANDOLPH
Lieutenant, I think we've covered this, haven't we?

KAFFEE gets the two log books from his table as well as the piece of paper that SAM scribbled on.

KAFFEE
Your Honor, these are the Tower Chief's Logs for both Guantanamo Bay and Andrews Airforce Base. The Guantanamo log lists no flight that left at eleven p.m., and the Andrews log lists no flight that landed at 2 a.m. I'd like to admit them as Defense Exhibits "A" and "B".

RANDOLPH
I don't understand. You're admitting evidence of a flight that never existed?

KAFFEE
We believe it did, sir.
(glancing at the paper, then motioning to the AIRMEN)
Defense'll be calling Airman Cecil O'Malley and Airman Anthony Perez. They were working the ground crew at Andrews at two a.m. on the seventh.

ROSS
Your Honor, these men weren't on the list.

JO
Rebuttal witnesses, Your Honor, called specifically to refute testimony offered under direct examination.

If you looked closely at JESSEP, you could see a drop of sweat.

RANDOLPH
I'll allow the witness.

JESSEP
This is ridiculous.

KAFFEE
Colonel, a moment ago--

JESSEP
Check the Tower Logs for christ's sake.

KAFFEE
We'll get to the airmen in just a minute, sir. A moment ago you said that you ordered Kendrick to tell his men not to touch Santiago.

JESSEP
That's right.

KAFFEE
And Kendrick was clear on what you wanted?

JESSEP
Crystal.

KAFFEE
Any chance Kendrick ignored the order?

JESSEP
Ignored the order?

KAFFEE
Any chance he just forgot about it?

JESSEP
No.

KAFFEE
Any chance Kendrick left your office and said "The 'ol man's wrong"?

JESSEP
No.

KAFFEE
When Kendrick spoke to the platoon and ordered them not to touch Santiago, any chance they ignored him?

JESSEP
Have you ever served in an infantry unit, son?

KAFFEE
No sir.

JESSEP
Ever served in a forward area?

KAFFEE
No sir.

JESSEP
Ever put your life in another man's hands, ask him to put his life in yours?

KAFFEE
No sir.

JESSEP
We follow orders, son. We follow orders or people die. It's that simple. Are we clear?

KAFFEE
Yes sir.

JESSEP
Are we clear?

KAFFEE
Crystal.

KAFFEE speaks with the quiet confidence that comes from knowing you're about to drop your opponent.

KAFFEE
(beat)
Colonel, I have just one more question before I call Airman O'Malley and Airman Perez: If you gave an order that Santiago wasn't to be touched, and your orders are always followed, then why would he be in danger, why would it be necessary to transfer him off the base?

And JESSEP has no answer.

Nothing.

He sits there, and for the first time, seems to be lost.

JESSEP
Private Santiago was a sub-standard marine. He was being transferred off the base because--

KAFFEE
But that's not what you said. You said he was being transferred because he was in grave danger.

JESSEP
(pause)
Yes. That's correct, but--

KAFFEE
You said, "He was in danger". I said, "Grave danger"? You said--

JESSEP
Yes, I recall what--

KAFFEE
I can have the Court Reporter read back your--

JESSEP
I know what I said. I don't need it read back to me like I'm a damn--

KAFFEE
Then why the two orders?
(beat)
Colonel?
(beat)
Why did you--

JESSEP
Sometimes men take matters into their own hands.

KAFFEE
No sir. You made it clear just a moment ago that your men never take matters into their own hands. Your men follow orders or people die. So Santiago shouldn't have been in any danger at all, should he have, Colonel?

Everyone's sweating now. Everyone but KAFFEE.

JESSEP
You little bastard.

ROSS
Your Honor, I have to ask for a recess to--

KAFFEE
I'd like an answer to the question, Judge.

RANDOLPH
The Court'll wait for answer.

KAFFEE
If Kendrick told his men that Santiago wasn't to be touched, then why did he have to be transferred?

JESSEP is looking at O'MALLEY and PEREZ.

KAFFEE
Colonel?

JESSEP says nothing.

KAFFEE
Kendrick ordered the code red, didn't he? Because that what you told Kendrick to do.

ROSS
Object!

RANDOLPH
Counsel.

KAFFEE will plow through the objections of ROSS and the admonishments of RANDOLPH.

KAFFEE
And when it went bad, you cut these guys loose.

ROSS
Your Honor--

RANDOLPH
That'll be all, counsel.

KAFFEE
You had Markinson sign a phony transfer order--

ROSS
Judge--

KAFFEE
You doctored the log books.

ROSS
Dammit Kaffee!!

KAFFEE
I'll ask for the fourth time: If you ordered--

JESSEP
You want answers?

KAFFEE
I think I'm entitled to them.

JESSEP
You want answers?!

KAFFEE
I want the truth.

JESSEP
You can't handle the truth!

And nobody moves.

JESSEP
Son, we live in a world that has walls. And those walls have to be guarded by men with guns. Who's gonna do it? You? You, Lt. Weinberg? I have a greater responsibility than you can possibly fathom. You weep for Santiago and you curse the marines. You have that luxury. You have the luxury of not knowing what I know: That Santiago's death, while tragic, probably saved lives. And my existence, while grotesque and incomprehensible to you, saves lives.
(beat)
You don't want the truth. Because deep down, in places you don't talk about at parties, you want me on that wall. You need me there.
(beat)
We use words like honor, code, loyalty...we use these words as the backbone to a life spent defending something. You use 'em as a punchline.
(beat)
I have neither the time nor the inclination to explain myself to a man who rises and sleeps under the blanket of the very freedom I provide, then questions the manner in which I provide it. I'd prefer you just said thank you and went on your way. Otherwise, I'd suggest you pick up a weapon and stand a post. Either way, I don't give a damn what you think you're entitled to.

KAFFEE
(quietly)
Did you order the code red?

JESSEP
(beat)
I did the job you sent me to do.

KAFFEE
Did you order the code red?

JESSEP
(pause)
You're goddam right I did

Silence. From everyone. RANDOLPH, ROSS, the M.P.'s, they're all frozen. JO and SAM are likewise. JESSEP seems strangely, quietly relieved. KAFFEE simply takescontrol of the room now.

KAFFEE
Please the court, I suggest the jury be dismissed so that we can move to an immediate Article 39a Session. The witness has rights.

Silence.

RANDOLPH looks to ROSS.

RANDOLPH
Lt. Ross?

ROSS is frozen. He doesn't know what to do.

KAFFEE
(as a friend)
Jack.

ROSS looks at KAFFEE, then JESSEP, then nods his head "yes" to RANDOLPH.

RANDOLPH
The Sergeant at Arms will take the jury to an ante-room where you'll wait until further instructions.

The SERGEANT AT ARMS begins leading the JURORS out of the room.

JESSEP
What the hell's going on?

No one will say anything until the jurors are out of the room.

JESSEP
(to RANDOLPH)
Captain, what the hell's going on? I did my job. I'd do it again. Now I'm getting on a plane and going back to my base.

RANDOLPH
M.P.'s, guard the prisoner.

The M.P.'s are tentative. They've never heard a marine colonel referred to as "the prisoner" before. They sure as hell have never been asked to guard one.

ROSS
Guard the prisoner.

JESSEP
What the hell--?!

ROSS
Colonel Jessep, you have the right to remain silent. Any statement you do make can be used against you in a trial by court-martial or other judicial or administrative proceeding. You have the right...

ROSS continues reading JESSEP his rights, over--

JESSEP
I'm being charged with a crime? I'm--that's what this is--
(to ROSS)
Marine!
(ROSS keeps going)
Marine!!
(ROSS is doing his job)
I'm being charged with a crime? I'm--that's what's happening? This--I'm--this is funny, you know that, this is--

And JESSEP lunges at KAFFEE, and KAFFEE would be dead but for the three M.P.'s who've leapt in to restrain JESSEP. SAM and JO have come to their feet and stand behind KAFFEE.

JESSEP
(to KAFFEE)
I'm gonna tear your eyes right outta your head and piss in your dead skull. You fucked with the wrong marine.

ROSS is done reading JESSEP his rights.

ROSS
Colonel Jessep, do you understand these rights as I have just read them to you?

JESSEP
I saved lives. That boy was--there was a weak link. I saved lives, you hear me?

The courtroom is silent from JESSEP's outburst.

JESSEP shakes his head.

JESSEP
You fuckin' people.
(beat)
You have no idea how to defend a nation.

JESSEP
(to KAFFEE)
All you did was weaken a country today, Kaffee. That's all you did. You put people in danger. Sweet dreams, son.

KAFFEE
Don't call me son.
(beat)
I'm a lawyer, and an officer of the United States Navy. And you're under arrest you sonofabitch.

KAFFEE stays on JESSEP a moment longer, then remembers--

KAFFEE
The witness is excused.

The M.P.'s start leading JESSEP out, and KAFFEE notices

DAWSON. And DOWNEY. And ROSS.

Who are watching a man in a marine colonel's uniform be led away in handcuffs...KAFFEE takes a handkerchief from his pocket and wipes some sweat from his hands. He takes a deep breath as we

SLOW DISSOLVE TO

86 INT. THE COURTROOM - LATE AFTERNOON 86

There's low murmur in the room as the JURORS are being led back into their box.

Everyone's in place.

RANDOLPH enters.

SERGEANT AT ARMS
Ten-hut.

All rise. And sit when RANDOLPH sits.

RANDOLPH
Have the members reached a verdict?

JURY FOREMAN
We have, sir.

The SERGEANT AT ARMS takes small slips of paper from the FOREMAN and brings them to RANDOLPH.

KAFFEE stands, and nods to DAWSON and DOWNEY that they should do the same. SAM and JO stand as well.

RANDOLPH
(reading)
On the charge of Murder, the Members find the defendants Not Guilty.

It's hard to resist the temptation to scream and shout, but they do.

RANDOLPH
(reading)
On the charge of Conspiracy to Commit Murder, the Members find the defendants Not Guilty.

RANDOLPH looks up. Then reads from the last slip of paper.

RANDOLPH
On the charge of Conduct Unbecoming a United States Marine, the members find the defendants Guilty as Cnarged.

A little of the energy drains out of the room. RANDOLPH continues reading.

RANDOLPH
(reading)
The defendants are hereby sentenced by this court to time already served, and are ordered...

RANDOLPH clears his throat.

RANDOLPH
...and are ordered to be dishonorably discharged from the Marine Corps.
(pause)
This Court-Martial is adjourned.

RANDOLPH raps his gavel.

SERGEANT AT ARMS
Ten hut.

All rise.

RANDOLPH's gone.

SERGEANT AT ARMS
Dismissed.

The M.P.'s move to DAWSON and DOWNEY to unlock their handcuffs. KAFFEE is packing up his things, just another day at the office.

DAWSON
Why?

KAFFEE
Harold, I'm sorry.

DAWSON
Why?!

DOWNEY
I don't understand. Colonel Jessep said he ordered the Code Red.

JO
I know, but--

DOWNEY
Colonel Jessep said he ordered the Code Red, what did we do wrong?

JO
It's not as simple as--

DOWNEY
What did we do wrong?

DAWSON
We did nothing wrong.

SAM slaps his hands down on the table--

SAM
Yes you did! A jury just said your conduct was unbecoming a marine. What does that mean?!

DAWSON
You're the lawyer.

SAM
You're the marine.

DAWSON
Not anymore.

SAM lets it hang. DAWSON is staring at SAM. His stare moves slowly to the floor.

DAWSON
I never meant to hurt Willy.

DAWSON looks up at HIS PARENTS.

The moment hangs there...before

SERGEANT AT ARMS
Kaffee, I've gotta take these guys over to personnel for some paper work.

KAFFEE nods.

SERGEANT AT ARMS
(to DAWSON and DOWNEY)
Gentleman?

DAWSON looks to KAFFEE. There's gotta be more. This can't be it.

But KAFFEE has nothing to say.

DAWSON and DOWNEY walk to the SERGEANT AT ARMS and begin to follow him up the aisle and out of the courtroom. But before they get to the door, KAFFEE turns around and calls

KAFFEE
Harold!

They stop and turn around.

DAWSON
Sir!

KAFFEE
(pause)
You don't need to wear a patch on your arm to have honor.

DAWSON stares at KAFFEE for a long moment.

DAWSON
Ten-hut.

DAWSON and DOWNEY come to attention.

DAWSON
There's an officer on deck.

DAWSON snaps a salute and holds it.

KAFFEE stares back. Then stands up straight and returns their salute.

With one last glance back at KAFFEE, DAWSON turns and walks out the door, followed by DOWNEY.

ROSS walks over to the defense table.

ROSS
Airmen Cecil O'Malley and Anthony Perez? What exactly were these guys gonna testify to?

KAFFEE
Unless I'm mistaken, they were gonna testify, under oath, that they have absolutely no recollection of anything.

ROSS smiles

ROSS
Strong witnesses.

KAFFEE
And very handsome, too, don't you think?

ROSS
I'll see you around the campus. I've gotta go arrest Kendrick.

KAFFEE
Tell him I say "Hi".

ROSS
Will do.

CUT TO

87 EXT. OUTSIDE THE COURTHOUSE - DUSK 87

KAFFEE, JO and SAM are walking down the steps. The BAND is practicing on the parade grounds.

JO
What do you say we take the rest of the day off. Go out someplace. Sam? Champagne? Yoo- Hoo?

SAM
Thanks, I can't. I'm gonna go home and talk to my daughter. I think she's gotta be bilingual by now.

And SAM heads off toward his car.

JO
So what's next for you?

KAFFEE
Staff Sergeant Henry Williamson. He went to the movies on company time. What about you?

JO
Me? Oh...you know...the usual.

KAFFEE
Just pretty much generally annoying people?

JO
Yeah.
(pause)
So what do you say? How 'bout a celebration?

KAFFEE
No. How 'bout a date. A real date. Dinner. Attractive clothes. The works.

JO
Sounds good. Who do you think I should call?

KAFFEE
I'll pick you up at seven.

JO
What are you gonna do now?

KAFFEE
I'm gonna get started on Henry Williamson.
(beat)
Stand my post for a while.

JO holds out her hand. KAFFEE shakes it. JO kisses him.

JO
Wear matching socks.

JO splits off toward her building and KAFFEE keeps walking toward the bleachers as we

PULL BACK TO INCLUDE the almost empty parade grounds and

PULL BACK as to show the Washington Navy Yard and PULL BACK and back and back and

FADE OUT.

JUNE 1991
NEW YORK CITY