

A FEW GOOD MEN

Written by

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FADE IN:

EXT. A SENTRY TOWER --

-- 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:

INT. A MARINE BARRACKS

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's the door and they walk into

INT. SANTIAGO'S ROOM - NIGHT

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:

EXT. THE WASHINGTON NAVY YARD - DAY

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 before striking. A RIFLE DRILL TEAM that can't possibly be human. Flags, banners, the works.

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

CUT TO:

HIGH ANGLE of the entire band and we end credits.

CUT TO:

EXT. A RED BRICK BUILDING - DAY

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:

INT. WEST'S OFFICE - DAY

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 Loudon Downey, entered the barracks room of a PFC William Santiago and assaulted him. Santiago died at the base hospital approximately an hour later. The NIS agent who took their statements maintains they were trying to prevent Santiago from naming them in a fence-line 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 hall 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

(continuing)

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:

EXT. SOFTBALL FIELD - DAY

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 bass. 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 BASE. The ball bounces right between his legs.

SECOND BASE  
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 BASE (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 got 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

(continuing)

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 tall time,  
I'm gonna file a motion to dismiss.

SPRADLING

You won't got it.

KAFFEE

I will get it. 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 because 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?

INT. CONFERENCE ROOM - DAY

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

Sit-down, this first one's for you.

He hands KAFFEE some files.

WHITAKER

(continuing)

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 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:

INT. JO'S OFFICE - DAY

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

JO looks up.

KAFFEE  
Hi.  
(beat)  
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  
(continuing)  
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  
(continuing)  
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 got 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

(continuing)

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

(continuing)

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 know 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  
 (continuing)  
 -- 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

Twelve years. I can 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 your job.

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

KAFFEE

Sure.

KAFFEE gets up without waiting for JO to say --

JO

You're dismissed.

KAFFEE

Sorry, I always forget that.

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

SAM

He's a little preoccupied.

(beat)

The team's playing Bethesda Medical next week.

JO

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

SAM

About what?

And in VOICE OVER we HEAR --

SANTIAGO (V.O.)

Dear Sir,

JO

About being marines.

CUT TO:

EXT. CUBAN FIELD - DAY

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 group 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:

EXT. MARINE BARRACKS - DAY

-- 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:

INT. MESS HALL - DAY

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

CUT TO:

EXT. MARINE BARRACKS - DAY

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

CUT TO:

EXT. ROCKY HILL - DAY

-- 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:

INT. JESSEP'S OFFICE - DAY

THE LETTER - DAY

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

SANTIAGO (V.O.)

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

And as these last words are spoken, we PULL BACK TO REVEAL COLONEL NATHAN R. JESSEP, who drops the letter he's been reading on his desk, where it joins a stack of other letters just like it.

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

JESSEP

Who the fuck is PFC William T. Santiago.

He's talking to his two senior officers. 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 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

(continuing)

Matthew?

MARKINSON

I'm appalled, sir.

JESSEP

You're appalled? This kid broke the Chain of Command and he ratted on a man 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

(continuing)

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 cones in from the outer office.

ORDERLY

Sir!

JESSEP

Got 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

(continuing)

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  
(continuing)  
Matthew, sit, please.

MARKINSON sits.

JESSEP  
(continuing)  
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  
(continuing)  
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:

EXT. WASHINGTON NAVY YARD - MAIN GATE - DAY

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:

EXT. THE BRIG - DAY

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

(continuing)

Is this Washington, D.C.?

M.P.

Alright, let's move.

CUT TO:

EXT. SOFTBALL FIELD - DAY

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

(continuing)

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

(continuing)

What a pity.

CUT TO:

INT. THE BRIG - DAY

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 call 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 Weinerg, you can sitdown.

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  
(continuing; 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 counterpart.  
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  
(continuing)  
Oh, Harold?

SAM is staring at DAWSON.

KAFFEE  
(continuing)  
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:

INT. KAFFEE'S OFFICE - DAY

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  
Sailin' 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

(continuing)

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. 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 packs 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:

EXT. THE PARKING LOT - DUSK

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  
Gooper 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:

EXT. SIDEWALK NEWSSTAND - DUSK

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:

INT. SAM'S LIVING ROOM - NIGHT

A baby sleeping in a crib pull rack to reveal SAM is  
standing over the crib. KAFFEE's sitting on 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 because 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

(continuing)

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

SAM

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:

EXT. THE AIRSTRIP AT GUANTANAMO BAY - DAY

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:

EXT. CUBAN ROAD - THE JEEP - DAY

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:

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  
responsibility here whatsoever.

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

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

KAFFEE

He passed away seven years ago, 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:

EXT. THE FENCELINE - DAY

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:

INT. THE BARRACKS CORRIDOR - DAY

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

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

INT. SANTIAGO'S ROOM - DAY

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 corp 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:

INT. THE OFFICERS CLUB - DAY

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

Stewards clear the lunch dishes and pour coffee. Jessep is  
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  
(continuing; to the  
STEWARDS)  
That was delicious, men, thank you.

STEWARD  
Our pleasure, sir.

KAFFEE  
Colonel 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 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

(continuing)

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.

You want to investigate me, roll the dice and take your chances. I eat breakfast 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 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

(continuing)

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, they are things worth fighting for.

MARKINSON looks at the ground.

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

MARKINSON looks up as we

CUT TO:

EXT. ANDREWS AIRFORCE BASE - DUSK

As a plane touches down on the runway. It's dusk in  
 Washington and

CUT TO:

EXT. KAFFEE'S APARTMENT - DAY

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 in a pile in the corner. There's a BUZZ at  
 the door. KAFFEE's not expecting anyone. He goes to the  
 door.

KAFFEE  
 Who is it?

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

KAFFEE opens the door and JO walks in.

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

"

JO  
 Markinson 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

(continuing)

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:

INT. A HOLDING ROOM IN THE BRIG - NIGHT

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, 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  
(continuing)  
And what happened then?

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

CUT TO:

INT. THE GYMNASIUM - NIGHT

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

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

KAFFEE shouts --

KAFFEE

Jack!

But ROSS is into the game...

KAFFEE

(continuing)

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

LOCKER ROOM - NIGHT

and KAFFEE slams the door shut behind them.

KAFFEE

Jack didn't know about the order. Because 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

(continuing)

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,  
Dan knows that in a courtroom, he  
loses this case. Danny's an awfully  
talented lawyer, and he's not about  
to send 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

(continuing)

That's the end of this negotiation.

From this moment, we're on the record. I'll see tomorrow morning at the arraignment.

ROSS turns and heads back to the gym as we

CUT TO:

INT. A HOLDING ROOM - NIGHT

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 Government's offering Assault and Conduct Unbecoming. Two years. You'll be home in six months.

DAWSON and DOWNEY say nothing.

KAFFEE

(continuing)

"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

(continuing)

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

(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

(continuing; 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

(continuing)

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  
(continuing)

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  
(continuing)  
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:

INT. THE OFFICE CORRIDOR - NIGHT

One light is on at the end of the hall.

CUT TO:

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? 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. 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:

INT. A GEORGETOWN BAR - NIGHT

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.

We HOLD on a KAFFEE a moment longer, then

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.

CUT TO:

EXT. A GEORGETOWN STREET - NIGHT

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:

EXT. THE PARADE GROUNDS - DAY

A bright, sunny morning. The BAND is performing for a group of day campers.

CUT TO:

INT. THE COURTROOM - DAY

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 AMS. 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 Loudon 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

(continuing)

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 SugarSnacks, 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:

INT. KAFFEE'S APARTMENT - NIGHT

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 NIS?

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

(continuing)

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 know it was an illegal order?

SAM

It doesn't matter if they know, 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

(continuing; 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:

INT. KAFFEE'S APT. - LATER - NIGHT

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:

INT. KAFFEE'S APARTMENT -

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

INT. KAFFEE'S APARTMENT - NIGHT

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:

INT. A LAW LIBRARY - NIGHT

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:

INT. A COFFEE SHOP - DAY

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:

INT. KAFFEE'S APARTMENT - NIGHT

MOS -- KAFFEE's paying the pizza boy 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:

INT. THE BRIG - DAY

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 & 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:

INT. THE APARTMENT - NIGHT

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

CUT TO:

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

KAFFEE

Poker faces. Don't flinch in front of the jury. 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  
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 means but you're happy that I stuck with the case. And if you've gained a certain respect for me over the last three weeks that you didn't have before, well, of course I'm happy about that, but we don't have to make a whole big deal out of it. You like me. I won't make you say it.

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

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

JO  
We're ready.

KAFFEE  
Bet your ass.

Jo walks out the door and KAFFEE closes it and locks it behind her.

Then he says, very softly...

KAFFEE  
(continuing)  
We're gonna get creamed.

CUT TO:

INT. THE COURTHOUSE CORRIDOR - DAY

A few M.P.Is 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

INT. THE COURTROOM - DAY

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 in 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

(continuing)

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. When we get to the end, all the magic in the world will not have been able to divert your attention from the fact that Willy Santiago is dead, and Dawson and Downey killed him. These are the facts of the case.

(beat)

And they are undisputed.

ROSS walks back to his seat.

RANDOLPH

Lt. Kaffee?

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

KAFFEE

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

(beat)

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

(beat)

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

(beat)

Make no mistake about it, Harold Dawson and Loudon Downey are sitting before you 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  
(continuing)  
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  
(continuing; 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 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.

CUT TO:

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  
defendant felt on August 6th?

RANDOLPH  
Sustained.

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

RANDOLPH  
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 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:

SHOT OF WASHINGTON AT NIGHT

DISSOLVE TO:

THE PARADE GROUNDS - EARLY MORNING, two SAILORS are raising the flag.

CUT TO:

INT. THE COURTROOM - DAY

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

(continuing)

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

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 handwritten 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.

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 it's 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 smokefilled 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  
(continuing)  
I apologize, I, --

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:

INT. KAFFEE'S APARTMENT - NIGHT

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.

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:

INT. A SEAFOOD RESTAURANT - NIGHT

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

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

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

JO  
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. We 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 then for a moment, and in VOICE OVER hear

HOWARD (V.O.)

Corporal Jeffrey Owen Howard,  
Marine Barracks Windward,  
Guantanamo Bay, Cuba.

CUT TO:

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 there 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:

INT. THE COURTHOUSE CORRIDOR - DUSK

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:

EXT. SIDEWALK STAND - NIGHT

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 usual newsstand. He hops out, leaving the lights flashing and the door open, and runs to the stand.

KAFFEE

Hey, Luther.

LUTHER

Admiral, how's the big case goin'?

KAFFEE

Nose to the grindstone.

LUTHER

No flies on you.

KAFFEE

A rolling stone gathers no moss.

LUTHER

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

KAFFEE

Ain't that the truth. Catch you tomorrow.

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

-- a hand is slapped over his mouth --

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

-- and KAFFEE jumps out of his skin.  
Because sitting in the back seat, in civilian clothes, is  
MARKINSON.

KAFFEE  
Jesus fucking Christ!!--

MARKINSON  
You left the door unlocked.

KAFFEE  
Scared the shit outta me.

MARKINSON  
Drive.

KAFFEE  
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  
(continuing)  
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

(continuing)

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:

INT. KAFFEE'S APARTMENT - NIGHT

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 411273.

KAFFEE is impressed. He turns to SAM --

KAFFEE

Clearance code?

JO  
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  
Damn.

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

JO  
Yes.

KAFFEE  
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:

INT. A WASHINGTON SALOON - NIGHT

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

Damn.

KAFFEE

The transfer order that Parkinson 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.

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 heaves 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 softball player, Jack.

ROSS

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

CUT TO:

INT. COURTHOUSE CORRIDOR - DAY

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:

INT. THE COURTROOM - DAY

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 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?

(to ROSS)

Not so fast.

(to KENDRICK)

Lieutenant?

KENDRICK

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 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?

(pause)

KENDRICK

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 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 code red?

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

ROSS  
(continuing)  
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

INT. KAFFEE'S APARTMENT - NIGHT

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:

EXT. A MOTEL - NIGHT

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

INT. MOTEL ROOM

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

(continuing)

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

(continuing; 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:

INT. KAFFEE'S APARTMENT

KAFFEE'S APARTMENT later that night and SAM and JO have just heard the report him.

KAFFEE

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

SAM

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

KAFFEE

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

CUT TO:

INT. THE HOLDING ROOM - DAY

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

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:

INT. THE COURTHOUSE CORRIDOR - DAY

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?

KAFFEE

He'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:

INT. MARKINSON'S ROOM - DAY

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 man 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.)

(continuing)

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:

EXT. THE COURTROOM - DAY

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

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  
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

(continuing)

...Right at 39. He pulled up and blam! ...A blowout-with no spare. The two of us had to double-time it back to the barracks.

ROSS

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

DOWNEY

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

ROSS

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

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

DOWNEY

Yes sir.

JO. Helpless. Panicked.

ROSS

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

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

DOWNEY

Sir?

ROSS

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

DOWNEY

(pause)

You see sir, there was a flat tire.

ROSS

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

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

DOWNEY

(pause)

No, sir.

Jo leaps to her feet.

JO

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

ROSS

Why did you go into Santiago's room?

JO

The witness has rights.

ROSS

The witness has been read his rights, commander.

DOWNEY

(confused)

Hal?

RANDOLPH

The question will be repeated.

ROSS

Why did you go into Santiago's room?

JO  
Your honor --

DOWNEY  
Hal?

ROSS  
Did Corporal Dawson tell you to do  
it?

Everyone is frozen.

ROSS  
(continuing)  
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.

INT. KAFFEE'S APARTMENT - NIGHT

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  
(continuing)  
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  
(continuing)  
Danny. I'm sorry.

KAFFEE seems to be in an incredibly normal mood.

KAFFEE  
Don't worry about it.

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

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

JO studies KAFFEE for a moment.

JO  
Are you drunk?

KAFFEE  
(a simple answer)  
Pretty much. Yeah.

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

KAFFEE  
She's gonna make coffee. That's nice.  
(beat)

He wasn't in his room.  
(Kaffee's amazed)  
He wasn't even there.  
(beat)  
That was an important piece of  
information, don't you think?

JO  
(pause)  
Danny, it was just a setback. I'm  
sorry. But we'll 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  
(continuing)  
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. 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  
(continuing)  
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

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 comforting, Jo. It's also useless. Private 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

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 damnit, 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

Yes. No problem. We get it from him.

(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 Leavenworth.

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  
 Galacticy 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  
 (continuing)  
 Sam. Stop cleaning up.

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

KAFFEE  
 (continuing)  
 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 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:

EXT. A SUBURBAN STREET - NIGHT

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.

JO starts walking faster.

KAFFEE

(continuing)

Jo, we look ridiculous.

(to SAM)

Stop the car.

KAFFEE hops out and calls --

KAFFEE

(continuing)

Joanne.

JO keeps walking.

KAFFEE

(continuing)

I apologize. I was angry and... I'm sorry about what I said.

But JO'S still walking.

KAFFEE  
 (continuing; calling)  
 I'm gonna put Jessep on the stand.

She stops. She turns around.

CUT TO:

INT. KAFFEE'S APARTMENT - LATER - AFTERNOON

A nerf ball bounces off the wall.

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  
 swimming 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  
 (continuing)  
 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 got 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.

JO  
He thinks better with his bat?

And we go to KAFFEE AT THE CLOSET.

OFFSCREEN WE HEAR

SAM (O.S.)  
I can understand that. I used to  
have stuffed panda named Mr. Boob.  
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:

INT. THE COMPUTER ROOM - DUSK

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:

INT. KAFFEE'S OFFICE - EARLY EVENING

KAFFEE is looking over the computer printout. From what we can tell, it resembles a large, military coded phone bill.

KAFFEE picks up the phone and dials.

KAFFEE  
 (into phone)  
 Sam.  
 (beat)  
 I need you to do something.

CUT TO:

INT. KAFFEE'S APARTMENT

SAM hangs up the phone slowly.

JO  
 What's goin' on?

SAM  
 I've gotta go out to Andrews.

CUT TO:

INT. COURTHOUSE CORRIDOR - DAY

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 got the guys?

JO  
 Yes. Listen, can I talk to you for a second?

CUT TO:

INT. AN ANTE-ROOM OFF THE CORRIDOR - DAY

JO closes the door behind them.

JO  
How're you feeling?

KAFFEE  
I think he's gonna have his hands  
full today.

JO  
Listen.  
(beat)  
Danny.  
(beat)  
When you're out there. If it's not  
gonna happen he's not gonna say it  
(beat)  
...don't go for it.

KAFFEE looks at her.

JO  
(continuing)  
If you feel like... if you feel  
like... 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  
Why Lt. Commander Galloway... are  
you suggesting I back off a  
material witness?

JO  
If you think you can't get him.  
(beat)  
Yeah.

KAFFEE  
Do you think I can get him?

JO  
(beat)  
I think it doesn't matter what I  
think. I'm an administrator.  
(beat)  
I can't seem to defend people.

KAFFEE takes that in. He picks up his briefcase and grabs  
his jacket.

Then he turns to JO.

KAFFEE  
 You're my hero, Joanne.  
 (beat)  
 From the first day, you were a  
 lawyer.  
 (beat)  
 Live with that.

And in VOICE OVER we HEAR the SERGEANT AT ARMS.

SERGEANT AT ARMS (V.O.)  
 All rise.

CUT TO:

INT. THE COURTROOM - DAY

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, air?

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

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 caliber 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 wrtten two names: Cecil O'Malley and Anthony Perez, then turns back to RANDOLPH.

KAFFEE

Yes sir. 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 appearance in dress uniform for court today.

JESSEP  
(continuing)  
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

(continuing)

After Dawson and Downey's arrest on  
the night of the sixth, Santiago's  
barracks room was sealed off and  
its contents inventoried.

(reading)

Pairs of camouflage pants, 6  
camouflage shirts, 2 pairs of  
boots, 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

(continuing)

I'll tell you what, we'll get back  
to that one in a minute.

JO hands KAFFEE the computer printout.

KAFFEE

(continuing)

This is a record of all telephone  
calls made from your base in the  
past 24 hours. After being  
subpoenaed to Washington, you made  
three calls.

Handing Jessep the printout --

KAFFEE

(continuing)

I've highlighted 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. The second  
call was to set up a meeting with  
Congressman Ramond 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 was no transfer order. Santiago wasn't going anywhere, isn't that right, Colonel.

ROSS

Object. Your Honor, it's obvious that Lt. Kaffee's intention this morning is to smear a high ranking marine officer in the desperate hope that the mere appearance of impropriety will win him points with the jury. It's my recommendation, sir, that Lt.

Kaffee 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  
(continuing)  
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 morning riser and he liked to pack in the nq. 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  
 (continuing)  
 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. Sit down.

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 running 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  
(continuing)  
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. Rebuttal witnesses, Your Honor, called specifically to refute testimony offered under direct examination.

If you looked closely at JESSEP, you could see a drop of sweat.

RANDOLPH

I'll allow the witnesses.

JESSEP

This is ridiculous.

KAFFEE

Colonel, a moment ago --

JESSEP

Check the Tower Logs for christ's sake.

KAFFEE

We'll get to the airmen in just a minute, sir. A moment ago said that you ordered Kendrick to order 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 'old 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 spent time 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 opponents

KAFFEE

(continuing; 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

(continuing)

Colonel?

JESSEP says nothing.

KAFFEE  
 (continuing)  
 Kendrick ordered the code red,  
 didn't he? Because that's what you  
 told Kendrick to do.

ROSS  
 Object!

RANDOLPH  
 Counsel.

KAFFEE will plow through the objections of ROSS and the  
 admonishments of RANDOLPH.

KAFFEE  
 And when it went bad, you cut these  
 guys loose.

ROSS  
 Your Honor --

RANDOLPH  
 That'll be all, counsel.

KAFFEE  
 You had Markinson sign a phony  
 transfer order --

ROSS  
 Judge --

KAFFEE  
 You doctored the log books.

ROSS  
 Damn it Kaffee!!

KAFFEE  
 I'll ask for the forth time. 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

(continuing)

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.

(boasting)

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 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 goddamn right I did.

Silence. From everyone. RANDOLPH, ROSS, the M.P.'s, they're all frozen. JO and SAM are likewise. JESSEP seems strangely, quietly relieved. KAFFEE simply takes control of the room now.

KAFFEE

Please the court, I suggest the jury be dismissed so that we can move to an immediate Article 39a Session. The witness has rights.

Silence.

RANDOLPH looks to ROSS.

RANDOLPH

Lt. Ross?

ROSS is frozen. He doesn't know what to do.

KAFFEE

(as a friend)

Jack.

ROSS looks at KAFFEE, then JESSEP, then nods his head "yes" to RANDOLPH.

RANDOLPH

The Sergeant at Arms will take the jury to an ante-room where you'll wait until further instruction.

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

(continuing; to captain)

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  
(continuing; 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 those rights as I have just read then 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  
 (continuing)  
 You fuckin' people.  
 (beat)  
 You have no idea how to defend a  
 nation.  
 (continuing; 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  
 (continuing)  
 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 colonels 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:

INT. THE COURTROOM - LATE AFTERNOON

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 jurors reached a verdict?

JURY FOREMAN  
We have, sir.

The SERGEANT AT ARMS takes all the 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  
(continuing; 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  
(continuing)  
On the charge of Conduct Unbecoming  
a United States Marine, the members  
find the defendants Guilty as  
Charged.

A little of the energy drains out of the room. RANDOLPH continues reading.

RANDOLPH  
(continuing; reading)  
The defendants are hereby sentenced  
by this court to time already  
served, and are ordered...

RANDOLPH clears his throat.

RANDOLPH  
(continuing)  
...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  
(continuing)  
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  
 (continuing)  
 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  
 (continuing; to Dawson &  
 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

(continuing)

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:

EXT. OUTSIDE THE COURTHOUSE - DUSK

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 Sargeant 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.

THE END