

**A FEW GOOD MEN**

Written by

Aaron Sorkin

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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 yes, 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 an 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 fenceline shooting incident. They're scheduled to have a hearing down in Cuba at 4:00 this afternoon.

**LAWRENCE**

What's the problem?

**JO**

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

Jo lets this sink in a moment.

**WEST**

(under his breath)

Christ.

**JO**

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

(beat)

Myself.

Jo looks around the room for a response.

**WEST**

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

**JO**

Thank you, sir, I'm fine.

**WEST**

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

**JO**

Certainly, sir.

JO gets up and walks out.

**WEST**

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

**LAWRENCE**

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

**WEST**

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

**LAWRENCE**

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

**WEST**

And before that?

**GIBBS**

She disposed of three cases in two years.

**WEST**

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

**GIBBS**

She's not cut out for litigation.

**LAWRENCE**

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

**GIBBS**

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

**WEST**

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

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

**WEST**

(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 base. The '27  
Yankees they're not, but they could probably hold their own  
against a group of, say, Airforce dentists.

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

**KAFFEE**

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

He smacks one to the SECOND 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 limine seeking to obtain evidentiary ruling in advance, and after that I'm gonna file against pre-trial confinement, and you're gonna spend an entire summer going blind on paperwork 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  
0600 you'll catch a transport down  
to Cuba for the day to find out what  
you can. Meantime, go across the  
yard and see Lt. Commander Joanne

Galloway. She's the one who had 'em brought up here. She'll fill you in on whatever she has. Any questions?

**KAFFEE**

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

**WHITAKER**

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

**SAM**

No.

**WHITAKER**

Sam.

**SAM**

I have a stack of paper on my desk --

**WHITAKER**

Work with Kaffee on this.

**SAM**

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

**WHITAKER**

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

**SAM**

In other words I have no responsibilities whatsoever.

**WHITAKER**

Right.

**SAM**

My kinda case.

**CUT TO:**

**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 fenceline shooting that occurred the night of August 2nd."

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

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

### **JESSEP**

Who the fuck is PFC William T. Santiago.

He's talking to his two senior officers. CAPTAIN MARKINSON is in his late 40's. He's a career marine and a nice guy in a world where nice guys may not finish last, but they sure as shit don't finish first. Lt. JONATHAN JAMES KENDRICK is 26, from Georgia, and an Academy graduate.

If you asked him he'd tell you that the gates to heaven are guarded by the U.S. Marine Corps.

### **KENDRICK**

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

### **JESSEP**

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

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

### **JESSEP**

(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 comes 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 we'll 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 Loudon Downey.

**KAFFEE**

I'm Daniel Kaffee, this is Sam Weinerg, you can sit down.

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 Goober can be the judge.

Jo steps aside and lets KAFFEE get into his car.

**JO**

I'm going to Cuba with you tomorrow.

**KAFFEE**

And the hits just keep on comin'.

HOLD on KAFFEE and Jo. JO smiles.

**CUT TO:**

**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 sidddown.

**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 fence line 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 80 yards away from 4000 Cubans who are trained to kill me. So don't for one second think you're gonna come down here, flash a badge, and make me nervous.

A moment of tense silence before --

**KAFFEE**

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

**JESSEP**

What's that?

**KAFFEE**

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

**JESSEP**

For the file.

**KAFFEE**

Yeah.

**JESSEP**

(pause)

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

**KAFFEE**

Thank you.

**JESSEP**

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

**KAFFEE**

Of course.

**JESSEP**

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

**KAFFEE**

(to JO and SAM)

Let's go.

The LAWYERS start to leave.

**JESSEP**

But you have to ask me nicely.

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

**KAFFEE**

I beg your pardon?

**JESSEP**

You have to ask me nicely. You see, Danny, I can deal with the bullets and the bombs and the blood. I can deal with the heat and the stress and the fear. I don't want money and I don't want medals. What I 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 raq. 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 mean but you're happy that I stuck with the case. And if you've gained a certain respect for me over the last three weeks that you didn't have before, well, of course I'm happy about that, but we don't have to make a whole big deal out of it. You like me. I won't make you say it.

**JO**

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

**KAFFEE**

(beat)

Oh.

(beat)

Okay. Good tip.

**JO**

We're ready.

**KAFFEE**

Bet your ass.

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

her.

Then he says, very softly...

**KAFFEE**

(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, Loudon'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 in an order for Private Santiago to be put on restricted duty. Would you read your hand written remarks at the bottom of the page, please, sir.

**STONE**

(reading)

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

**KAFFEE**

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

**STONE**

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

**KAFFEE**

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

**ROSS**

Object. Move to strike.

**RANDOLPH**

Sustained. Strike it.

**KAFFEE**

No more questions, judge.

ROSS stands immediately.

**ROSS**

Dr. Stone, you've held a license to practice medicine for 21 years, you

are Board Certified in Internal Medicine, you are the Chief of Internal Medicine at a hospital which serves over 8000 men. In your professional opinion, was Willy Santiago poisoned?

Jo stands.

**JO**

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

15 days.

**KAFFEE**

(pause)

Well, you sure hustled the shit outta him.

**JO**

After that, they moved me to internal affairs.

**KAFFEE**

Tough to blame them.

**JO**

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

**KAFFEE**

Why are you always giving me your resume?

**JO**

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

**KAFFEE**

I do.

**JO**

No you don't.

(beat)

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

**KAFFEE**

(pause)

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

(beat)

Ross's opening speech, it was all true.

(beat)

I mean, let's pretend for a minute that it would actually matter to this jury that the guys were given an order. 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 6th?

**DOWNEY**

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

**JO**

And why did you give him a Code Red?

**DOWNEY**

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

JO smiles.

**JO**

You're gonna do fine.

DOWNEY smiles.

**DOWNEY**

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

**JO**

(pause)  
Absolutely.

**CUT TO:**

**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  
6th?

**DOWNEY**

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

**KAFFEE**

Thank you.  
(to ROSS)  
Your witness.

**ROSS**

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

**DOWNEY**

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

**ROSS**

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

**DOWNEY**

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

**ROSS**

About how far by jeep?

**DOWNEY**

About ten, fifteen minutes, sir.

**ROSS**

Have you ever had to walk it?

**DOWNEY**

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

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

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

**DOWNEY**

(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 Galactically Stupid".

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

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

Finally...

**JO**

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

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

KAFFEE walks into the kitchen without a word.

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

KAFFEE comes back in with a bottle of Jack Daniels.

**KAFFEE**

Stop cleaning up.

But Sam continues.

**KAFFEE**

(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 bass?

**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,  
1 pair of brown shoes, 1 pair of  
tennis shoes, 8 khaki tee-shirts, 2  
belts, 1 sweater --

**ROSS**

Please the Court, is there a question  
anywhere in our future?

**RANDOLPH**

Lt. Kaffee, I have to --

**KAFFEE**

I'm wondering why Santiago wasn't  
packed.

That landed. On the JURY, RANDOLPH, ROSS...

**KAFFEE**

(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**

Damnit 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 Sergeant Henry Williamson. He went to the movies on company time. What about you?

**JO**

Me? Oh... you know... the usual.

**KAFFEE**

Just pretty much generally annoying people?

**JO**

Yeah.

(pause)  
So what do you say? How 'bout a  
celebration?

**KAFFEE**

No. How 'bout a date. A real date.  
Dinner. Attractive clothes. The works.

**JO**

Sounds good. Who do you think I  
should call?

**KAFFEE**

I'll pick you up at seven.

**JO**

What are you gonna do now?

**KAFFEE**

I'm gonna get started on Henry  
Williamson.  
(beat)

Stand my post for a while.

JO holds out her hand. KAFFEE shakes it. JO kisses him.

**JO**

Wear matching socks.

Jo splits off toward her building and KAFFEE keeps walking  
toward the bleachers as we PULL BACK TO INCLUDE the almost  
empty parade grounds and PULL BACK as to show the Washington  
Navy Yard and PULL BACK and back and back and

**FADE OUT.**

**THE END**