

The Last War Crime

Written by

The Pen

[Rev. 4]

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FADE IN ON:

EXT. SKY - MORNING

Shot of beautiful blue expanse filled with fluffy bright white clouds, which change slowly in shape by gentle stop action. We hear a disembodied voice, with enough pause between passages (and tonal difference between them) to suggest they were spoken at different times.

GEORGE W. BUSH (V.O.)

Now, there are some who would like to rewrite history, revisionist historians is what I like to call them.

GEORGE W. BUSH (V.O.)

The true history of my administration will be written 50 years from now, and you and I will not be around to see it.

GEORGE W. BUSH (V.O.)

History. We don't know. We'll all be dead.

A distant speck of an airplane moves into the lower corner of our view, rapidly getting larger as it flies towards us, and as the sound of its jet engines grows louder. It is an American Airlines 767, Flight 11. The plane hesitates slightly in its forward motion as it fills the screen and then accelerates again roaring past us out of the screen.

INT. FAA AIR TRAFFIC CONTROL CENTER [8:13 AM]

In a brightly lit underground bunker an air traffic controller, wearing a phone operator's headset, sits in front of a console dominated by a large high tech graphic radar display, flanked on both sides by other computer screens. The positions of planes are displayed along with numbers indicating their altitude and transponder numbers.

AIR TRAFFIC CONTROLLER

AAL 11 turn 20 degrees right.

PILOT (V.O.)

20 right AAL 11.

AIR TRAFFIC CONTROLLER

AAL 11 now climb maintain FL350 . . . (No response)
. . . AAL 11 climb maintain 35,000 feet . . . (Still
no response) . . . American Airlines 11, how do you

read?

INT. WHITE HOUSE OFFICE OF THE VICE PRESIDENT

The Vice President at his desk speaking to David Addington, his legal counsel, seated in front of him, along with Scooter Libby, nodding, a man-size safe overshadowing them from the side.

DICK CHENEY

So we're going to have to assert ourselves in the Iraq situation sooner or later.

(Twists up the corner of his mouth
with a slight humorous smirk)

Sooner . . . if we have the opportunity.

DAVID ADDINGTON

Opportunities come to those who create them.

DICK CHENEY

The thing that's always puzzled me is how OUR oil got under their sand.

They all smile.

INT. FANCY HOTEL DINING ROOM

The CIA director is sitting over a sumptuous breakfast, speaking across the table to his companion. As he speaks he animates with his hands.

GEORGE TENET

They're coming. I can't say exactly when, I just know they're coming here and soon. The system is blinking red. Intelligence intercepts, warnings from other countries, it could not get any more urgent.

INT. FAA AIR TRAFFIC CONTROL CENTER [8:20 AM]

AIR TRAFFIC CONTROLLER

American, one, one, if you hear Boston center, ident please or acknowledge.

SUPERVISOR

(walking over)

What's up?

AIR TRAFFIC CONTROLLER

American 11 has turned off their transponder . . .
trying the emergency frequency too. Still no radio.

HIJACKER (V.O.)

We have some planes. Just stay quiet, and you'll be
O.K. We are returning to the airport.

AIR TRAFFIC CONTROLLER

And, uh, who's trying to call me here? AAL 11?
(aside to the Supervisor)
Sounds like a hijacking.

SUPERVISOR

(picking up a red phone on console)
We better alert NORAD immediately.

AIR TRAFFIC CONTROLLER

And they just took a sharp left turn, headed for New
York City.

INT. WHITE HOUSE HALLWAY

Condoleezza Rice, smartly and stylishly dressed from head to
toe as always, is walking past a full length mirror. She
pauses for second to look herself up and down and admire the
way she looks.

INT. NORAD COMMAND CENTER

The NORAD command center is filled with large black screens
with neon green text and graphics. Individual workstations
with their own brightly colored displays are as if spot lit,
separated by more shadowed areas.

SENIOR TECHNICIAN

(in green drab uniform, on phone,
blase,)
It's probably just part of the readiness exercise
going on today . . . OK, OK, maybe we ought to get
some fighters scrambled.
(starts waving his hand in the air
for someone else to come over)

INT. AIRPLANE [8:21 AM]

A stewardess crouches behind a seat near the rear of the plane, using the AirFone from the seat back.

FLIGHT ATTENDANT

(excited, breathless)

Two flight attendants have been stabbed, one is on oxygen. They have tear gas or something.

(her eyes are burning and she is having trouble breathing)

A passenger had his throat slashed in first class, he looks dead, and they're in the cockpit.

INT. SCHOOL CLASSROOM

A teacher stands up in front of a wall of posters and drawings. There is an empty plastic chair to her left waiting for their illustrious guest.

SCHOOL TEACHER

(exaggerates to make it sound like something real big)

Alright class, we have the President of the United States coming to see how well you're doing learning to read.

(more mechanical sounding now)

So let's all practice one more time. Everybody put your fingers under the title . . . ready . . .

EXT. LIMOUSINE IN FRONT OF RESORT HOTEL

The president is about to get into his black limousine, with two small American flags sticking up from the front fenders. Karl Rove stands there as they open the door for him.

GEORGE W. BUSH

How did you ever book me for this one, Karl . . . reading with 2nd graders?

KARL ROVE

Their parents are all voters, sir.

Bush rolls his eyes and gives Rove an aggravated look.

INT. NORAD COMMAND CENTER BATTLE CAB

A female Lt. Colonel runs up a short flight of stairs into a glassed in office overlooking the

floor, like a low slung balcony.

LT. COLONEL

(breathless)

There's been a hijacking!

COMMANDER

Is this just part of Vigilant Guardian drill this week?

LT. COLONEL

Seriously, this is no kidding for real.

COMMANDER

Hell . . .

(picking up his telephone)

Get me Otis Air Force Base, fast, we need some planes in the air, for real.

INT. AIRPLANE COCKPIT

Five hijackers, two in the pilot seats, are crowded together in the cockpit, looking out the front windows as the Manhattan skyline rushes towards them and by them. They are singing together a capella in unison.

HIJACKERS

Alahu Akbar! Alahu Akbar!

INT. AIRPLANE

Still in the back of the plane the flight attendant continues reporting their status.

RESERVATIONS AGENT (V.O.)

Can you recognize where you are?

FLIGHT ATTENDANT

I see the water. I see the buildings. I see buildings . . . Oh, my God!"

EXT. STREET - MANHATTAN [8:46 AM]

A man and a woman stand in the street in front of a sleek office building next to the World Trade Center. We hear the sound of jet engines approaching like a freight train as they look up.

MAN

That plane sounds awfully loud.

WOMAN

(alarmed)

Why is it flying so low?

MAN

(shouting)

Look out, it's going to hit the building!

Looking up at an extreme angle at the pristine twin towers gleaming in the morning light, a plane suddenly flies in from the side, exploding out all sides of the north tower around the 96th floor, spewing huge chunks of debris, thick billows of light tan smoke and an orange fireball. We hear panicked screams and people running in the street below.

INT. FANCY HOTEL DINING ROOM

An aide approaches Tenet with a cell phone open and hands it to him.

AIDE

(grimly)

The World Trade Center has been attacked by an airplane.

GEORGE TENET

(phone to ear, listens for a second)

So they put the plane into the building itself?

(extreme closeup of face then zooming in to his forehead)

I wonder if this has something to do with that guy we got who was training for a pilot's license . . .

DISSOLVE INTO:

A series of TELESCOPING FLASHBACKS

INT - OFFICE OF GEORGE TENET

GEORGE TENET

I don't care if he IS on vacation, I'm flying down to Crawford. The President needs to be briefed on this right away. This could be part of the possible spectacular attacks we've been sounding the alarms

about.

We zoom in on a piece of paper Tenet is holding.

A shot of a powerpoint briefing page on Zacarias Moussaoui, titled "Islamic Extremist Learns To Fly", outlining how he came to U.S. to learn to fly 747, paid for training in cash, etc.

Zoom out to see that it has scene shifted to being a sheet that has just come out of a printer, and zooming further out to reveal a CIA staffer picking the document up and handing it to an aide.

CIA STAFFER

Make sure the Director sees this as soon as possible. The FBI field agent in Minnesota called in person and was really quite frantic about it all.

Again zooming in on the CIA staffer's forehead and dissolving into

FBI FIELD AGENT

(talking into phone, passionately)

The Radical Fundamentalist Unit at FBI Headquarters won't even let us apply for a search warrant to see what's on Moussaoui's laptop! This is a guy who might fly something into the World Trade Center!

Once again zooming in on the face of the FBI Field Agent and dissolving into a shot of FBI Supervisor also talking on phone as the last words of the FBI Field Agent crossfade into a voice over.

FBI SUPERVISING AGENT

(angrily)

You will not question the unit chief and you will not question me! An act of terrorism is not imminent in this case.

And finally dissolving to and zooming back out from Tenet's face where we started the sequence.

GEORGE TENET

You know, this has bin Laden's fingerprints all over it.

INT. FAA AIR TRAFFIC CONTROL CENTER [8:52 AM]

SUPERVISOR

(on red phone again, air traffic controller sitting by looking helpless)
Another hijacking. We just lost United 175's transponder. And they've deviated from their assigned flight path

INT. NORAD COMMAND CENTER

LT. COLONEL

(leaning over the console where the Senior Technician is transfixed on his display)
We can't pick them out on our radar anymore. What's their new heading?

INT. FAA AIR TRAFFIC CONTROL CENTER

SUPERVISOR

Last check, in the direction of New York City. Where are the fighters, why aren't there any fighters?

EXT. SKY

Against a background of the Manhattan skyline and the smoke rising from the first crash, Flight 175 blasts from apparently over our heads into the screen, headed straight for the unimpacted tower.

INT. WHITE HOUSE OFFICE OF THE VICE PRESIDENT [9:03 AM]

Cheney, Condoleezza Rice, and Mary Matalin are watching a TV showing news reports of the first World Trade Center tower burning, when suddenly there is another huge explosion as the second tower is struck.

MARY MATALIN

Another plane just hit the other tower!

Condoleezza Rice gasps slightly with her mouth open. Cheney is completely impassive.

Close up shot of Rice's forehead dissolves into

INT. HALLWAY IN WHITE HOUSE

Richard Clarke calls out and catches up to Rice.

RICHARD CLARKE

(agitated)

Condi, when are we going to have a Principals' meeting on Al Qaeda? They are coming here, if they are not here already. My hair has been on fire for months about this!

CONDOLEEZZA RICE

The Vice President is handling anything about preparing a defense against domestic attacks.

RICHARD CLARKE

Well, he hasn't done anything about it! It's like he's not even interested.

CONDOLEEZZA RICE

(indifferently dismissive)

What does this really have to do with foreign policy, Dick? The national security priority right now is the strategic missile shield.

RICHARD CLARKE

(exasperated)

Al Qaeda plans MAJOR acts of terrorism against the United States. We're going to wake up some morning and there will be hundreds of people dead in one of our major cities, and we will wonder what more we could have done to stop them.

INT. NORAD COMMAND CENTER BATTLE CAB

The Lt. Colonel is back up in the balcony area, bursting in again with escalating bad news.

LT. COLONEL

Third hijack confirmed, and there may be others. American 77 just made a U-Turn over northeastern Kentucky, and is headed right back to Washington, DC!

INT. SCHOOL CLASSROOM [9:06 AM]

George Bush is seated in the classroom, the teacher just off to the right of the screen. He is holding a book in his

lap.

SCHOOL TEACHER

Now get your readers from under your seats.

The children all duck down in synchronization to do so, while from the left of the screen, Andy Card walks briskly over to where the President is seated in front of the children, and leans down to whisper in his ear as we cut to a close up of this.

ANDY CARD

A second plane has hit the World Trade Center.
America is under attack.

Bush is overcome with a look of befuddlement. We cut to an extreme close up of his forehead which dissolves into a close up of a page of the Presidential Daily Briefing of August 6, 2001, centered on scanning the words

. . .consistent with preparations for hijackings or other types of attacks . . .

We pull back from the paper as Bush turns back over to the title page which reads

Bin Laden determined to strike in US

EXT. CRAWFORD TEXAS RESIDENCE

And then continuing to pull back we see the CIA briefer standing in front of Bush as he lounges on the patio of his ranch house in his cowboy outfit.

GEORGE W. BUSH

(handing the briefing papers back dismissively)

Alright, you've covered your ass, now . . .
(turning to an aide and starts to get up)

Let's go fishing.

The voice over of the teacher snaps Bush back to present day reality.

SCHOOL TEACHER (V.O.)

And open your book up to lesson 60, on page 153.

Bush cracks open his own book, quickly notices it is UPSIDE

DOWN, and then flips it upright with a sheepish expression on his face.

SCHOOL TEACHER

Everybody put your fingers under the title . . .

INT. WHITE HOUSE OFFICE OF THE VICE PRESIDENT [9:10 AM]

Two secret service agents rush into the office.

SECRET SERVICE AGENT

We've got to get you out of here, Mr. Vice President.

The two of them they literally pick Cheney up by his arms and belt lifting him out of his chair, like you would pick up a couch potato.

SECRET SERVICE AGENT

Everybody into the bunker, NOW!

INT. SCHOOL CLASSROOM

CHILDREN

(droning monotone together, as they read the teacher is beating her own book with a pen after each word like pounding the rhythm of the oars of a slave ship)

But - the - goat - did - some - things - that - made - the - girl's - dad - mad.

GEORGE W. BUSH

Really good readers, whew! ... These must be sixth-graders!

In the back of the room, Press Secretary Ari Fleischer catches Bush's eye and holds up a pad of paper for him to read, with "DON'T SAY ANYTHING YET" written on it in big block letters.

INT. FAA AIR TRAFFIC CONTROL CENTER

AIR TRAFFIC CONTROLLER

All American Airlines flights. Your hub is directing that all new takeoffs are canceled. Remain at or return to your gates. Repeat, remain

on the ground.

INT. PRESIDENTIAL EMERGENCY OPERATIONS CENTER [9:20 AM]

Cheney is now gathered with his wife Lynne, Rice, Matalin, Addington, Scooter Libby, Karen Hughes, and various other aides in the underground bunker, a claustrophobic room barely large enough to contain a large conference table they sit around, Cheney in the center back to the wall, a large presidential seal hung there over his shoulder. At the far end of the room are banks of TV monitors all tuned to various news channels which have the sole attention of everyone in the room except Cheney who speaks quietly on a white phone.

DICK CHENEY

Mr. President, we've been hit twice already. My recommendation is that you authorize the military to shoot down any plane under control of hijackers.

GEORGE W. BUSH (V.O.)

You bet.

DICK CHENEY

And I know I share your feelings when I say we are going to hunt these people down.

INT. SCHOOL WAITING ROOM

Bush is seated at a bare table with a just a multi-line phone and some papers spread in front of him, editing a short address he is about to give to the nation. Aides watch TV in the background which his back is turned to. As Cheney speaks Bush is taking notes and crossing things out.

DICK CHENEY (V.O.)

And that this will not stand.

INT. PRESIDENTIAL EMERGENCY OPERATIONS CENTER

Cheney motions to a young Military Aide to lean down and he says something in his ear we do not hear. The aide rushes out. As he is leaving, Secretary Mineta arrives.

INT. SCHOOL ASSEMBLY HALL

A podium has been set up with a presidential seal on it. Bush has a collection of teachers and other people standing behind him.

GEORGE W. BUSH

Ladies and gentlemen, this is a difficult moment for America . . .

INT. PRESIDENTIAL EMERGENCY OPERATIONS CENTER [9:27 AM]

The young Military Aide comes back into the conference room.

MILITARY AIDE

The plane is 50 miles out.

INT. SCHOOL ASSEMBLY HALL

GEORGE W. BUSH

. . . in an apparent terrorist attack on our country. I have spoken to the Vice President . . .

INT. PRESIDENTIAL EMERGENCY OPERATIONS CENTER

MILITARY AIDE

The plane is 30 miles out.

INT. SCHOOL ASSEMBLY HALL

GEORGE W. BUSH

. . . to hunt down and to find those folks who committed this act. Terrorism against our nation will not stand.

INT. PRESIDENTIAL EMERGENCY OPERATIONS CENTER

MILITARY AIDE

The plane is 10 miles out. Do the orders still stand?

Cheney whips his neck around toward the Military Aide.

DICK CHENEY

Of course the orders still stand. Have you heard anything to the contrary?

INT. OFFICE OF DONALD RUMSFELD [9:37 AM]

Rumsfeld is on his feet at his stand up desk, receiving visitors as they are also watching TV news reports on the WTC attack.

DONALD RUMSFELD

Let me tell ya, I've been around the block with terrorism a few times. There's going to be another attack, and it could be us.

FLASHBACK TO

INT - OFFICE OF GEORGE TENET

DONALD RUMSFELD

I just don't understand why we are talking about this one man, Bin Laden -- who cares about a little terrorist in Afghanistan.

Moments later there is the sound of a huge explosion and the Pentagon building shakes noticeably.

INT. NORAD COMMAND CENTER BATTLE CAB

COMMANDER

The damn terrorists are batting three for three! I want an F-15 with heat seekers on the tail of that Pennsylvania plane and I want it there now!!

EXT. SKY OVERHEAD

Shot of jet streaking past and a sonic boom as it breaks the sound barrier.

INT. PRESIDENTIAL LIMOUSINE, PARKED ON AIRPORT TARMAC

Bush sits alone in his limousine on the secure phone with Cheney.

DICK CHENEY (V.O.)

With the attack now on the Pentagon, the consensus here, with which I concur, is that there must be some state sponsor behind all this somewhere, probably Saddam Hussein.

GEORGE W. BUSH

My dad should have taken him out the first time.

DICK CHENEY (V.O.)

Well, we all know how he tried to kill your dad. And now he's coming after you, Mr. President. Under the circumstances, it would be wise for the moment to divert you from coming back to Washington immediately.

Bush nods compliantly but reluctantly, pursing his lips.

INT. PRESIDENTIAL EMERGENCY OPERATIONS CENTER [9:59 AM]

Cheney hangs up the phone. On a video teleconference screen Richard Clarke is speaking, the sound coming out of a speaker phone.

RICHARD CLARKE

Two, the White House is also requesting fighter escort of Air Force One. Three, and this applies to all agencies, we are instituting Continuity of Government.

Everyone is still glued to the TV screens when the south World Trade Center tower dramatically starts to collapse. The structural supports of the building seem to explode out from underneath it, pulverizing and blowing out vast clouds of chalky dust.

LYNNE CHENEY

Oh, my God! It's collapsing. The whole building just collapsed!

Lynne Cheney turns down the sound of the speaker phone so she can hear CNN.

RICHARD CLARKE

(partially muted)

Please activate your alternate command centers and move staff to them immediately.

There are sympathetic shrieks of horror from everyone in the bunker EXCEPT Dick Cheney, who remains visibly impassive, an island of disconnectivity in the midst of an ocean of turmoil. We cut to a close up of his forehead which dissolves into a sheet of paper on which we scan the words.

Further, the process of transformation, even if it brings revolutionary change, is likely to be a long one, absent some catastrophic and catalyzing event--like a new Pearl Harbor.

We zoom in especially on the words, "a new Pearl Harbor", and then dissolve back quickly to Cheney's face, where one might detect the hint of a smirk in the corner of his mouth.

INT. TV SCREEN

We watch the dust from the collapse of the first trade center tower blanketing all of lower Manhattan as we zoom in on the TV screen until we become lost in nothing but smoke.

PETER JENNINGS (V.O.)

Anyone who has ever watched a building being demolished on purpose knows that if you're going to do this you have to get at the under-infrastructure of the building to bring it down.

FADE OUT

TITLE FRAME: A Little More Than Five Years Later

EXT - FEDERAL COURT HOUSE DISTRICT OF NEVADA - LAS VEGAS

A long shot of the exterior of the courthouse. A couple cars pass and some people mill about.

INT. FEDERAL COURT ROOM DISTRICT OF NEVADA - LAS VEGAS

The court room of District Judge Guillermo Sanchez is richly wood paneled with a high ceiling. The judge's bench itself is substantially elevated and meticulously carved, with American flags on upright poles behind on both sides. The judge is a large man, somewhat portly. U.S. Attorney Robert Arrow, stands at the podium to address the Court.

MICHAEL ARROW

Thank you, your honor. According to the plea agreement of Lawrence "Smoky" Jackson, he will fully cooperate in the government's ongoing investigation. And conditioned on Mr. Jackson answering truthfully any and all questions put to him before the grand jury, the government is prepared to recommend

mitigation of what would otherwise be a five year prison sentence.

DEFENSE ATTORNEY

For the record, I want it to be clear that my client has been guaranteed absolute immunity for any additional offenses his truthful testimony so given might incriminate him for.

U.S. ATTORNEY ARROW

That is our agreement, your Honor.

JUDGE SANCHEZ

Very well, in that case I will continue this matter until . . . (checking his calendar) . . . would 60 days be sufficient to ascertain the faithfulness of Mr. Jackson's cooperation?

U.S. ATTORNEY ARROW

Yes, your honor.

JUDGE SANCHEZ

Then I will set this matter over to the 27th of January at 9 AM, if that is convenient for all counsel.

DEFENSE COUNSEL

That will be fine, your honor.

JUDGE SANCHEZ

(pounding his gavel)
The Court will stand in recess.
(rises out of his high back chair)

BAILIFF

All rise.

INT. PRESS CONFERENCE

After the guilty plea U.S. Attorney Arrow stands at a podium with microphone, with Assistant U.S. Attorney Black and multiple U.S. flags behind him. There are news reporters there, including one loveable wise aleck with an irrepressible grin.

MICHAEL ARROW

I'll take one more question . . . Yes.

NEWS REPORTER

(fancying himself as an amateur
prosecutor)

Isn't it true . . . that the ultimate target of this
is REPUBLICAN Congressman Todd Murky?

MICHAEL ARROW

The grand jury secrecy rules are in place to protect
both the innocent and the guilty. I cannot even
discuss where this probe might be headed.

INT. OFFICE OF U.S. ATTORNEY MICHAEL ARROW

The U.S. Attorney is the ranking law enforcement officer for
the entire federal district and has a large office, walled
with bookshelves full of case law books, a large desk and
comfortable looking chairs. Utterly straight laced, and
humorless in his legal capacity, but good natured otherwise.
He is in his fifties, but could pass for 49. His door is
standing ajar as he sorts some papers in stacks on his desk.
Assistant U.S. Attorney Rachel Silver, modestly younger than
him, pops her head in the door.

RACHEL SILVER

You wanted to see me? By the way, congratulations
on the Jackson guilty plea.

MICHAEL ARROW

Yes, thank you.

RACHEL SILVER

If I was up against you, I'd plead guilty myself,
and I haven't even done anything.

MICHAEL ARROW

(smiles only slightly)

Asst. U.S. Attorney Black has been tapped for the
district judge vacancy. He's a hard worker, will
make a fine judge.

RACHEL SILVER

We've got some good ones. Judge Sanchez usually
works after hours a couple hours into the evening
every night with his clerk, working on his rulings
for the next day.

MICHAEL ARROW

So I'm going to need some help with the grand jury.
I've prepared an appearance letter for you to join

me, if you want to sign on.

Another assistant U.S. Attorney, Bob Angle, just now also sticks his head in the door. He is a somewhat younger than either Arrow or Silver, perhaps too young to have his career station, with the wet behind the ears arrogance of a political appointee.

BOB ANGLE

Hey, Arrow, if I'm not interrupting you two legal eagles, I've got your tickets for the Law Enforcement Dinner, one for you, one for your wife.

MICHAEL ARROW

Just drop them on the corner of my desk there.

BOB ANGLE

(he does so)

What about you, Silver?

RACHEL SILVER

You know, I'm not really into the big strip hotel thing.

BOB ANGLE

(incredulous and mockingly sarcastic,
almost menacing)

Our Vice President is coming out to rally the troops, and you aren't going to be there? We wouldn't want anyone to think you're not a team player.

RACHEL SILVER

I LOVE the big glitzy strip hotel thing.

BOB ANGLE

That's more like it.

(he hands her a ticket)

Ring side table. You owe me 50 bucks.

(and quickly ducks out the door)

RACHEL SILVER

Anyway, grand jury shift works for me, where do I sign?

INT. APARTMENT OF U.S. ASST. ATTORNEY SILVER

Rachel Silver's apartment is cramped and dark. She sits on her bed eating from a takeout food container as she watches

the news on TV.

FEMALE NEWS BROADCASTER

So the favorite game of chance in town has become betting where the next shoe is going to drop in the U.S. Attorney's public corruption investigation. We now hear from Congressman Murky, who continues to assert he has done nothing wrong . . .

RACHEL SILVER

Keep talking, big guy.

INT. GRAND JURY ROOM

The grand jury meets in a somewhat bare room with tiers of chairs for the grand jurors to sit, and a simple table the lawyers and a witness can sit around. There are TV monitors hung on the wall for playing videos.

"Smoky" Jackson is a muscular, short haired guy who loves the sound of his own voice, a former military airman and a CIA pilot who has probably been involved with much more nefarious business he's gotten away with than not, and has the cockiness to prove it.

MICHAEL ARROW

So, Mr. Jackson, is it your testimony, that the numbers written on this document represent the levels of campaign contributions that KYM Corporation would have to make, to get certain dollar amounts of contracts awarded?

SMOKY JACKSON

That's what they were.

MICHAEL ARROW

And you affirm again, that is your truthful testimony.

SMOKY JACKSON

Yes. It better be, otherwise you'll make me do the fish dance.

MICHAEL ARROW

That's all I have, do the grand jurors have any questions?

(starts to pack up his papers in his brief case)

GRAND JUROR NO. 9

Actually, that expression you just used . . . fish . . . dance . . . I'm just curious, what does that refer to . . . fish dance.

SMOKY JACKSON

That's what we used to call it when I was in SERE school. It's also called waterboarding. And it's really helped us to get information to win the war on terror.

Arrow suddenly perks up his ears, a great show of surprise from someone with ordinarily such a poker face.

GRAND JUROR NO. 9

Sear school?

SMOKY JACKSON

(with pride, his favorite subject)
Oh, right, that stands for survival, evasion, resistance, escape.

MICHAEL ARROW

How does this waterboarding work?

SMOKY JACKSON

Well, first they strap you down to a board, with your head a little lower than your feet.

As he is speaking we cut to a close up of his face, and then zoom in and dissolve to someone of Middle Eastern descent having this done to them as his own voice becomes a voiceover. We see the towel being placed on the person's beardless face, strapped to a board in a bare walled concrete room, but we don't see the other people in the room yet.

SMOKY JACKSON (V.O.)

And then put a wet towel or rag on your face . . .
And just pour a little water on there.

MICHAEL ARROW (V.O.)

And what does that do?

We see the person struggling and trying to twist away.

SMOKY JACKSON (V.O.)

And it triggers the gag reflex, makes you feel like you're drowning.

Quickly cut back to present reality.

SMOKY JACKSON

(chuckling to himself)

The best of us could only hold out for about 15 seconds before we'd be confessing to the Sharon Tate murders.

MICHAEL ARROW

And the information you mentioned we got, what kind of information was that?

SMOKY JACKSON

Mostly stuff on weapons of mass destruction. See, they were looking for a way to get more information out of the terrorists they were rounding up. I was an Air Force pilot at the time, and I brought down some observers from Washington to see how the interrogations were going at Guantanamo.

MICHAEL ARROW

And who were these observers?

Flashback dissolve a close up of a closed circuit TV camera, then cut to men in a dimly lit room watching an interrogation on a closed circuit TV, the person being interrogated sitting in a comfortable upright position at a table. The questioning in the grand jury room continues as a voice over. As people are named we see shots of them in close up. Jackson himself is there wearing a baseball cap backwards.

SMOKY JACKSON (V.O.)

(searching his memory)

Gee, it was about four years ago. September, as I recall, the year before we went in to take out Saddam, so that was 2002, right. I remember Alberto Gonzales was there.

MICHAEL ARROW (V.O.)

(somewhat stunned and trying not to show it)

The current Attorney General?

SMOKY JACKSON (V.O.)

Right. And there was a guy named . . . Addington.

MICHAEL ARROW (V.O.)

David Addington?

SMOKY JACKSON (V.O.)

(voice fading out)

That's it, and a guy named Haynes or something. He was some kind of Pentagon guy. Some others.

We are now fully immersed in the flashback scene and hear only the voices of those there.

DAVID ADDINGTON

(demanding tone of voice)

What about the weapons of mass destruction in Iraq?

LEAD INTERROGATOR

They're trained to resist. I'm not sure they even have information like that.

DAVID ADDINGTON

(cutting him off)

Of course they do.

(extremely sarcastic to the point of hostility)

Have you tried tickling them with long pink feathers?

Gonzales titters slightly.

LEAD INTERROGATOR

We're just wearing the gloves we've always worn, Army Field Manual 34-52.

DAVID ADDINGTON

(maintaining his extreme sarcasm)

Well then . . . you're just going to have to take the gloves OFF, because it obviously isn't working.

SMOKY JACKSON

You know, we tried the pink feathers in SERE school, and they didn't work.

Addington breaks out with a belly laugh, then back to voice over from the grand jury room, but the visual is still in the flash back scene.

SMOKY JACKSON (V.O.)

So we got to talking about my SERE training, and it turned out the knew all about waterboarding, and they said they were going to put together a new interrogation team with an updated set of guidelines. So a couple months later, they had me fly down again to help train their new guys.

MICHAEL ARROW (V.O.)

So this would have been in November of 2002.

SMOKY JACKSON (V.O.)

Right.

DISSOLVE FORWARD TO:

The same waterboarding scene we flashed back to earlier except now we see the whole scene. The detainee is completely naked, which we could see completely except that a woman is standing there in front of his midriff, wearing riding pants and crisp shirt. There is an interrogator in a short sleeved t-shirt by the detainee's head, with a bucket of water on the ground next to him. A doctor in a lab coat is standing off further to the side. The towel is not yet on the detainee's face.

CLOSE UP SHOT OF A CLOSED CIRCUIT TV CAMERA

INT. INTERROGATION ROOM

WOMAN INTERROGATOR

(mocking)

So, Haji, where's your beard? . . . Maybe we'll shave you down here too.

She points to the area between his legs still blocked from our view.

Or maybe you'd rather have a massage.

She starts rubbing his thigh uncomfortably close to his crotch area, he grimaces painfully.

MALE INTERROGATOR

We can throw some ice water on that.

And he does just that, pouring ice water from the bucket on the man's groin, a couple ice cubes falling to the floor also. The man shivers hard. The woman laughs derisively.

MALE INTERROGATOR

(shouting at him)

Tell us about the connection between Saddam and Al Qaeda!

No answer is forthcoming. Just a cold, hateful stare.

MALE INTERROGATOR

Tell us about the weapons of mass destruction Iraq is hiding!

WOMAN INTERROGATOR

Have it your way, towel head. How about a towel for your face, a great big wet towel?

P.O.V. SHOT

We are looking up at the ceiling as if we were being waterboarded ourselves. The male interrogator leers down at us as he drapes the wet towel over our faces.

Cut to a shot of the water being poured out of the bucket in a stream. We hear the sound of coughing and choking.

MALE INTERROGATOR

(even louder)

Tell us about Iraq and Al Qaeda!

Back to the P.O.V. shot where we can see the water spashing on the towel looking up through it, as our attention is suddenly interrupted by a voice over from back the grand jury room.

MICHAEL ARROW (V.O.)

Have you ever been told that waterboarding is a form of torture?

That question instantly shocks Smoky back to the reality of the grand jury room. His collar is instantly ringed with sweat.

SMOKY JACKSON

Wait a minute, am I going to get in trouble for this too?

MICHAEL ARROW

(cooly)

You have blanket immunity for anything you disclose here. You COULD confess to the Sharon Tate murders, and there is nothing I could do about it.

SMOKY JACKSON

What does this have to do with any . . .

MICHAEL ARROW

(cutting him off)

I'll ask the questions here . . . On the other hand, if you are no longer interested in co-operating.

SMOKY JACKSON

No, no . . . I want to co-operate.

MICHAEL ARROW

So beside the people we've already discussed, who could verify the facts of what you have told us about these Guantanamo trips.

SMOKY JACKSON

(frantically trying to decide if it is better remember or not)

I don't know.

MICHAEL ARROW

Did you have a co-pilot on any of these trips?

SMOKY JACKSON

Yes . . . yes I did, now I remember.

MICHAEL ARROW

And his name was . . .

SMOKY JACKSON

Andy . . . Andy Bascom.

MICHAEL ARROW

The same person for both trips.

SMOKY JACKSON

Yes.

MICHAEL ARROW

And would you spell his last name?

SMOKY JACKSON

B - A - S - C - O - M.

MICHAEL ARROW

And where would we find Mr. Bascom? What is his address?

SMOKY JACKSON

I'll get it for you, I'll get it for you, he lives right here in Las Vegas.

The grand jurors have been held spellbound by this dramatic testimony.

MICHAEL ARROW

Other than that then, we are complete. For the record I'd just ask the foreperson to keep you under subpoena, just in case we need to bring you back. And I'd like to thank the grand jurors also for their extra service today as we have run a bit overtime.

In response to this gesture of thanks the jurors smile back warmly at the U.S. Attorney, who they have come to most fondly admire and respect. The court stenographer is packing up her stuff and everyone else is filing out as Asst. U.S. Attorney Silver leans over to speak confidentially.

RACHEL SILVER

What just happened?

MICHAEL ARROW

I think we just heard evidence of war crimes.

RACHEL SILVER

(shaken by the import of this)
Where's is this going to lead?

MICHAEL ARROW

I don't know . . . but wherever the evidence leads, that's where I go . . . That's where I always go. We'll work on all the rest of our cases in the meantime.

RACHEL SILVER

How could this have all happened?

CUT TO TITLE FRAME: September 12, 2001

INT. WHITE HOUSE SITUATION ROOM

In conference room with dark wood paneling on all sides floor to ceiling, except for a gap of light colored wall with a centered presidential seal, George Bush seated in that position at the head of the table. Also attending are Dick Cheney, Donald Rumsfeld, Condoleezza Rice, George Tenet, Colin Powell, Scooter Libby and Andy Card.

GEORGE BUSH

(angrily)
I don't care what the international lawyers say, we are going to kick some ass.

DONALD RUMSFELD

(has a yellow legal size paper pad
with much scribbling, staccato
questions)

How do we know that Iraq didn't provide the support
for this? How much evidence would we need to take
action there?

COLIN POWELL

It would be easier initially keep it focused on Al
Qaeda. The rest of the world is behind us, even the
French.

(snickers all around from the rest of
the table)

We could get a broad UN resolution.

DICK CHENEY

We don't want to tie our hands there either.
Inevitably we're going to have to target the state
sponsors of terrorism. And we've been talking since
day one about what a menace Saddam Hussein is.

Head nodding all around the conference table.

DONALD RUMSFELD

(playing Devil's non-committal
advocate)

Some would say this is an OPPORTUNITY to go after
Iraq immediately . . .

(gesturing with his arms)

go massive, sweep it all up.

COLIN POWELL

(rolling his eyes at Rumsfeld)

At the same time, any action needs public support
here at home. Right now, the American people want
us to go after Al Qaeda.

GEORGE BUSH

(frustrated)

What the American people WANT, is a big bang. I
can't sell them on jumping into Iraq day one, but
we'll come back and decide this later.

TV NEWS BROADCAST

NEWSCASTER

With the fires still burning at ground zero, the
whole world waits to see how America will react.
This headline today from the French newspaper Le
Monde . . . "Nous Sommes Tous Americains" . . .

(holds up newspaper)

Translated it reads, "We're all Americans now".
Meanwhile, the President meets with his top advisors

to formulate a plan of attack.

INT. WHITE HOUSE, SITUATION ROOM

George Bush is still sitting in the Situation Room alone, looking grim. Everyone else has filed out. He sees Richard Clarke pass by the door.

GEORGE BUSH

Super Clarke, there you are . . . in here.

(he pulls Clarke into the conference room and closes the door)

Look, I know you have a lot to do . . . but I want you, as soon as you can, to go back over everything, everything. See if Saddam did this, see if he's linked in any way.

RICHARD CLARKE

(somewhat incredulous)

Mr. President, Al Qaeda did this.

GEORGE BUSH

I know, I know, but . . . see if Saddam was involved, any thread.

RICHARD CLARKE

Absolutely, we will look . . . but we have looked several times for state sponsorship of Al Qaeda and have not found . . .

GEORGE BUSH

(cutting him off testily)

Look into Iraq, Saddam.

TV INTERVIEW [September 16, 2001]

Dick Cheney is speaking on Meet The Press

DICK CHENEY

I'm going to be careful here, Tim, because I — clearly it would be inappropriate for me to talk about operational matters, specific options or the kinds of activities we might undertake going forward. We do, indeed, though, have, obviously, the world's finest military. They've got a broad range of capabilities. And they may well be given missions in connection with this overall task and strategy.

We also have to work, though, sort of the dark side, if you will. We've got to spend time in the shadows in the intelligence world. A lot of what needs to

be done here will have to be done quietly, without any discussion, using sources and methods that are available to our intelligence agencies, if we're going to be successful.

INT. WHITE HOUSE PRIVATE DINING ROOM

George Bush and Dick Cheney sit at a round parquet table. Cheney speaks.

DICK CHENEY

Mr. President, not many men have been commander at a time of such existential threat to their nation, a time that calls for bold action. You are now in the company of men like Churchill, Lincoln . . .

(cut to Bush and zooming in as if his head is growing visibly larger)

a war president . . . and I for one have every confidence that you can fill those boots. We can give you our best judgment, but at the end of the day, you are still the decider.

INT - WHITE HOUSE HALLWAY

Karl Rove passes a staffer in the hallway who grabs his ear.

STAFFER

Where's the president, we've got to set up for his 2 o'clock photo op.

KARL ROVE

He's having his private lunch with five timer.

STAFFER

Five timer?

KARL ROVE

You know . . . five draft deferments.

(making quote signs with his fingers)

He had "other priorities".

STAFFER

Nothing ever seems to get decided until he talks to The Management.

TV NEWS BROADCAST [November 21, 2001]

Background graphic, "Assault on Tora Bora".

NEWSCASTER

It took two months get operations in rough

mountainous Afghanistan coordinated with the local Northern Alliance tribes, but the last pockets of Taliban resistance are collapsing. All focus now is on the assault on the Tora Bora cave complex, where terrorist mastermind Osama bin Laden is believed to be holed up.

INT. WHITE HOUSE, SITUATION ROOM

George Bush is in the Situation Room with Donald Rumsfeld, with the door again closed.

GEORGE BUSH

Dick says that . . .
(stops himself and restarts)
How do you feel about the war plan for Iraq, what do you have for Iraq?

DONALD RUMSFELD

It's certainly not current, mostly a leftover rehash from Desert Storm II.

GEORGE BUSH

Let's get started on this . . .
(hesitating)
Could this be done on a basis that would not be terribly noticeable?

DONALD RUMSFELD

Sure, we're doing a worldwide review now anyway, perfect cover.

GEORGE BUSH

Don't talk about what you are doing with anyone else outside of defense.

DONALD RUMSFELD

We'll have to bring in Tenet at some point for intelligence.

GEORGE BUSH

Fine, later, but not now.

TV NEWS BROADCAST [January 11, 2002]

Background graphic, prisoners in orange jump suits arriving at Guantanamo Bay Camp X-Ray

NEWSCASTER

The whereabouts of Osama bin Laden remain unconfirmed, but the first terrorists captured in Afghanistan are starting to arrive at new Camp X-Ray

in Guantanamo Bay.

INT. VICE PRESIDENT CHENEY'S OFFICE

With Cheney are David Addington standing, Scooter Libby and Alberto Gonzales are sitting in chairs in front of Cheney's desk.

ALBERTO GONZALES

(somewhat meekly)

I don't know, I told the president I was worried that . . .

DAVID ADDINGTON

(pedantically with sarcasm)

Clearly, you don't have the background OR the experience to even stick your toe in this water. HERE'S your memo.

Addington hands him a 4-page document as Cheney cracks one of his slight, corner of the mouth smiles.

ALBERTO GONZALES

(tentatively)

Maybe we should run this by the military judge advocate generals.

DAVID ADDINGTON

(dismissive contempt)

Don't bring the JAGs into this process, they aren't reliable.

As Gonzales flips through the document, we zoom in on the top of the second page to scan the words we highlight.

In my judgment, this new paradigm renders obsolete Geneva's strict limitations on questioning of enemy prisoners and renders quaint some of its provisions.

ALBERTO GONZALES

(timidly, looking up from the memo)

The president was asking me, "Do these tough methods really work?" What if someone, someday, tries to say this is some kind of war crime?

DAVID ADDINGTON

What matters, is who commits the last war crime.

DICK CHENEY

(chuckling)

Which will always be us, of course.

[Note: Gonzales "Geneva Quaint" memo was dated January 25,

2002. Bybee "Torture" Memo was August 1, 2002]

INT. CIA OFFICE OF GEORGE TENET [July 20, 2002]

Sir Richard Dearlove, head of MI6, nearly bald on top with flanks of thin white hair and frameless oval glasses, aristocratic British accent, is meeting with George Tenet

GEORGE TENET

(extending his arms in an open embrace)

And it's always a pleasure for ME, to host my counterpart with MI6. I've always wondered, how did you end up with the moniker, "C", just the one letter, "C"?

SIR RICHARD DEARLOVE

I suppose it's the James Bond thing, "M", it's like that. So where is this Iraq issue going, really?

GEORGE TENET

If you ask me, we going in . . . it's a slam dunk.

SIR RICHARD DEARLOVE

It's very unlikely that Saddam has WMDs, based on the dodgy intelligence we've seen. Our people believe invading Iraq under these circumstances would be a breach of international law.

GEORGE TENET

Hey, it doesn't matter anymore. That's where we're headed. They're just looking for intelligence to fit into this.

SIR RICHARD DEARLOVE

When I get back to Downing Street that's what my report will say, that the decision has been made regardless.

COMPUTER SCREEN TYPING WORDS

C reported on his recent talks in Washington. There was a perceptible shift in attitude. Military action was now seen as inevitable.

INT - VFW 103RD NATIONAL CONVENTION [August 26, 2002]

DICK CHENEY

The Iraqi regime has in fact been very busy enhancing its capabilities in the field of chemical and biological agents. And they continue to pursue

the nuclear program they began so many years ago.

COMPUTER SCREEN TYPING WORDS

Bush wanted to remove Saddam, through military action, justified by the conjunction of terrorism and WMD. But the intelligence and facts were being fixed around the policy.

INT - VFW 103RD NATIONAL CONVENTION

DICK CHENEY

Simply stated, there is no doubt that Saddam Hussein now has weapons of mass destruction. There is no doubt he is amassing them to use against our friends, against our allies, and against us.

INT. CIA TENET'S OFFICE

Tenet is watching this on TV, exasperated he turns to his assistant.

GEORGE TENET

Where IS he getting this stuff? This is WAY beyond anything we've got.

His deputy Jami Miscik shakes her head.

GEORGE TENET

It's not like he and his people aren't constantly over here leaning on my analysts, we might as well set up cots.

DICK CHENEY (ON SCREEN)

Many of us are convinced that Saddam will acquire nuclear weapons fairly soon.

TV INTERVIEW WITH CONDOLEEZZA RICE: [September 8, 2002]

CONDOLEEZZA RICE

And we know that when the inspectors assessed this after the Gulf War, he was far, far closer to a crude nuclear device than anybody thought, maybe six months from a crude nuclear device. The problem here is that there will always be some uncertainty about how quickly he can acquire nuclear weapons. But we don't what the smoking gun to be a mushroom cloud.

INT - OFFICE OF DICK CHENEY

DICK CHENEY

There's still not enough emphasis on the Iraq - Al Qaeda connection in the Presidential Daily Briefings.

SCOOTER LIBBY

You're getting the PDBs before the president even. He doesn't see anything we don't have a thumb on first. We're challenging the analysts on everything.

DICK CHENEY

What about the weapons of mass destruction argument?

DAVID ADDINGTON

(with great sarcasm)

The inspector Clouseaus, aren't finding anything.

DICK CHENEY

We should have just called Iraq's declaration a material breach and run with it. We never should have let the U.N. inspectors go back in. What I'm afraid of is that they WON'T find anything.

DAVID ADDINGTON

And we're still not getting what we really need from our potential star canary down at Guantanamo.

DICK CHENEY

(with a cheery smirk after a slight pause)

I say we make him do the fish dance.

Addington gives a twitch of an arrogant smile of approval.

INT - OVAL OFFICE

Tenet and his aide John McLaughlin are presenting their best case on WMDs, with flip charts and satellite photos on easels. They sit around the table in the center of the room, Bush and Cheney in the side chairs, the rest on the couches. Cheney, Rice and Andy Card are also there. Tenet looks on hopefully as McLaughlin speaks, working from an easel between them and the presidential desk.

JOHN MCLAUGHLIN

And in this last satellite photo you can kind of make out, here, and here, mounds of earth that we believe hide weapons bunkers.

There is a painful silent pause. Cheney is nodding off

asleep. Bush sits with a nonplussed look on his face for a couple seconds. Then he speaks.

GEORGE BUSH

Nice try, but this ain't gonna convince Joe Public .
. . . Is this the best we've got?

Shot of Tenet sitting on the couch like he wants to jump up, anxious to please, but not sure what to do. His eyes flash from Cheney to McLaughlin and back to Bush.

GEORGE TENET

(rising from the couch and gesturing
with his arms)
We can make a better presentation. It's a . . .

INT - ADDINGTON'S OFFICE

John Bellinger, counsel to Rice is in Addington's private office with the door closed.

JOHN BELLINGER

David, I know you're up to something. What's with this "Vice President's Special Program" I heard reference to. You need to know people are talking about it .

DAVID ADDINGTON

(glowering)
I'm not going to tell you whether there is, or is not, such a program.

JOHN BELLINGER

I hope you're doing this the right way. You don't have me, the National Security Council's lawyer, involved.

DAVID ADDINGTON

(explodes, redfaced)
It's none of your business!! But if there were such a program you better tell your little friends at the FBI and CIA to keep their mouths shut.

INT TENET'S OFFICE

Jami Miscik, Deputy Director for Intelligence is striding towards Tenet's office door. She is visibly upset as she passes John Moseman, his chief of staff.

JOHN MOSEMAN

You OK?

JAMI MISCIK

I am definitely NOT OK!!

She bursts into Tenet's office.

JAMI MISCIK

I told them, if there's no evidence, there is NO evidence. They're relentless. No matter how many times we take it out of a speech they keep trying to put it back in.

(fighting back tears of rage)

If I have to go back and hear their crap and rewrite this damn finding one more time . . . I'm resigning, right now!

GEORGE TENET

We're not bending over any further!

INT - UN ASSEMBLY HALL

Colin Powell is giving his presentation on WMDS in Iraq. Sitting behind him are Tenet and Negroponte.

COLIN POWELL

One of the most worrisome things that emerges from the thick intelligence file we have on Iraq's biological weapons is the existence of mobile production facilities used to make biological agents.

INT - US HOUSE OF REPRESENTATIVES STATE OF THE UNION

George Bush is addressing the Congress assembled and the nation.

GEORGE BUSH

. . . mobile biological weapons labs. These are designed to produce germ warfare agents and can be moved from place to a place to evade inspectors.

INT - INTERROGATION ROOM AT GUANTANAMO

Close up of the face of the detainee who was being waterboarded. The towel is removed his face, and he is coughing and choking, and crying. The doctor in the white coat is standing closer to him as if concerned that this has gone too far.

DETAINEE

(gasping frighteningly)

Uhhh . . . yes, mobile biological labs . . . hidden

in palm groves . . .

INT - UN ASSEMBLY HALL

COLIN POWELL

These tubes are controlled by the Nuclear Suppliers Group precisely because they can be used as centrifuges for enriching uranium.

INT - US HOUSE OF REPRESENTATIVES STATE OF THE UNION

GEORGE BUSH

Our intelligence sources tell us that he has attempted to purchase high-strength aluminum tubes suitable for nuclear weapons production.

INT - INTERROGATION ROOM AT GUANTANAMO

Closer in on the detainees face, we might not be able to overlook a noticeable bulge in the Interrogator's khaki trousers.

DETAINEE

(coughing and choking)
. . . nuclear centrifuges . . .

INT - UN ASSEMBLY HALL

COLIN POWELL

An al-Qaida source tells us that Saddam and bin Laden reached an understanding that al-Qaida would no longer support activities against Baghdad. Early al-Qaida ties were forged by secret, high-level intelligence service.

INT - US HOUSE OF REPRESENTATIVES STATE OF THE UNION

GEORGE BUSH

. . . statements by people now in custody reveal that Saddam Hussein aids and protects terrorists, including members of Al Qaeda. Secretly, and without fingerprints, he could provide one of his hidden weapons to terrorists, or help them develop their own

INT - INTERROGATION ROOM AT GUANTANAMO

DETAINEE

(desperately)
. . . it's all true !!

He suddenly gasps alarmingly and passes out. The doctor in the white coat reacts instantly by rushing to his side and starting to pump on his chest, like he's had to do this before.

INT - UN ASSEMBLY HALL

COLIN POWELL

My colleagues, every statement I make today is backed up by sources, solid sources. These are not assertions. What we're giving you are facts and conclusions based on solid intelligence.

FADE OUT SLOWLY

INT - GRAND JURY ROOM

We are back to present time, a couple days after we began the last flash sequence. The grand jurors are deliberating in another case that has been presented to them.

GRAND JUROR NO. 16

So what was all that, about torture the other day, and the weapons of mass destruction thing.

GRAND JUROR NO. 9

Well, they never DID find the weapons of mass destruction. Iraq never had any. The president has admitted that much.

Zoom in on grand juror's forehead as we take off on another series of TELESCOPING FLASHBACKS

INT - WHITE HOUSE PRESS CONFERENCE [August 21, 2006]

GEORGE BUSH

Now, look, I -- part of the reason we went into Iraq was -- the main reason we went into Iraq at the time was we thought he had weapons of mass destruction. It turns out he didn't, but he had the capacity to make weapons of mass destruction . . .

Zooming in on Bush's forehead he flashes back and we crossfade to

INT - OVAL OFFICE

George Bush is alone in the oval office with Condoleezza Rice, he is sitting in his favorite side chair, she is on the couch.

CONDOLEEZZA RICE

It's not looking good, Mr. President.

EXT - OVAL OFFICE

At that very moment we see Dick Cheney striding up the exterior pathway to the oval office, a marine in full dress uniform standing guard outside salutes him as he approaches.

INT - OVAL OFFICE

CONDOLEEZZA RICE

(discouraged)

At this point it does not look like we will ever find any weapons of mass destruction.

GEORGE BUSH

(slyly)

Oh, I don't know about that . . .

Bush gets up out of this chair and stands in front of Rice. She gets up as he stands slightly over her. Bush then fingers the edge of her blouse, glancing down at her chest.

GEORGE BUSH

Maybe YOU'RE hiding some weapons of mass destruction right now.

CONDOLEEZZA RICE

(recoiling suddenly, but NOT turning away)

George! What if someone walks in?

(glancing around nervously)

Bush has now turned his attention to looking under a chair. We hear the sound of Cheney opening the door to the outside walkway and then closing it, but both Bush and Rice have their backs to this.

GEORGE BUSH

(looking behind a chair)

Those weapons of mass destruction have got to be here somewhere.

Cut to Cheney standing in front of the doorway, then cut back to Bush as he picks up and looks under a couch cushion.

GEORGE BUSH

Nope, no weapons over there.

DICK CHENEY

What are you doing?

CONDOLEEZZA RICE

(starting to crack a smile)

He's looking for the weapons of mass destruction.

GEORGE BUSH

(looking under his own side chair)

Maybe under here?

Bush has a sheepish expression on his face as Rice and Cheney both break into laughing out loud. Zooming in on Bush's forehead again we crossfade to

INT - CABIN AIR FORCE ONE [June 2003]

Bush is sitting with his reading glasses on, going over a speech he is supposed to give.

GEORGE BUSH

What about this line. Is this true?

ANDREW CARD

Yes, Mr. President, it's been vetted.

GEORGE BUSH

(snidely)

Oh, yeah, just like the WMDs we found . . . those two beat up, old trailers?

And finally crossfade in the same way back to

INT - PRESS CONFERENCE [May 29, 2003]

GEORGE BUSH

You remember when Colin Powell stood in front of the world, and he said, Iraq has got laboratories, mobile laboratories to build biological weapons . . . and we've so far discovered two. And we'll find more weapons as time goes on. But for those who say we haven't found the banned manufacturing devices of banned weapons, they're wrong, we found them.

GRAND JURY ROOM

GRAND JUROR NO. 3

Look, whatever . . . we HAD to fight them over there

so we don't have to fight them over here. My nephew didn't lose both his legs for nothing.

GRAND JUROR NO. 9

Hey, I'm sorry . . . but what IF they just made it all up?

GRAND JUROR NO. 3

(with pride)

The president HIMSELF is going to visit my nephew at Brook Army Medical Center.

GRAND JUROR NO. 22

Maybe they make up a lot of stuff. I heard on the internet that what really made the World Trade Center towers collapse was controlled demolition explosives.

GRAND JUROR NO. 9

We're just starting to find out the truth about stuff that happened 50 years ago.

GRAND JUROR NO. 22

(lamenting)

Why does it have to take 50 years?

GRAND JUROR NO. 9

Maybe . . . so the people who should've been prosecuted aren't around anymore.

GRAND JUROR NO. 3

(not even acknowledging any of these possibilities)

Why are we so worried about torturing terrorists anyway?

GRAND JUROR NO. 11

I, for one, just don't believe our government would ever do anything like that.

GRAND JUROR NO. 3

If it gets us information, and saves American lives, I'm all for it.

GRAND JUROR NO. 9

They TELL us it's saving American lives, but what if they're lying about that too? . . . If crimes were committed here, even by our own people, somebody needs to investigate and prosecute. Otherwise we become just another version of the bad guys.

GRAND JUROR NO. 12

You know, I've been reading up on the history of grand juries, and we have the power to conduct our

own investigations if we want to.

GRAND JUROR NO. 15

(skeptical)

And then what would we do, indict the President or Vice President of the United States?

GRAND JURY FOREPERSON

Anyway . . . back to the indictment in front of us. How do we all vote on this bank fraud guy? Do we fry him?

GRAND JUROR NO. 3

Fry him.

GRAND JUROR NO. 16

Ditto, fry him.

GRAND JUROR NO. 9

I say we make him do the fish dance.

INT - HALLWAY OUTSIDE GRAND JURY ROOM

Arrow and Silver are standing outside waiting, with the Court Reporter, when the door opens and the Grand Jury Foreperson sticks their head out.

GRAND JURY FOREPERSON

We've reached a vote on the bank fraud indictment.

INT - KITCHEN OF ARROW HOME

Arrow's wife, Jennifer, stands by the kitchen sink preparing dinner.

MICHAEL ARROW

You know I can't talk about the specifics of matters before the grand jury, but some of the testimony lately is going in a direction I would not have imagined.

JENNIFER ARROW

Wherever it goes, I know you'll do the right thing. That's why I married you. That's why I stay married to you.

She draws closer, and puts her head slightly on his shoulder.

MICHAEL ARROW

I just don't know what to do about it.

INT - OFFICE OF ASST. U.S. ATTORNEY ANGLE

Bob Angle is on the phone. His body language suggests intrigue.

BOB ANGLE

I don't like what's going on here either. What would a loyal Bushie even be DOING, investigating a sitting Republican house member.

KARL ROVE (V.O.)

Bob, nobody is going to question your loyalty. You were a big help in the Florida election recount confrontation.

BOB ANGLE

(reminiscing)

Let us in. Let us in.

KARL ROVE (V.O.)

You were great. Don't breathe a word of this to anyone else, but you may end up the U.S. Attorney in this district sooner than even you thought. Just keep your eyes and ears open.

GRAND JURY ROOM

We have a new witness, Andy Bascom. Another hot shot military jock type.

MICHAEL ARROW

And Mr. Bascom, you understand the Grand Jury will allow you a reasonable opportunity to leave if you need to consult your attorney Mr. Applegate prior to answering any questions. Do you understand that?

ANDY BASCOM

I do, sir.

MICHAEL ARROW

How long have you known Mr. Lawrence Jackson,

ANDY BASCOM

Smoky? About 10 years, we went to flight school together.

MICHAEL ARROW

And do you still spend time with him on occasion?

ANDY BASCOM

We see each other once in a while, more a couple years ago. But I don't know nothing about any of that corruption stuff.

MICHAEL ARROW

So you used to fly together?

EXT - HALLWAY OUTSIDE GRAND JURY ROOM

Bascom's attorney, Bill Applegate, sits in a chair outside the grand jury room, briefcase by his side. Other people walk by.

INT - GRAND JURY ROOM

Picking up the testimony a couple minutes later.

MICHAEL ARROW

And besides Mr. Jackson, who else was on that flight to Guantanamo in September of 2001?

ANDY BASCOM

I'm not sure I remember. That's over five years ago.

MICHAEL ARROW

If I said the name, David Addington, would that refresh your memory?

ANDY BASCOM

(pausing slightly)

OK, yeah . . . he was some big wig attorney who seemed to be in charge. I really don't remember anyone else.

MICHAEL ARROW

And did you have occasion to observe any interrogations during this trip to Guantanamo.

ANDY BASCOM

Hey, what is this? I want to see my lawyer.

MICHAEL ARROW

That, of course, is your right.

EXT - HALLWAY OUTSIDE GRAND JURY ROOM

Applegate looks at his watch.

INT - GRAND JURY ROOM

ANDY BASCOM

On the advice of counsel I assert my rights under

the 5th amendment.

MICHAEL ARROW

I must tell you . . . and your lawyer can tell you the same thing, that I can grant you immunity, and then you will be compelled to testify regardless.

ANDY BASCOM

Well, maybe you're just gonna to have to do that. I want to talk to my lawyer again.

INT - GRAND JURY ROOM

Everyone else has gone. Arrow and Silver are talking about what just happened.

RACHEL SILVER

HE clammed up pretty quick.

MICHAEL ARROW

I was willing to follow the trail here. But we're at a dead end. The Addington trip was no huge state secret.

RACHEL SILVER

He's the Vice President's attorney.

MICHAEL ARROW

Even if Addington discussed torture prospectively with Jackson, that's just one witness implicating Cheney in the decision. And besides confirming some circumstantial aspects of Jackson's account, Bascom can't add much to that chain of authority, even if he was singing arias.

RACHEL SILVER

How do false confessions make us safer anyway? How does that win a so-called "war on terror"? . . . Are there any other witnesses we could call?

MICHAEL ARROW

Who's going to testify? If there's something really going on here, the first thing they'd do is quash it. And then we'll never be able to even talk about it. Short of a confession, we've really got nowhere to go. We'll have to just drop it.

RACHEL SILVER

Your call, boss.

INT - OFFICE OF ATTORNEY BILL APPELEGATE

Bill Applegate is on the phone to Bob Angle

BILL APPELEGATE

Bob, it's Bill Applegate. As you know, the one thing grand jury secrecy doesn't cover is a witness who wants to talk about their own testimony.

INT - OFFICE OF ASST. U.S. ATTORNEY ANGLE

Angle is listening intently with the receiver to his ear.

BILL APPELEGATE (V.O.)

I've got a client here that would be interested in talking to you.

Cut back to Applegate's office. He hands phone over as we pan to reveal Andy Bascom.

INT - SET OF FACE THE NATION

Rachel Silver is watching the news in bed, as she often does.

DICK CHENEY

What we got from the Office of Legal Counsel were legal memos that laid out what is appropriate and what's not appropriate, in light of our international commitments. If we had been about torture, we wouldn't have wasted our time going to the Justice Department.

BOB SCHIEFFER

How much did President Bush know specifically about the methods that were being used? We know that you-- and you have said-- that you approved this...

DICK CHENEY

Right.

BOB SCHIEFFER

... somewhere down the line. Did President Bush know everything you knew?

DICK CHENEY

I certainly, yes, have every reason to believe he

knew -- he knew a great deal about the program. He basically authorized it. I mean, this was a presidential-level decision. And the decision went to the president. He signed off on it.

RACHEL SILVER

(talking to TV)

Weird . . . But not exactly a confession, now it is?

INT - OFFICE OF U.S. ATTORNEY MICHAEL ARROW

It's first thing Monday morning. Arrow answers the phone and it's Alberto Gonzales on the line.

MICHAEL ARROW

Mr. Attorney General. We don't talk enough.

ALBERTO GONZALES (V.O.)

How's Jennifer?

INT - OFFICE OF ASST U.S. ATTORNEY ANGLE

Bob Angle is in high gear.

BOB ANGLE

Right, I'll call you back on my cell, after I get the Marshall in motion.

He hangs up the phone and quickly dials an extension.

BOB ANGLE

(speaking in a hushed, confidential way into the receiver)

Marshall Swift, this is Angle. I need you to meet me just down the hall from Arrow's office. Now.

Hangs up and dials his cell phone as he gets up from his desk and heads out into the hallway himself.

INT - OFFICE OF U.S. ATTORNEY MICHAEL ARROW

MICHAEL ARROW

(slightly wary as always)

So what's this about?

ALBERTO GONZALES (V.O.)

There's a concern that the grand jury proceedings

under you have lost their . . . focus.

There is an uncomfortable and awkward pause.

MICHAEL ARROW

The conviction statistics, our fine collections, out of this office are high as any district in the country.

ALBERTO GONZALES (V.O.)

It's just a matter of priorities . . .
(not sure he should even say this)
one of which is not foreign affairs.

Another awkward pause. He swallows hard. This is the tip off. They're on to the Guantanamo thing he ironically had already abandoned. But now he can't help but feel the fur rising on his back.

MICHAEL ARROW

I'm not going to drop an investigation because it leads to someplace inconvenient.

OFFICE OF ALBERTO GONZALES.

ALBERTO GONZALES

I'm very sorry to hear that.

Standing by and listening to this end of the call is David Addington who instantly gestures with his finger to someone on another phone.

INT - OFFICE OF U.S. ATTORNEY ARROW

A moment later Angle bursts into Arrow's office with U.S. Marshall Swift, who positions himself just inside the office door.

BOB ANGLE

That's it, Arrow, you're outta here.

MICHAEL ARROW

(still talking to Gonzales on the
phone)
Am I being terminated?

ALBERTO GONZALES (V.O.)

Why don't we just call it an extended sabbatical.

(hangs up phone with a click)

BOB ANGLE

I always knew you weren't a team player. Out.
(pointing to the door with his thumb)
Now.

Arrow makes a move to start packing up his briefcase.

BOB ANGLE

Nuh-uh. You're not taking anything out of here with you. WE'LL sort out your stuff later.

MICHAEL ARROW

So, it's like that?

BOB ANGLE

Yeah . . . You especially won't be needing these.

Picks up the tickets for the Cheney dinner speech off the corner of the desk.

BOB ANGLE

And if you break grand jury secrecy, I'll make you wish YOU were in Guantanamo.

NEWS CONFERENCE AT U.S. ATTORNEY'S OFFICE

Angle has quickly taken over Arrow's former office. There are TV cameras and reporters crowded around his desk asking questions. Under Arrow it was always stacked with piles of legal file folders. Now it is practically bare.

NEWS REPORTER

Our viewers want to know . . . what's behind the sudden exit of former U.S. Attorney Arrow?

BOB ANGLE

I'm not going to discuss internal personnel matters, except to say I think you are going to see this office re-focus on actual crimes that have been committed, and not politics.

Some flash cameras go off.

EXT - HOT TUB AT HOME OF MICHAEL ARROW - NIGHT

JENNIFER ARROW

Are we moving?

MICHAEL ARROW

We'll just have to move on. The unspoken message is that if I keep my mouth shut, they won't further prejudice my future job prospects, wherever they might be.

JENNIFER ARROW

I know how much you love this job, and you're really good at it. Whatever you were on to, how can they get away with this? It's just wrong.

Arrow has no answer for her. There is a pause as they cuddle together in the jacuzzi.

MICHAEL ARROW

This one may be beyond even my powers. What are we going to tell the girls?

JENNIFER ARROW

They're just about to start Christmas vacation so they won't be in the spotlight immediately. They're tough cookies, like their father. They can take it.

HOME OF GRAND JUROR NO. 3

The grand jury only meets 2 days a week, a nice gig for a retired person. Grand Juror No. 3 is on the phone at home.

GRAND JUROR NO. 3

(very angry)

The president said what? The damn president said what?!

Zoom in close up to the phone receiver and crossfade to

INT HOSPITAL

Soldier is in hospital bed, covered up where his legs would have been or we don't see that far down.

GEORGE BUSH

As you can possibly see, I have an injury myself -- not here at the hospital, but in combat with a cedar. I eventually won. The cedar gave me a little scratch. As a matter of fact, the Colonel asked if I needed first aid when she first saw me.

I was able to avoid any major surgical operations here, but thanks for your compassion, Colonel.

HOME OF GRAND JUROR NO. 3

GRAND JUROR NO. 3

The creepy bastards! My nephew loses both legs . .
. and his biggest problem is a splinter!!

INT - U.S. ATTORNEY'S OFFICE, A LITTLE LATER

Silver appears at the door of what is now Angle's office.

RACHEL SILVER

You summoned me, boss.

BOB ANGLE

Right, come in and close the door.

She does so and sits down in a chair obediently.

BOB ANGLE

Our priorities are going to be a little different from now on around here. That little extra-curricular investigation of Arrow's is over. In fact, we're going to wrap up this whole out of control corruption probe.

RACHEL SILVER

(her only possible response)

Sure thing, boss.

Angle looks at her askance up and down, trying to form a judgment, looking for any hint of insubordination.

BOB ANGLE

Instead, I'm putting you on some drug cases that have been backlogged. Most of them will plead guilty, won't even go to trial.

Pulls a bunch of files out of the file cabinet and drops them on the desk. She collects the pile.

BOB ANGLE

Just have the agent give the usual run down, and push them through like ham sandwiches, shouldn't overly tax YOUR legal skills

RACHEL SILVER

(taking the abuse)

You got it . . . What do I tell Judge Sanchez if he

asks what happened to Arrow.

BOB ANGLE

I don't care what you tell that fat wet back, as long as it's not the truth. Otherwise I'll nail you to the wall so hard it'll make the Crucifixion seem like a couple pin pricks.

INT - APARTMENT OF RACHEL SILVER

She's watching television and Cheney is on again.

JONATHAN KARL

Did you more often win or lose those battles, especially as you got to the second term?

DICK CHENEY

Well, I suppose it depends on which battle you're talking about. I won some; I lost some. I can't...

JONATHAN KARL

... waterboarding, clearly, what was your...

DICK CHENEY

I was a big supporter of waterboarding. I was a big supporter of the enhanced interrogation techniques that...

JONATHAN KARL

And you opposed the administration's actions of doing away with waterboarding?

DICK CHENEY

Yes.

RACHEL SILVER

Now, we get a confession!

Suddenly the phone rings and Silver answers. It's Arrow.

MICHAEL ARROW (V.O.)

Rachel. It's me, Arrow.

RACHEL SILVER

What's going on? All the grand jurors have been asking about you.

MICHAEL ARROW (V.O.)

That rat, Bascom . . . He must have given Angle the scent. He knew all about my line of questioning.

RACHEL SILVER

You had already decided to DROP the Cheney torture

thing.

MICHAEL ARROW (V.O.)

Well, maybe I decided to put up a fight.

She projects a look of determination herself.

MICHAEL ARROW (V.O.)

Look, we need to get together in person, tonight.
Can you meet me in front of the convenience store at
the south end of the Las Vegas strip?

RACHEL SILVER

I can be there in . . . 20 minutes.

MICHAEL ARROW (V.O.)

And when I pull up, get in the back seat.

EXT - NIGHT, FRONT OF CONVENIENCE STORE

Arrow pulls up in a relatively late model convertible, top
and windows up. Silver gets in back.

INT - CAR DRIVING UP LAS VEGAS STRIP AT NIGHT

RACHEL SILVER

(tone of big news)
Did you hear what Cheney said tonight?

MICHAEL ARROW

Why do you think I called right away?

RACHEL SILVER

"I was a big supporter of waterboarding," his exact
words . . .

(replaying that clip with her
joining in unison)
a BIG supporter of waterboarding.

MICHAEL ARROW

As a confession, that would do it.

RACHEL SILVER

What can we do? Angle shut down the whole
corruption probe. The whole thing.

MICHAEL ARROW

OK, look we've got one shot. If we can get an
indictment returned, and an arrest warrant signed by
tomorrow night, you might be able to pull off
serving Cheney in public, at the Law Enforcement

Dinner. They can't preempt an indictment that's already a news story.

RACHEL SILVER

But how? Angle has got me slogging drug cases all afternoon in front of the grand jury. Plus, even if we can get the grand jury to indict, it has to be returned in open court to be valid, they'd catch it in mid-air.

MICHAEL ARROW

Not if we move fast enough after hours. Here's what we do. Judge Sanchez isn't going anywhere tomorrow evening because he has a major motions hearing to prepare for first thing Wednesday morning. We can .
. . .

His voice trails off as we

FADE OUT

GRAND JURY ROOM

The grand jury is in session.

Silver is nervously eyeing the clock as 5PM approaches. An FBI agent is concluding his testimony.

AGENT RICH

I then proceeded to search the subject's backpack, and observed a plastic baggie containing a dried, leafy green substance, which the FBI crime lab determined to be 3 ounces of marijuana.

RACHEL SILVER

And just to confirm, this all happened on federal property at the campground of the Lake Mead National Recreation Area?

AGENT RICH

That is right.

RACHEL SILVER

I've completed my questioning. Do the grand jurors have any questions.

None of the grand jurors speak up.

RACHEL SILVER

Thank you, agent Rich. That's the last case for the day so you are excused.

Rich gets up to leave.

RACHEL SILVER

I will now ask the grand jurors to again retire and commence your deliberations in the case of U.S. vs. Pedro. In order to return an indictment 12 or more jurors must agree to any indictment you vote to return. The record should reflect that myself, agent Rich and the Court Reporter are leaving the chambers so that deliberations may commence.

INT - HALLWAY OUTSIDE GRAND JURY ROOM

AGENT RICH

(flirting reflexively)

So, are you going to Law Enforcement Dinner?

RACHEL SILVER

But of course. I just need to freshen up a bit before I head over there, might be a hair late.

AGENT RICH

The Vice President should be landing right about now. Hey, I'll see you there.

Silver waves goodbye cutely even as she notices the court reporter about to leave.

RACHEL SILVER

Oh, Dotty, could you stay for just a couple more minutes, in case we need to go back on the record.

EXT AIRPORT

We see Marine One arriving and a limousine waiting for the Vice President to emerge.

GRAND JURY ROOM

We're back in session for overtime.

RACHEL SILVER

(takes a deep breath)

. . . The reason we're back on the record is because we have a special witness we need to hear from . . . former U.S. Attorney Michael Arrow

There are gasps of surprise in the room.

RACHEL SILVER

But to make that possible, I'm going to need at least 16 of you to stay on, so that we have a quorum . . . for about another hour or so. We only have 18 grand jurors right now, so the most we can lose is

two. But first, we can't do anything without a court reporter.

DOTTY

I had nothing to do tonight but wash my hair. And I could use the overtime. Count me in.

GRAND JUROR NO. 4

I wish I could stay over, but I can't possibly do it.

GRAND JUROR NO. 17

Same with me, I've got family in town.

RACHEL SILVER

Anybody else, who can't possibly stay . . .
(breathes a sigh of relief when
nobody else speaks up)

OK, here goes. I've got some video tapes to play for the grand jurors. And then we need to briefly go over the law as it relates to war crimes, and federal charges for conspiracy and murder. That will take about a half an hour or so. And by then the hallways should be clear enough that we can literally sneak Mr. Arrow in the back door without him being intercepted.

OFFICE OF U.S. ATTORNEY ANGLE

Angle not even close to being a workaholic. Five o'clock sharp and he's on the way out the door. He stops for a moment to admire the shiny new brass nameplate prominently centered on his desk.

U.S. ATTORNEY ROBERT B. ANGLE

He breathes on it and rubs it with his sleeve to polish it up. Then he exits the office.

EXT AIRPORT TARMAC

Vice President Cheney is saluted by a marine guard as he steps into his limousine, and an aide closes the car door for him.

GRAND JURY ROOM

Michael Arrow is testifying.

RACHEL SILVER

Now, Mr. Arrow, you've described to us the

circumstances of your firing. And you told us that then Asst U.S. Attorney Angle referred specifically to Guantanamo in warning you to stay quiet. Is there any doubt in your mind that you were terminated BECAUSE you dared to pursue this inquiry, whether Vice President Dick Cheney is guilty of ordering torture, a war crime.

MICHAEL ARROW

No doubt whatsoever.

RACHEL SILVER

And is this conclusion reinforced by the admonition of Attorney General Gonzales that they did not approve of you investigating "foreign affairs".

MICHAEL ARROW

Yes. My performance reviews have always been top notch. There is no other reasonable explanation.

RACHEL SILVER

Now, I've asked you to review what has come to be known as the torture memo of August 1, 2001, which purports to authorize the use of various previously forbidden torture techniques. You have already related your extensive background and experience in both international and military law. As an EXPERT WITNESS in these areas, do you have an opinion about the quality of the legal reasoning in this document.

MICHAEL ARROW

It is perhaps the most clearly erroneous legal memorandum I have ever read. This is a document no attorney could rely on in good faith.

RACHEL SILVER

No attorney?

MICHAEL ARROW

No good attorney.

Zooming on a close up of the document we enter another series of TELESCOPING FLASHBACKS.

INT OFFICE OF ALBERTO GONZALES

Patrick Philbin, an Office of Legal Counsel deputy, and Jack Goldsmith the new head of the OLC are seated on a couch, with David Addington and Alberto Gonzales sitting in wing chairs facing them.

ALBERTO GONZALES

(projecting muddled disappointment)

I don't see how terrorists who violate the laws of war can get protections of the laws of war.

JACK GOLDSMITH

(to Gonzales)

Has anyone outside of a couple closely held hands ever seen this memo before, besides it being sent to you? The scholarship is frankly sloppy.

DAVID ADDINGTON

(combatively)

It wasn't necessary for anyone else to see it.

JACK GOLDSMITH

(matter of factly)

Well, how then could anyone else RELY on it for absolution if nobody else was allowed to see it?

DAVID ADDINGTON

(0 to furious in 4 seconds, instantly red-faced and shouting)

The President has already decided that terrorists do not receive Geneva Convention protections! You cannot question that decision!

Cutting close in on Addington's red face we zoom closer in and crossfade to

TV NEWS BROADCAST ON ABU GHRAIB ABUSES

Pictures flash on the screen of abused prisoners.

NEWSCASTER

We have blurred parts of these pictures to make them acceptable for broadcast, and even at that, they are still offensive enough. And there are reports that even more horrific material exists. For more perspective on all this we turn to our legal analyst, Jonathan Turley.

JONATHAN TURLEY

It's really quite remarkable that the story of these terrible abuses should break today . . .

We pull back to see that the TV set is in

INT - OFFICE OF ALBERTO GONZALES

Watching the TV with Alberto Gonzales is Jack Goldsmith who is speaking with some other attorneys. Gonzales gets up and turns down the sound.

The Turley part continues underneath the other dialog.

JONATHAN TURLEY

. . . because just this morning the Supreme Court heard oral argument in the Hamdi case. Now, we don't know at this moment how far up the chain of command this goes, but the justices today specifically asked the Solicitor General, what would prevent the President from ordering torture.

PATRICK PHILBIN

As the new head of the Office of Legal Counsel, you need to know there may be some serious errors in some of the classified opinions.

JACK GOLDSMITH

We'd better do a full policy review to make sure things like this can't happen again.

ALBERTO GONZALES

(muttering to himself, unheard by the others who he has his back to)

This is going to kill us.

Close in on the forehead of Gonzales and zooming to crossfade to

INT - DAVID ADDINGTON'S OFFICE

John Yoo is there with Addington and Gonzales. Gonzales looks helpless as Addington dresses him down.

DAVID ADDINGTON

Those pin-striped wind socks don't need to review anything.

JOHN YOO

(reading from his prepared text, Addington follows along with his copy)

So, the key point is, "Physical pain amounting to torture must be equivalent in intensity to the pain accompanying serious injury, such as organ failure, impairment of bodily function or even death."

INTERROGATION ROOM

The doctor is frantically pumping on the chest of the detainee.

DOCTOR

Get the defibrillator in here!

INT - DAVID ADDINGTON'S OFFICE

DAVID ADDINGTON

(with admiration)

Beautifully put. Great minds think alike. Have
Bybee slap a signature on it and it's good to go.

JOHN YOO

(emphasizing to Gonzales)

And there'll be a doctor there the whole time.

DAVID ADDINGTON

(joking)

Maybe we could call it "compassionate" torture.

They all laugh, Gonzales nervously. Cut back to

GRAND JURY ROOM

RACHEL SILVER

And as to waterboarding in particular, wasn't it
used by Korea and Vietnam as the primary technique
for extracting FALSE confessions from our own
soldiers.

MICHAEL ARROW (V.O.)

That's correct. In fact, that's why it's a central
part of SERE training, to brace our troops as much
as possible against this.

RACHEL SILVER (V.O.)

So if your OBJECTIVE was to obtain false
confessions, then might waterboarding be the fastest
way to get them?

MICHAEL ARROW (V.O.)

It's been that way since the Spanish Inquisition in
the 15th century, when they invented waterboarding.

RACHEL SILVER

Now, wasn't the law changed in 2006 by the Military
Commissions Act, and didn't that new law provide a
retroactive immunity for misconduct concerning the
detention and interrogation of aliens, from
September 11, 2001, ongoing.

MICHAEL ARROW

Yes, and it was a very stupid thing for them to do.

RACHEL SILVER

Stupid? How so?

MICHAEL ARROW

Amending the law like that amounts to a confession that a crime occurred.

RACHEL SILVER

But the law passed, so didn't they get away with it?

MICHAEL ARROW

No. Even the amended provision requires a belief that the conduct had been authorized.

RACHEL SILVER

But couldn't they rely on the legal opinions for that, even if they were defective?

MICHAEL ARROW

No, because they wrote these opinions themselves. It's what's known in the law as a "pactum scaelaris", which is to say, an evil pact. And it's no more availing than the advice of a mob lawyer to a mafia don on how to skirt the law and stay out of prison.

RACHEL SILVER

One last thing, Mr. Arrow . . . are you mad at the administration for firing you?

MICHAEL ARROW

(a momentary dramatic pause)

I serve at the pleasure of the president. He does not need a reason, let alone a good reason, to remove me . . .

(projecting great emotion within his normally constrained range, and measuring his words carefully)

I'm mad at them for dragging the name of the United States of America . . . and of our people . . . through the mud.

Another pause, to let that sink in. We cutaway to various grand juror faces paying rapt attention.

RACHEL SILVER

That's all I have. Do the grand jurors have any questions?

Arrow's testimony has pretty much said it all. They have none.

RACHEL SILVER

In that case, Mr. Arrow, you are done. You may wait outside the chambers while I address the jury.

INT - HALLWAY OUTSIDE THE GRAND JURY ROOM

Arrow waits in the hallway. It's now nearly 7:00 PM. Nobody around but a cleaning person vacuuming at a distance. Arrow barely notices them as he stands there.

GRAND JURY ROOM

Silver delivers her closing argument. During this sequence, are intercut the video of various scenes without sound (best not previously used out takes) shots of documents under her voice, and cutaways to jurors faces, increasingly close up.

RACHEL SILVER

Ladies and gentlemen, this is a very difficult case. And the most difficult question is what you, the grand jurors sitting for the District of Nevada - Las Vegas, can actually do about it.

Some of you may believe the President was directly involved in all this. But a sitting president cannot be indicted, so you cannot indict the President tonight. The Vice President is a different story. Spiro Agnew was indicted, so you CAN indict a Vice President.

Perhaps you believe Dick Cheney ordered torture. But these war crimes were committed elsewhere, outside of your jurisdiction. So this grand jury cannot indict Dick Cheney for torture alone.

I also explained to you the law of conspiracy. An argument could be made that the lies that took us to war in Iraq, the lies that could only be extracted by false confessions, that those statements were part of a conspiracy. But for the most significant part those lies were told elsewhere. So this grand jury cannot indict Dick Cheney for conspiracy alone.

But what DID happen here, was citizens of the District of Nevada Las Vegas were sent to their cold graves, some blown to such bits their families were told what was left of their bodies was unviewable, because of these lies, because of this fraudulent war, because of this conspiracy to torture. And THAT is what gives YOU jurisdiction in this case, for murder.

Now, some of you might say, you don't believe our government would ever do anything like this. You are good people. And you want to believe that our government is good.

But this wasn't our whole government. This was only INDIVIDUALS in our government who did this. Outlaws within our government, criminals within our government, who did everything they could to hide their crimes from even the rest of our government, and to keep it their own dirty, monstrous secret, even to the point of trying to shut down this very inquiry.

And that is why I make my pleading to you. Because you see, YOU are the government too. Our Constitution gives this grand jury, and ONLY a grand jury, the awesome power to decide to indict, or not to indict, a power once held only by kings.

Some might try to tell you that torture is necessary . . . that to NOT torture our adversaries is like fighting with one hand tied behind our backs. But we can do that, and still, we will always have the upper hand. Because the most powerful weapon we can have is that we are the good guys.

You are good people. You are the check, you are the balance. You will not let these crimes go unpunished. And that is why I am asking you to indict Vice President Dick Cheney . . . for murder.

Now . . . I'm going to step outside, and you can commence your deliberations.

GRAND JUROR NO. 3

(Standing up and practically interrupting her)

We don't have to deliberate. I'll sign the indictment myself right now.

All the other jurors jump to their feet calling out in agreement.

RACHEL SILVER

(holding up her hands)

Wait, please . . . we have to do this by the book. I am not allowed to be a party to your deliberations. Let the record reflect you have not officially voted yet, for I am not allowed to know how each of you actually voted individually.

But what I CAN do is leave the chambers . . . and count to 100 . . . and when I knock on this door, you can show me, whether the foreperson has signed this indictment, or not.

Silver hands the indictment to the foreperson.

INT - HALLWAY OUTSIDE OF GRAND JURY ROOM

Silver gives Arrow a big smile and two thumbs up. The cleaning person is still vacuuming, still further down the hallway, not paying much particular attention to them.

INT - DOOR TO GRAND JURY CHAMBERS.

The door opens and the foreman holds up the signed indictment, with all the jurors on their feet standing behind the foreperson.

INT - THE CHAMBERS OF JUDGE SANCHEZ

Judge Guillermo Sanchez sits behind his desk. Silver, all the grand jurors, the court reporter, and Arrow are in his chambers with him.

JUDGE SANCHEZ

Now, what was so urgent that it couldn't wait until morning.

RACHEL SILVER

The grand jury returned a number of indictments today that can wait. But this one they voted on a couple minutes ago, and it cannot.

She hands him the indictment. He reads the header and looks up.

JUDGE SANCHEZ

The Vice President of the United States?

He starts reading the indictment.

INT - JUST OUTSIDE OF LAS VEGAS STRIP HOTEL BANQUET ROOM

There is a check-in desk set up, with a young woman taking tickets. Just in front of the door to the banquet room itself is a walk through metal detector. People are starting to file in. The Vice President's speech won't start for about another half hour. There are two security guards, one male, one female. There is a small table by the metal detector portal for examining the contents of purses. A woman, without a purse, triggers the metal detector and they stop her.

FEMALE SECURITY GUARD

Would you please go through again?

The alarm gets triggered again by the same person.

FEMALE SECURITY GUARD

Sorry, we'll have to pat you down. Please raise your arms.

The female security guard pats down the woman. Bob Angle comes walking up and addresses Agent Rich who is also behind the table.

BOB ANGLE

So how was the Vice President's trip?

AGENT RICH

No complaints . . . He's very anxious to review the papers you have for him. He said he would have read them already if he had them.

BOB ANGLE

(hitting his forehead with his palm)
The papers . . . I forgot to grab them on the way out of the office. Look, cover for me. I'll be back in time to catch at least part of the speech.

AGENT RICH

(flirting with the young woman
checking people in, lounge singer
personality)
What do you say after this we get a stiff couple drinks?

She is not much interested.

INT - THE CHAMBERS OF JUDGE SANCHEZ

The judge looks up from the indictment.

JUDGE SANCHEZ

This is a triable case.

RACHEL SILVER

(biting her lip slightly)
Yes, your honor.

JUDGE SANCHEZ

As a federal judge I have a lifetime appointment, there's nothing they can do to me. But you . . . this is brave thing you've done. You must also realize that in the morning it will take the new U.S. Attorney about 5 minutes to get wind of this, as soon as he checks his computer. And in less than another 5 minutes he'll be running in here with a motion to dismiss, which, since his authority is superior to yours, I will of course grant . . . unless . . .

He looks her straight in the eye.

JUDGE SANCHEZ

You're planning on serving this arrest warrant tonight, aren't you?

Silver nods anxiously.

JUDGE SANCHEZ

I see you brought your own court reporter with you.

Silver nods again.

JUDGE SANCHEZ

Well, we better get you on the road then.

Judge Sanchez activates his intercom and speaks into it.

JUDGE SANCHEZ

Rose, I'm sorry, I'm going to have to ask you to work just a couple minutes later than we expected tonight. Please turn the lights on in my courtroom, we're going into open session.

MICHAEL ARROW

(spoken softly to Silver)

Go get him.

Judge Sanchez get up from his chair and reaches for his black robe, hanging on a clothes rack. The grand jurors give each other quiet affirmations.

EXT - LAS VEGAS BLVD

It is right at dusk, we see Silver hunched over the wheel of her car driving South headed for the hotel. As she is driving she folds the wad of papers of the indictment and arrest warrant in half and tucks them inside her jacket. Then she pats herself to feel that they are there.

INT - JUST OUTSIDE OF LAS VEGAS STRIP HOTEL BANQUET ROOM

Cheney arrives at the check-in desk with two secret service agents, who turn a watchful eye in all directions.

AGENT RICH

Good evening, Mr. Vice President. U.S. Attorney Angle had to run back to the office to get those papers for you. He'll be back shortly.

They are walked around the metal detector, bypassing the people standing there. Cheney gives Rich a cursory

acknowledgment.

INT - HALLWAY OUTSIDE U.S. ATTORNEY'S OFFICE

The same cleaning person we saw earlier is vacuuming near the door to ANGLE'S office as he strides up. While he fiddles to get out his key they speak.

CLEANING PERSON

Everybody must be working late tonight. Anyway, I thought U.S. Attorney Arrow was gone.

BOB ANGLE

(red flag goes up in his mind, but he tries not to let his voice show it)
How's that?

CLEANING PERSON

(she turns off the vacuum cleaner)
I saw him just a little while ago.

BOB ANGLE

(increasing alarm, but still constrained)
He was here?

CLEANING PERSON

Sure 'nough. He was just standing outside the grand jury room. Funny thing, it was almost like he was a witness himself, cause then Asst. U.S. Attorney Silver came out to join him. And then a little later, the lights were on in the courtroom of Judge Sanchez. Yes, my lord, everybody's working late tonight.

Angle hasn't even waited for the cleaning person to finish her last sentence. He rushes into his office, closing the door quickly behind him and jumps on his computer.

INT - JUST OUTSIDE OF LAS VEGAS STRIP HOTEL BANQUET ROOM

Silver has arrived at the check in table and presents her ticket. The papers inside her jacket cause a slight bulge, but it's not really noticeable.

AGENT RICH

So, you made it. You missed dinner, but you're still in time to catch Cheney's speech if you hurry in. He's just starting.

Silver quickly hands over her ticket.

YOUNG WOMAN

(pointing to diagram)
You're at table 12, right up front.

RACHEL SILVER

(acknowledging both)
Thanks.

There are a couple people waiting in line to pass through the metal detector holding Silver up for a brief part of a minute.

AGENT RICH

(turning back to the young woman)
You know, you're way too cute to have to just sit there all night collecting tickets.

INT - U.S. ATTORNEY'S OFFICE

Angle on his computer has brought up a screen that shows the indictment of Cheney already entered into the computer record.

BOB ANGLE

You bitch! We should have canned you too.

He quickly dials a number on his phone.

INT - JUST OUTSIDE OF LAS VEGAS STRIP HOTEL BANQUET ROOM

Rachel is the next person to pass through the metal detector. The cell phone of Agent Rich standing right there starts to ring, but he is still in hot and heavy flirting mode.

AGENT RICH

No, seriously, we could get a room with a jacuzzi.

His phone continues to ring. Silver steps through the metal detector. She's in.

INT - U.S. ATTORNEY'S OFFICE

BOB ANGLE

Answer the phone, damn it!

INT - JUST OUTSIDE OF LAS VEGAS STRIP HOTEL BANQUET ROOM

AGENT RICH

And I could give you a massage . . .

He puts his hands on her and starts massaging her shoulders. She reacts with mild shock like he's George Bush and she's German Chancellor Angela Merkel.

YOUNG WOMAN

(trying to be stay polite)

Don't you think you ought to answer your phone?

Not getting the response he wants, he finally does.

AGENT RICH

Yello . . .

INT - INSIDE LAS VEGAS STRIP HOTEL BANQUET ROOM

As soon as she enters the relative darkness of the banquet room Silver stealthily withdraws the papers from her jacket so now they are in her hand dangling by her side, and she walks briskly toward the front of the room, but not so fast as to attract attention. The lights are low in the room, with small spot lights on the individual tables. Other small spots light empty areas of the floor. Cheney is already at a podium on a slightly elevated dias and is speaking. Behind him is a banner that says

RAISING THE BAR

INT - U.S. ATTORNEY'S OFFICE

BOB ANGLE

(great urgency)

Is Silver there?!

AGENT RICH (V.O.)

Yeah, she just walked in.

BOB ANGLE

Well, get her out of there. She's going to try to serve Cheney with some papers. And do it quietly. The press is probably everywhere.

INT - INSIDE LAS VEGAS STRIP HOTEL BANQUET ROOM

DICK CHENEY

What we did in Iraq was exactly the right thing to do. If I had it to recommend all over again, I would recommend exactly the same course of action. And the same thing goes for the detainees. This was

a new kind of war. We determined these men were enemy combatants, not entitled to Geneva protections, and I know that you agree with me there.

Rich rushes into the banquet hall, more briskly even than Silver, but again trying not to create a huge scene.

DICK CHENEY

So once you make that judgement, that the terrorists don't deserve the rights of lawful combatants, then you can use a much broader range of tools.

Agent Rich motions to Marshall Swift to join him as he converges on Silver. They are too late. She steps into one of the small spot lights on the floor, which lights up her face and body.

RACHEL SILVER

Mr. Vice President. You are under arrest . . .

She holds up the arrest warrant and indictment like she's the Statue of Liberty.

RACHEL SILVER

Pursuant to this indictment returned this evening charging you with the murder of citizens of this federal district, caused by a war based on false confessions obtained by torture, a war crime.

There are gasps in the room. She turns to Marshall Swift who has just arrived at her side.

RACHEL SILVER

U.S. Marshall Swift, please execute the warrant.

And she hands it to him. Flash bulbs are going off everywhere. Cheney is trapped. Swift is not sure what to do, but sees it is clearly a valid warrant, and motions for Cheney to come down to be handcuffed.

INT - U.S. ATTORNEY'S OFFICE

Angle slams his phone to the carpet.

INT - INSIDE LAS VEGAS STRIP HOTEL BANQUET ROOM

Cheney is handcuffed and they are starting to lead him away. News Reporters are gathering around Silver and snapping pictures.

NEWS REPORTER

(same lovable wise aleck)
Well, I guess HE won't be committing any more war
crimes any time soon.

The camera looks up into her face. Silver gives him a look
that reaches to eternity.

RACHEL SILVER

When the last shot is fired in the last war . . .
THAT will be the last war crime.

A camera flash captures the last shot, a freeze frame
picture of Cheney with his trademark out of the corner of
one side of his mouth sneer, which shrinks in size on a
black background leaving enough room to

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