

1.

THE AMERICAN

BY PAUL FERGUSON & JOHN KELLY

Draft 8 July 2007

Fade in:

1 EXT. DAY, CIVILIAN TRANSPORT, UPPER DECK, SOMEWHERE IN THE PACIFIC OCEAN, 1952; 1

The deck is crowded with serviceman families. Mrs. Whitehurst stands with another Navy wife. An array of boys & girls all sizes and ages mingle, together, running, on deck. One small boy runs past the 2 women, arms outstretched, imitating a plane.

BOY  
(yelling)Bo  
mbs over  
Tokyo!

MRS. WHITEHURST  
(grabbing the boy, holding on  
to him)  
Fred, don't Say that! Tokyo is  
inJapan and we are going there  
tolive. It's not very nice of us  
toremind them we bombed their cities.  
We won the war, now we have to help  
the Japanese get backon their feet.  
We'll be livingwith them in Kamakura,  
and it's a privilege, and an  
opportunity forus all. No more  
shouting, 'Bombsover Tokyo.' The  
Japanese are notdemons, they are just  
people likeeveryone else who needs  
help.

FRED  
(nods solemnly)Yes, m'am.  
(Runs to play with theother kids.)

OTHER WIFE Life on ship is  
hard for the kids.

MRS. WHITEHURST  
Life is hard for us all, always  
trying to do what is right, and  
never knowing exactly what that

means or how whatever we do will  
turn out.

2.

2 EXT. SIDE OF SHIP, DAY 2

Child Fred, apparently trying to climb out porthole. Mrs. Whitehurst pulls him back inside. Through ship's porthole two other boys in cabin are arguing over comics, a third boy is sitting reading a comic. Mrs. Whitehurst grabs up a box full of comics, plus the comics from the three boys, ages 6-11, and pushes the comics out the porthole. The ship moves away on the ocean towards the horizon as the comics float on the ocean surface in close shots of their covers. (Marvel Boy, Captain America, War Adventures, Mystery in Space, Strange Adventures, etc.)

3 EXT., SHIPDOCK, JAPAN, DAY 3

Families unloading, joined by Navy husbands. Lt. Whitehurst meets and warmly greets wife and children, then hurries them along dock to where the family waits, watching as their old Desoto is unloaded from ship.

4 INT. DESOTO, DAY 4

Lt. Whitehurst and wife in front seat. The four are crowded in backseat. He's telling them about the house he's rented in Kamakura, it being not the best.

LT. WHITEHURST

Kind of old, and sort of lacking any real convenience. "Mom" will have to learn how to cook on a wood stove, and you boys can learn to chop wood, as it's heated by a fire-place. Also until the plumbing is fixed we'll have to carry water up the mountain. It will be fun guys. You'll see.

5 EXT. DAY, KAMAKURA, OLD WOOD HOUSE 5

Lt. Whitehurst stops the Desoto, proudly announcing,

LT. WHITEHURST

We're here guys.

They climb the mountain to the house. No one moves as they all gather together on the creaking front porch. They look doubtful. The Lt. Throws open the door,

LT. WHITEHURST

Ah, come on now. It's not so bad.  
At least you can give it a chance.

3.

MRS. WHITEHURST

(Smiles) It's fine. It's just fine. Alright, boys, unload. We're home.

6 INT. DINING ROOM, SUPPER 6

The Whitehurst family are gathered around the table. The LT. Says grace. The family starts to eat.

LT. WHITEHURST

I have had an offer of \$2,000 for  
the Desoto, which is crazy as the  
car wouldn't bring a hundred  
dollars  
in U.S.A.

MRS. WHITEHURST

It's a shame how Americans are  
painting old junkers and selling  
them for outrageous prices to the  
Japanese. Cheating anyone is  
w  
rong.

LT. WHITEHURST

We could use the money, but of  
course, I have no intention of  
taking advantage of the Japanese.  
It would be wrong to do it  
whatever anyone else  
is doing.

A BOY

It would not be so bad since we  
need the money and the Japanese  
don't know they are paying too  
much. It ain't exactly cheating.

MRS. WHITEHURST

Anyone who thinks they have an  
advantage over someone and uses it  
against them is morally wrong. It  
doesn't matter if the other person  
knows they have been harmed, the  
harm is against the one who thinks  
they are getting away with

something. You don't hurt others  
but that it comes back to bite  
you. We don't need money that bad.

Now,  
hush and eat.

7 INT. DAY, JR. HIGH SCHOOL, AUDITORIUM 7

Year 1960 - Norfolk, VA.

Fred Whitehurst, 12 years old, sit among entire student body as a female teacher on stage asks the white students to look around them and take notice there are no black faces in the school, "No nigga children," proudly announcing the school has beat the federal government and will not allow black children in the school. The students burst into loud, ringing applause.

8 EXT. SCHOOL, DAY 8

School is being dismissed. Mrs. Whitehurst sits in family station wagon, waiting for Fred.

Fred climbs into car. His mom warns him not to sit on her school books.

Fred tells her about the speech in the auditorium. It has made him feel sick that the other kids applauded. Is something wrong with him?

MRS. WHITEHURST

I would feel sick if the prejudice  
had not made him feel bad for the  
teacher and other students.

She pulls her college books over closer to her as she tells him,

5.

MRS. WHITEHURST You know how hard I worked to finish high school, and now it's even harder for me in college. Almost no one understands why I'm going to school. They say I'm a mother, a wife, but what they mean is I'm a woman and shouldn't be competing in a man's world. They are afraid of my efforts and the potential I represent. The same as they are afraid of black people and allowing them access to the school and jobs. Such people don't want anything to change, not ever, and if they could they'd turn the clock back. We will all be in slavery if they ever have their way and we let them convince us that some peoples are better than other peoples. We fought the second World War against the Nazis, but the ideas they believed haven't been defeated! We have to remember that and not ever forget it or let them fool us into believing that people, men or women, black or white, are somehow different and less deserving, less equal than the rest of us. When I was in the army Air Corps I wasn't merely in the service. And your father is not just in the Navy. We believe in what he is doing in helping to make the world free. We have to live up to his example right here at home, especially now when so many people are beginning to wake up and are confused and dazed with the realization colored people are Americans, the same as whites. It's going to get worse before it gets better, you'll see.

FRED For Women too?

MRS. WHITEHURST

(Laughing) Oh yes, for women too. You don't think I'd let them beat me, do you?

6.

FRED No ma'm.

MRS. WHITEHURST  
(Laughing- deepening  
her voice)

No m'am! No m'am!

9 EXT. OCEAN, DAY, 1962 OVERTURNED SAILBOAT 9

A 15 YEAR OLD FRED, his older brother Robert, and a Japanese girl EMIAIVA are holding onto the boat with the girl sitting on top of the hull. The sky is full of huge, gray, bellowing clouds, threatening the survivors.

Fred slides off the hull into the water, holding the side as Emiaiva climbs onto the hull, taking her turn out of the ocean.

FRED

(To Robert) You think if they  
find us they'll haul the boat in for  
us?

ROBERT Do they even do  
that? (to Emiaiva) Bet you're  
thinking you could have stayed home in  
Japan and drowned.

EMIAIVA (laughing) I would have missed all the fun.

FRED Fun, if the sharks  
don't eat us.

ROBERT There ain't no  
sharks! Hey, hold on sister! Oh,  
there! A boat! ....

EMIAIVA (Pulls herself to  
kneeling, waving)  
HERE, OVER HERE! WE'RE HERE!

FRED (adding  
his voice) HERE!  
HERE!

Coast guard boat approaches.

FRED

(seeing the men on the boat) Hey! That's Dad! DAD! DAD! Robert it's Dad!

10 EXT. DAY, COAST GUARD BOAT ON OCEAN 10

Coast Guard Boat pulls up beside the sail-boat hull. The boys and Emiaiva are helped aboard. A rope is cast to the hull. The boys are surprised to see their Dad who is in uniform. After hugs all around, warm blankets come out of nowhere and wrap the soaked kids.

LT. WHITEHURST We've been looking all night. Oh, it's good to see you.

FRED Can we save the sailboat Dad?

LT. WHITEHURST Sure.  
(to other sailors) We need to recover the boat. Thank-you men.

ROBERT How'd you find us Dad?

LT. WHITEHURST We got worried when the set and you did not return. Plane spotted your boat, radioed in.

EMIAIVA Thank you mister Whitehurst. We were scared.

FRED  
(fending off the 'scared') We'll not really. We knew you would find us.

LT. WHITEHURST No matter. Emiaiva, it's just wonderful to have you... all of you safe.

Again, hugs all around with Emiaiva in the middle as the coast Guard boat heads for shore little sail boat in tow.

11 EXT. SMALL TOWN, DAY 11 January 15, 1965 snow and ice falling in a gale wind, blowing across the road, through the town at 50 knots. 12 EXT. DAY, 1956 12 Plymouth, Blue and White, emerges from the sideways snowstorm on the highway at the camera. Through the windshield as Mrs. Whitehurst and Fred, in naval uniform, overcoat. 13 INT. DAY, INSIDE PLYMOUTH 13 Mrs. Whitehurst driving, trying hard to see through the blowing snow. Fred is snoozing in the front seat. Wipers are not keeping up. They are on their way to Navy Reserve Center, so that Fred can take his entrance exams.

14 EXT. ROAD, DAY, 14 Heavy Traffic. Cars skidding in wind on icy road. Fred's car drives into camera.

15 EXT. CURVE IN ROAD NEAR LAKE, DAY 15 Skidding white station wagon slides out of traffic, crosses the road, flying off the pavement into the lake. It slowly begins to sink. 16 INT. PLYMOUTH, DAY 16 Fred pops awake as Mrs. Whitehurst exclaims. MR. WHITEHURST Oh my God.... YOUNG FRED (catching his bearings) What? MRS. WHITEHURST (pulling off the road) We have to help them! FRED (already out the door) I'm there!

17 EXT. ON SHORE OF LAKE, DAY 17

Shots of cars pulling over, gathering crowd, sinking car. Fred comes through crowd, wearing heavy naval coat. He wades into lake. No one moves to help. He looks back for help. No one. Swims towards the car.

The snow, hail, and wind swirl in the air. The white car sinking to below the surface. Gawkers look and point.

18 EXT. UNDERWATER CAR, DAY 18

Fred dives down. A man swims out of the car. Fred grabs him, pulling him to the surface.

19 EXT. LAKE SURFACE, DAY 19

2 heads emerge above the waterline. Fred turns the DISORIENTED MAN around and pushes him towards the shore.

FRED Is there anyone  
else in the car?

MAN  
(Gaspings, spitting up water.  
Head is bleeding)  
There's a kid in there. Get him  
out, please.

Fred pushes him towards shore. The man treads water in that direction. Fred grabs a big gulp of air and goes under.

20 EXT. DAY, UNDERWATER CAR 20

The car is in 12 feet of water on lake bottom. Fred swims down, murky water. He goes back to the surface, gets a breath, swims back down. Again, he can see no-one. Again he swims to surface, takes a breath, swims down. This time he sees a TEENAGE BOY in the car, struggling to free himself. Fighting the rear door, it opens. Fred reaches in, pulls the boy out, and gets behind him as they surface..

21 EXT. DAY, SURFACE 21

Fred and boy emerge. Hundreds of people are now standing around the lake shore, watching, without helping.

Mrs. Whitehurst is being held by two burly men. She is screaming at them to let her go to help her son. She begins screaming at the crowd, calling them names like cowards and yellow, attempting to shame them into helping her son. They stand there, looking at her, watching Fred struggle with the boy.

A sailor emerges from the crowd, jumps in the water and swims out. As he reaches Fred and the struggling boy, the boy grabs the sailor in a panic and both go down.

22 EXT. UNDERWATER, DAY 22

The sailor and boy struggle. The sailor frees himself as the boy simply expires underwater. The sailor rises to the surface.

23 EXT. LAKE SURFACE, LAKE SHORE, DAY 23

The sailor sees Fred is now in hypothermic shock. Disoriented. He pulls off Fred's heavy naval overcoat. Fred mechanically swims through the blowing gale winds to shore.

No-one comes out of the crowd to help Fred. Laying on the shore, he looks around, through the blowing snow, sees the naval Reserve Center gate. Pulls his shivering body up and takes off running for the gate. As he runs his strength is ebbing. Falling. Out of the crowd a husky Marine runs up behind Fred, picks him up over his shoulder and helps him to the Reserve Center gate just a few hundred yards away.

24 INT. BED IN NAVAL RESERVE CENTER, DAY 24

Fred wakes up with head in his mother's lap. He is shivering, unable to warm, and crying for the drowned boy.

FRED

No one helped! They could have saved that boy... Only the sailor. Oh, is he okay? The sailor, did he make it? Why wouldn't they help them? Why wouldn't they help them?

Mrs. Whitehurst hold Fred tight as only a mother can. Fred shivers uncontrollably.

25 EXT. NAVAL BASE, PARADE GROUNDS PRESENTATION CEREMONY, DAY 25

Platoon upon platoon of navy companies are standing at parade rest as an admiral reads the citation

11.

ADMIRAL

Where as, Fred Whitehurst did put himself about the dangers and risked his life in extreme conditions to save a life. We honor and present Lt. Whitehurst, the youngest sailor to every receive this honor, with this, the Navy Metal of of Heroism.

The metal is pinned on Fred's chest. The troops are called to attention. Fred's mother and father, in his naval uniform, are present, along with Fred's brothers, sitting in chairs in presentation area. As the ceremony finishes and the companies dismissed Fred hurries to join his family.

Fred walks up as his father rises. Fred stops, comes to attention and salutes the naval officer who is his Dad. His Dad returns the salute, then smiles, offers his hand to Fred. There is the impression as their eyes meet and Fred's Dad nods that that baton had been passed from father to son, one Navy generation to another.

26 EXT. WOODEN, NAVAL BARRACKS, THE COVERED STOOPS, NIGHT 3AM 26

Fred in skivvies is standing on the stoop when the watch PATROL passes in a jeep. Seeing him in the headlights they stop, back up, present a challenge. Fred gives no answer, but stands, unseeing. A PATROLMAN approaches him, repeats the challenge,

PATROLMAN

Who goes there?

The light shows Fred has his eyes closed. He opens them and turns away, entering the barrack. Two of the watch follow him as he crawls back into bed. They exchange glances, then shake Fred, waking him up. The scenes are played by flashlight.

WATCHMAN #1

Hey what goes on here? (holding flashlight spot in Fred's face.)

FRED (confused) Why are you- What do you want?

WATCHMAN #2

What do we want? Why where you outside?

12.

FRED When?

WATCHMAN #1 What do you mean, 'when'? Just now. Hey... You walk in your sleep?

FRED Not since I was a kid.

WATCHMAN #2 Well, you were just outside and you were walking. What if you were on a ship? You could walk right off and .... What's your name?

Fred provides the information they require. They leave. Fred lays back down. As he does, the sailor in the next bunk speaks to him out of the dark.

SAILOR Tough break.

FRED They'll discharge me?

SAILOR Yeah. Sleepwalkers on ships. Not good.

FRED yeah

27 INT. C.O.'S OFFICE, DAY 27

The C.O. is at his desk. Fred enters, salutes, C.O. tells Fred his discharge has been approved.

CO Sorry, son. It's regulations. There is nothing we can do. Though I can tell you we tried to obtain a waiver.

FRED Yes, sir. Thank you

CO The Navy needs good men. We hate losing you. (pause) What will you do now?

13.

FRED I don't know. Go back to school. I have the GI Bill. It'll work out.

CO Well, it sounds like you've got it figured out.

FRED Yes, sir. I hope so, sir. (salutes)

CO Good luck, (salutes) dismissed.

28 EXT., EAST CAROLINA UNIVERSITY CAMPUS, SUNNY DAY 1967 28

Fred and DR. GROVER EVERETT, walking together across the campus, students hurry hither and yon.

DR. EVERETT Fred, this is your second year. I'm told you have majored in chemistry with plans to study medicine.

FRED Yes, sir.

DR. EVERETT I've no doubt you work hard. You had a good first year, Fred. But it's not a matter of pre-requisites. It is, rather, your math scores. (Fred's posture drops) They are abysmal. I see no way with your understanding of mathematics as it now exists for you to expect a successful life in science. I'm sorry. Perhaps you should change your major.

Dr. Everett looks at his watch

DR. EVERETT Ah, you'll excuse me. I'm running late.

Everett walks away, leaving Fred to stand, looking after him. Fred shrugs.

FRED We'll see.  
We'll just see.

14.  
15.

29 EXT. VIRGINIA STATE PARK, SUMMER 1968 ,DAY 2  
9

Fred and BERT JOLY, State Forester, walks along a heavilywooded trail. Jolly is Fred's boss!  
BERT You and your brother Mike need to come back and keep this trail clear for the Park's visitors.

FRED (nodding) I'll get right on it.

BERT So, what did you do to improve your math comprehension?  
FRED Well, I'm still doing it. I'm in an advanced physics group now. My parents are mystified, not to mention pleased. They watched me stumble through math in high school.

BERT I believe it. After these past two summers, I doubt there is anything you boys can't do if you put your mind to it.

FRED (Following Bert out of the woods to a state vehicle) We heading back to your place?  
BERT Yeah. You coming in for dinner?

FRED I'll split a few rounds of firewood while I'm waiting.  
The two load up and drive through the trees to Bert's log cabin home off a dirt road.

30 EXT. CABIN, DAY 3  
0

Fred without a shirt splitting rounds at one side of the Joly Family home.

63 EXT. DAY, SHOT OF QUANTICO 6  
3

Fred wearing training uniform in exercise field, at gun range, in class lectures.

64 INT. ASSEMBLY HALL, QUANTICO GRAD CLASS 1982-3, DAY 6  
4

John Burk is on stage, speaking,  
JOHN BURK There is one thing that separates agents of the FBI from the rest of the world, and only one thing. That one thing is that when we see something we know is wrong, we cannot just sit on our hands and stare at it. We have to do something about what we see and know to be wrong. Sometimes what we do may not be right. Sometimes we fail in our efforts. But always we at least make the effort to right what we know is wrong, even when the failure costs us dearly. None of us who make this effort, we, none of us, had any choice. We had to do something. We had to do something and we did it when we joined the federal Bureau of Investigation. I am proud to present the graduation class of 1982-83 with your credentials, welcoming you all to the FBI. Burk begins calling names, among them a beaming Fred Whitehurst.

65 INT. FBI FIELD OFFICE, BULLPEN, DAY, HOUSTON , TEXAS 6  
5

Fred sitting at desk, typing, his supervisor approaches, holding several pieces of papers in his hand.

31 EXT. JOLY HOME, DAY 31

School bus drives up and stops in front of Joly home. A young teen girl, CHERYL JOLY, gets off the bus and crosses the road. She is wearing a white blouse, tucked into a dark skirt with a tartan pattern. As Fred sees her the scene suddenly changes, growing softer and filled with a warm, golden glow. The girl seems to be moving in slow motion. The scene returns to normal.

CHERYL Hey, Fred.

FRED (swallowing) Hi Cheryl! I'm staying for supper.

CHERYL  
(from  
porch) Okay  
then.

32 INT. LIVING ROOM, JOLY HOME, NIGHT 32

Mr. Joly sits in lazy boy in front of night news TV, showing Vietnam war scenes. Fred stands watching intensely.

BERT We need to bring  
them boys home. If I was younger,  
didn't have to consider my family,  
I'd be over there myself!

FRED Is that the right  
thing to do?

BERT By God it would be if  
I was able.

FRED  
(nodding) I'd better be  
leaving, see you tomorrow.

BERT Start on  
that trail in the morning.

Fred nodding leaves with the television continuing to show scenes of Vietnam war.

33 INT. DAY, DR. EVERETT'S OFFICE, 1969 33

Fred stands in front of Dr. Everett's desk, the Dr. looking across the desk at him.

DR. EVERETT This is your senior year. To quit now and go to Vietnam. It makes no sense. You're throwing away everything you've worked for. It isn't done.

FRED Yes, sir. I know that, but I've hesitated as long as I can.

DR. EVERETT I'll guess you'll do what you think right. I was wrong, advising you to quit, to give up science. I won't advise you not to go to Vietnam, but will remind you, we'll be here when you come back.

FRED Thank you.  
I'll be back.

DR. EVERETT Yes.  
I'm certain you will.

34 EXT. FRONT YARD OF JOLY HOME, DAY, SPRING 1969 34

Bert is shaking Fred's hand.

BERT What about the Navy?  
Did you tell the Army Recruiter you  
are somnambulate?

FRED No, sir. I went up last fall and joined in New York City. I didn't tell them I was in the Navy.

BERT  
(shrugging) They probably wouldn't care. They're drafting anyone who can walk, so you know volunteers aren't being turned away.

As Bert is speaking the school bus comes down the road. Cheryl Joly gets off the bus, crosses the road and enters the yard.

BERT (nodding at Fred, tells Cheryl)  
You need to tell Fred here good-bye. He's joined the army to go to Vietnam.

FRED  
(To Bert) I've got something I want to say to her, Bert.

BERT (puzzled) What would that be?

FRED I'll tell it to you both. Cheryl, when I come back out of the service from the war, well, I intend to marry you.

CHERYL Shoot, you don't even know me! You must be crazy. You ought to marry Trudy Drake. She's a mite prettier than me and a whole lot smarter. Besides, I ain't never leaving these mountains, and you ain't even from here.

FRED Maybe so, but I'm coming back when the war's over and you're grown to marry up with you.

CHERYL  
(moving towards the house) Shoot, you better go on and go and not let them folks over in Vietnam put anymore holes in your head, as you are crazy enough already.

Cheryl leaves going inside the house as Fred and Bert watch.

BERT  
(scratching his head)  
You're a humdinger boy. Just full of surprises.

18.

FRED

All the same I mean to marry her  
when I get back.

BERT

(offering his hand)  
First you've got to go. Then we'll  
see when you com back. It will be  
up to her.

FRED (taking Bert's hand) Fair enough.

35 EXT. SOUTH VIETNAM, BOTANGAN PENINSULAS 35

South of Chulai, same area and time period of Mai Tai  
massacre of uncounted civilians: fall 1969

Montage of surface phantom jets in the sky over jungles, dropping  
napalm; the trees exploding in fire balls; civilians in various  
forms of panic, fleeing along highway. Traffic being redirected  
by American M.P.'s Buddhist monk outside American embassy wall,  
lighting himself on fire, protesting American presence; Long line  
in front of catholic church, people enter, are baptized by priest,  
then exit at side of church where they are handed boxes of food  
stuffs prepared by American infantry troops on the spot for  
the newly baptized catholics.

36 EXT. DAY, JUNGLE CLEARING 36

Several infantry platoons, boarding a half dozen Army Chinook  
CH47 helicopters, the dual-rotor workhorses rise in the air,  
fully loaded with troops from "B" company, 5th Battalion, 46th  
Infantry 198th Infantry Brigade, 23rd Infantry Division PFC Fred  
Whitehurst is among them.

37 EXT. DAY 37

Chinooks in sky above a jungle divided by flooded rice  
fields.

38 INT. OF CHINOOKS 38

The infantry faces are set hard with anticipation of  
what awaits their landing.

## 39 EXT. OF CHINOOKS LANDING 39

Chinooks landing in a saber grass and reed field along a thick jungle to disgorge Fred and his buddies. The dual-rotors fill the air with bits and pieces of whirring debris.

Fred exits ramp, covering his face with one hand. The area of the jungle across the open field explodes with NVC small arms fire, including recoilless 106mm rounds. The Americans run to cover along a tall mud embankment that borders the field.

Overhead two W.S. F-4 Phantom jets shriek through the sky, then the spotter plane mistakes the Americans for NVC line. It shoots a rocket at the American line. The phantom pilots, seeing the spotter rocket, drop out of the sky and unload their 250 pound snake eyes 5 yards in front of the American line. The forward controller with the infantry on the ground attempts, frantically, to call off the F-4's, but is unable to reach them in time.

Fred, from the embankment, sees the Phantoms coming in from behind the troops instead of passing perpendicular to the line on one side or the other as procedure requires. Fred buries his head in the mud, pulling his body up with knees against his chest, making as small an area as possible of himself.

The bombs hit barely twenty feet beyond the embankment. The resulting explosions and concussion lift and flip Fred and those nearest him, filling their heads and ears with a ringing for days afterwards.

## 40 EXT. DAY, FIELD 40

Fred and troops move up, over the embankment, across the burning craters, into the still hot, torn, and burning jungle trees. Little piles of burnt bodies and severed limbs are everywhere. Word quickly comes that the enemy has bugged out. As Fred and the team with him turn back, moving to the field where the Chinooks are already returning, the soldier to Fred's right is suddenly blown up, having stepped on a mine.

Fred yells for a medic, begins tying off the man's leg, which is just a bloody stump. The guy is conscious. As medics arrive he grabs Fred's arm.

WOUNDED SOLDIER

My boot! see if you can find my  
boot!

20.

FRED What?

WOUNDED SOLDIER

I promised my uncle a pair of  
jungle boots!

A soldier, Cunningham, leaning over behind Fred, nods, ducks out of sight and returns with the boot. He hands it to Fred, the foot and top of the severed leg is still in the intact boot.

FRED Here you  
go. (gives boot)

WOUNDED SOLDIER

Thanks man. Thank you. Don't know  
what it mean to him.

Fred standing, backing away as the medics lift the soldier and carry him towards the helicopters Fred tells Cunningham;

FRED crazy.

CUNNINGHAM

(moves with Fred towards the  
Chinooks)  
Yeah, too bad we can't just  
becrazy in our own part of  
theworld.

FRED What? Do  
something right?

41 EXT. DAY, SAND DUNE "CAP 142" 41

Free fire zone outside Vietnamese village on tip of Batangon peninsula being held by "B" company.

A 14 year old boy enters the American infantry camp, carrying a hand grenade, he is holding it out in front of him and is crying. The soldier on guard rush the boy, grab the grenade, and began beating and kicking the teenager. There are metal stakes driven into the ground, and two offive guards pull up the stakes (like metal fence posts) and beat the kid until he's a mess of broken bones and bleeding flesh.

42 INT. DAY, TENT AT CAP "142" 42

Fred asleep in his cot as Cunningham enters. He wakes up Fred and tells him about the boy, being beaten to death. Evidently the NVA's gave the boy the grenade and forced him to come into the camp with threats to kill his family. Fred doesn't ask any questions. He stands and marches out of the tent.

43 EXT. DAY, OUTSIDE TENT 43

Fred marches over to where the body is laying in the road, left as a visible warning to other Vietnamese peasants. The boy's body is flattened and hardly looks like much more than a bloody rag, only part of the face and hair, teeth are recognizable as belongings to a human being. Fred turns without a word and marches back to the tent.

44 INT. DAY, TENT 44

Cunningham is waiting for Fred, who ignores him. Fred begins packing his duffel bag.

CUNNINGHAM

What are you doing?

FRED Going home, I don't

kill children!

CUNNINGHAM

They'll lock you up.

FRED

Good. I ought to be locked up. We all should be locked up.

Cunningham grows quiet. He sits watching Fred pack. As Fred finishes Cunningham places himself between Fred and the tent exit.

CUNNINGHAM Think,

man, what you're doing!

FRED

Think? Think! You want me to think! You tell that to the people that started this war and that keep it going. Tell it to general motors and to the politicians. Tell it to that boy's mother, but don't tell it to me.

22.

CUNNINGHAM They'll  
shoot you for desertion!

FRED They won't shoot  
me! And what if they do? So what if  
they do? You better move aside,  
mister, or do I have to prove to you  
I really mean to leave here?

Cunningham visibly gives up and moves aside.

45 EXT. "CAP 142", DAY, OUTSIDE TENT 45

Fred exits tent, carry duffel bag, and crosses the area to climb  
the hill to the helicopter landing pad on top of the hill. He's  
met there by the SGT.

SGT Where do you think  
you're going?

FRED (Setting his duffel down  
and having a seat)  
Home.

SGT Get up and get,  
back to your quarters. You're  
under arrest.

FRED I may be, but I ain't  
staying here or taking orders from  
anyone who mutilates kids. The best  
thing you can do is get away from me  
as quickly as you can.

SGT Is that a threat?

FRED  
(Stands  
up) You heard  
me!

SGT (Backing away) I'll have you court marshaled!

FRED  
(Fist doubled) You do that.  
Now get before I do something I  
regret! Go on, Get! Get!

The coward SGT moves off down the hill. Fred remains on the hill, sitting on his duffel, until finally the helicopter comes in from the rear, picks him up and flies off with him to the battalion headquarters.

46 INT. DAY, BATTALION COMMANDER'S OFFICE 46

Fred is seated, the executive officer and commander, a colonel, have obviously been attempting to talk to Fred and change his mind for hours. They are telling him to wake up and see reality of what happens in war. The innocent always pay for it.

FRED

I'm sorry, colonel. I can't see it.

COLONEL

It's not up to you to see it, to judge it. You're a soldier. Your job is to follow orders so we can win this war.

FRED

Maybe, but we aren't winning it. We're not gonna win it, and I don't believe it's necessary to mutilate and kill children for any reason.

COLONEL We do what has to be done.

FRED

Well, sir. My mother was a Sgt in the Army Air corps before either of us were even born, and it's not what she taught me is right. I am not going to do it.

COLONEL

Young man are you attempting to lecture me about ethics? I am certain your mother is a fine woman. A great mother. But we are waging a war here.

FRED Yes, sir.

COLONEL Then you'll return to your unit?

FRED  
No, sir

COLONEL

(Looking at ex-officer)

I'll give you a choice. You can stay in battalion or I'll transfer you to a jungle unit at Bato. The transfer, in all honesty, probably isn't a good idea. As soon as what happened at one-forty-two catches up with you, you'll be as likely to die from friendly fire as from the enemy. Or, I'll tell you what, I need an intelligence officer. If you'll re-enlist, I'll see that you're assigned to intelligence where you can do some good, maybe, putting the lessons your mother taught you to use, make her proud.

FRED My mother is  
proud of me!!!

COLONEL

(Ignoring Fred's outburst)

It will mean policing our own people. They'll hate you, and as I told you about Bato, You're even more likely to die of friendly fire, working to stop the violations of non-combatants rights.

FRED

If you're offering me a job where I can make a difference, then I'll take it. Where do I sign?

COLONEL

Good. (Smiling, speaks to the ex-officer) Take care of it. I think he's the right man for the job.

EX-OFFICER

yes, sir.

47 INT. HALLWAY, YEAR 1970, BATTALION HEADQUARTERS BUILDING, DAY 47

Fred stands at glassed wall case, smiling as he reads. Another soldier walks up behind him, Turner. Both men are wearing CID.

TURNER

The old man loves you. Sgt stripes, now two bronze stars.

FRED

(Smiling broadly)

Never underestimate a country boy with a mission.

TURNER

Sure, truth, justice, and the American way.

FRED

(Continues to smile)

Whatever it takes to keep America free. (then serious) If the old man wants to decorate me for teaching these boys ethics, well, I'm doing my best, and expect the same from them. We're the good guys.

TURNER

I've heard this lecture, if you can keep one Vietnamese from being abused, etc, etc. Yeah, I got it. Every CID in the building knows the song and is dancing to the tune.

FRED

(Happily)

That's all I ask. How could a country boy expect more than that CID will do their job? It's all I want. Like they say, never underestimate a country boy on a mission.

TURNER

Sure, sure. Meanwhile Sgt York, You're on document detail. Tau will be your interpreter. You find anything we missed that needs storage set it aside for re-evaluation.

FRED Will do.

Turner nods, walks away down the hall with Fred looking after him.

48 EXT. COURTYARD, BEHIND HEADQUARTERS BUILDING, DAY 48

Fred and Vietnamese clerk/interpreter Tau are surrounded by documents tied in bundles. They are burning the bundles into two fifty gallon metal drums. Tau hands Fred a small, bound diary.

TAU No burn this one,  
Fred. It already got fire in it. Very  
important lady doctor from up north.

Tau is working for American Intelligence, but remains under suspicion, so that he is taking a big chance, asking Fred not to burn diary of a north Vietnamese Communist.

FRED (After long uncertain pause) Go on, you can take it.

TAU (Makes motion with one  
finger against his temple, as  
if blowing his brains out)  
Bang! Bang! Bang! No me. You take, not  
me. No me.

FRED What will  
I do with it?

TAU You keep. Very  
important to Vietnamese people  
after war you keep. Maybe give to  
family.

FRED  
(Reluctantly) What's  
in it?

TAU War not make bad men.  
Bad men make war.

FRED The lady  
doctor write that?

TAU  
(Laughing) Maybe  
I write.

Both men laugh as Fred tucks the diary into his shirt, the shimmering heat and smoke from the drums rises to disburse into the bright blue sky.

49 EXT. DAY, BUSY ROAD IN FRONT OF CATHOLIC CHURCH AND RECTORY 1971  
49

A line of peasants wait to enter church front door. Fred and Turner pull up across the road in a jeep. Turner is driving.

FRED  
(Bewildered) What's up?

TURNER  
I thought you should see this before you leave us. This is why the Buddhist monks are burning themselves alive in Saigon. The priests are buying the people's souls. They bring them in from the countryside by the truck loads and baptized them catholic. No baptism. No food.

Turner slowly eases the jeep forward to where the peasants can be seen exiting at the side door of the church to join along food line where nuns are handing out bags of food. MPs are keeping order, pushing anyone out of line who seems disorderly or too talkative. A cameraman is filming the handouts with a banner on the church wall above the crowd announcing, CATHOLIC CHARITIES.

TURNER  
Here's what a soul is worth, two dollars, the price of rice and tea in a bag.

FRED  
(Shaking his head)  
Missionaries, can't live with them, can't shoot them.

Turner puts the jeep in gear, drives away.

50 EXT. GREENVILLE, S.C., DAY, 1972 (CONT.) 50

Int. Home of Fred's parents. Fred is at kitchen table, studying for college final. He is a very different Fred from the Viet CID investigator. He is thin and haggard, looks sick, like he might be dying.

His mom, Mrs. Whitehurst, enters kitchen with a hand full of mail she hands to him, then retrieves a tea kettle and puts on the stove to heat as Fred opens a letter, studies it intently, then disgusted, drops it on the table:

FRED

It's from the VA representative, telling that adjustment to adult life doesn't make me eligible for compensation or help with my illness under GI Bill of Rights. I'm dying from unknown causes at home because of the war and this guy wants me to act like a responsible adult and go ahead and die!

MRS. WHITEHURST Oh, he just doesn't understand you need the government's help now you are home to treat you.

FRED He understands just fine.

MRS. WHITEHURST You know you can count on me and your Dad for whatever we can do.

FRED I know, mom, but it may be alright yet. There's a doctor at the University Health Center I told you about. He's run a lot of tests and says if they pan out the VA won't have any choice, except to pay for the treatment.

MRS. WHITEHURST You know we worry about you.

FRED I suspect I'll survive. I've dropped math and physics to concentrate on chemistry. I won't ever be a medical doctor, but I can earn a doctorate in chemistry and science. It will give me a chance to understand the universe, how and why it works, giving me the understanding and information I need. Also providing me time to reflect on what I've done and saw in Nam.

29.

MRS. WHITEHURST

Well, you know we're here for  
you.

51 INT. UNIVERSITY OF S.C. HEALTH CENTER, DAY, DOCTOR'S OFFICE51

Fred is sitting on exam table as doctor enters.

DOCTOR

I've good news, and bad. The good:  
it's tropical parasites. They are  
indigenous to Asia, so you brought  
them back from Vietnam. The anemia  
and fatigue is because they are  
eating you alive. We can treat  
them, but it's a long process and  
is expensive.

FRED

You make it sound like I've got a  
choice.

DOCTOR

No choice. But, as a veteran, I  
recommend you let the veteran's  
hospital treat you for the  
parasites. I'll make our lab tests  
available to them and they can  
follow up with your treatments.

FRED

(Nodding, stands, shakes the  
doctors hand)  
I haven't had much luck so far with  
VA, but maybe these lab test will  
change that.

52 INT. FRED'S PARENTS HOME, LIVING ROOM, DAY 52

Fred looks stronger, as if he has gained weight and is  
healthy again. He is with Mr. and Mrs. Whitehurst.

FRED

It has taken eighteen months and a  
congressional inquiry to get me  
cured under the GI Bill, but I'm  
not the only one who will or has  
benefited from the inquiry. Maybe  
others won't have to fight as hard

for what is owed them as vet's.

MR. WHITEHURST So, what will you do now?

FRED I'm going up to Virginia to see Bert and Cheryl. As I once told you all I intend to marry her. I figure it's about time. I haven't changed my mind. I'm gonna marry her.

MR. WHITEHURST What about your degree? Are you going to medical school?

FRED No sir. I suppose that I could make up the classes I had to drop in math and physics, but I think I'll take my degree in chemistry and study science. I can study theoretical chemistry. I want to be able to define why things happen. I can do that at Duke.

MRS. WHITEHURST You want to get married, you probably will, but what about living in the real world? How will you support the girl?

FRED I can get a fellowship. About the others, a job. I don't know yet. There is a lot of indecision in me yet. Maybe I brought it back with me. I know only one thing for certain. It's time I asked Cheryl to marry me. I'll spend the summer in Virginia, working for Bert Joly. It will give her a chance to know me. After we're married, we'll stay here until I've earned my degree in the spring. Then, I guess, we'll play it by ear. Maybe I'll apply at Duke.

MR. WHITEHURST

(nodding) You know we'll support whatever you do. We are with you and with this girl, Cheryl, just be certain it's what you want.

31.

FRED Yes, sir. Thank you.  
Without youguys I could not do it. I  
love youboth.

The parents exchange glances that are proud looks as Fred rises  
and leaves the room.

53 EXT. VIRGINIA, DAY, FRONT PORCH OF JOLY HOME W/FRED AND BERT

53

School bus comes down the road. As Fred watches the bus  
continues past the Joly yard and house.

BERT You know a lot has  
changed sinceyou've been away.

FRED That's the way of  
things, changeis the only  
constant.

BERT  
(hesitating) There's something  
I ought to tellyou, Fred.

FRED Cheryl ain't  
married, is she?

BERT No,  
no, not married.

FRED Well then...

He starts, but stops as an old pickup truck pulls up and stops by  
the front gate and Cheryl climbs out and starts forthe porch; the  
trucks driver is a handsome young sailer, theboyfriend.

FRED She's still pretty  
as a picture.

CHERYL  
(Stopping on porch) I heard you  
and daddy told meabout all them  
metals you won, butit won't do you me  
good! I'malready engaged to be  
married tojunior Stevens.

32.

FRED (Obviously disappointed,  
but not ready just to quit.)  
I guess that's too bad, because it's me  
you're gonna marry.

CHERYL (Not exactly  
discouraging him)

I swear you're as thick-headed as last week's  
gravy. (She backs away into the house,  
opening the screen door and stopping in it)  
Daddy said you would've about won that war  
all by yourself if you hadn't got sick. I  
hope you're alright now? You really get four  
bronze stars?

FRED

(Encouraged, nodding) I surely did,  
and I'm just fine now. Matter of fact, I'm  
thinking about taking a canoe trip down  
the Hungry Mother Creek out into  
the Mississippi, paddling all the way down  
the river to New Orleans.

CHERYL You're still crazy, huh?

FRED Sure am, and I'm still  
going to marry you!

Cheryl shakes her head, but is smiling as she backs into the house.

BERT You really thinking  
about that canoe trip?

FRED We talked about it years  
ago. I haven't forgotten.

BERT I sure wish I could go  
with you.

FRED Well, come on and go.

BERT Ah, no, no, I'm just wishing.

FRED

(Snaps his fingers) Maybe there is a way you could track me and the Cheryl Ann.

BERT Cheryl Ann?

FRED I just decided to name my canoe for her, being she ain't gonna marry me it will give her something to think about.

BERT That ship ain't sailed yet.

FRED

(nodding) No, sir, and I still planning to be on it when it does.

54 EXT., OHIO RIVER, DAY 54

Scenes of Fred paddling canoe past city, docks and barges.

Fred is at a McDonald's with a huge sack of hamburgers, as he talks on the phone.

FRED I'm entering the Mississippi River now. Whoopi, it's big! A lot bigger than it looks when you're on a bridge, crossing it.

55 INT. JOLY HOME, DAY 55

Bert, Mrs. Joly, Cheryl, and fiancée are gathered around a table with Bert, talking on the phone. He stops, and hands phone to Cheryl.

BERT

(holding out phone) Here Cheryl, he wants to talk to you.  
(Bert hands her the phone)

In the background Mrs. Joly slaps Bert's arm in disapproval. Bert good naturedly lifts his brows, smiling at his wife's gesture.

34.

CHERYL

(Takes phone, eagerly)

I didn't know if you'd want to  
talk to me.

56 INT. DAY, MCDONALD'S PHONE 56

FRED Were you  
hoping I would?

57 INT. JOLY HOME, DAY, CHERYL ON PHONE 57

CHERYL

I just didn't know is all. Junior  
is here. You want to talk to him?  
(behind Cheryl junior is shaking  
his head, waving his hands) Here,  
he wants to wish you luck.

Junior stomps out of room as Cheryl tries to hand him the  
phone.

CHERYL

Oh, I guess he don't. I swear he's  
jealous of you. (Fred heard  
laughing over phone) I think it's  
romantic. You going down the river  
all the way to New Orleans alone.  
Nobody else I know would even  
think of doing it nowadays, except  
you.

58 EXT. DAY, NEW ORLEANS, JACKSON SQUARE, FRED AT PHONE BOOTH58

FRED

You tell junior yet he can't marry  
you? (pause) We'll you shouldn't  
let him suffer. You ought to tell  
him, so that he can find himself  
another girl.

59 INT. JOLY HOME, DAY, CHERYL ON PHONE 59

CHERYL No, I done said  
I'm marrying him.

60 INT. DAY, FRED AT MCDONALD'S PHONE 60

FRED

It's beautiful here in New Orleans. I wish you could see it through my eyes, the way people look and talk; there's a juggler just outside the phone booth, and the whole street is full of artists with their easels. You can have a portrait done for ten dollars. Of course, it all smells really old. It's like a country fair here Cheryl (pause) . How are you and junior, getting along? (long pause) He threatened the engagement because you're talking to me? I'm sorry, but I'm not sorry! You sure can't marry us both, and you're gonna marry me. Junior's thinking the right thing. Now, if you'll just, just say yes to me we can be married as soon as you graduate high school (he listens). That's what your mama said? What's that? We can be married as soon as you graduate? You mean, you all already talked about it? You did? We are? Should I come back there now? No? Finish the trip. Yes, you're right. I'll just do that. Well, now, wait, wait (pauses), you've got to go? Okay, okay. I love you! You do, you love me to? Say it again (listens)

He hangs up. He stands leaning against the inside of the phone booth.

FRED

I don;t know why you did this, Lord, but I want to thank you and promise you I'll always try and be

worthy of her and of all you've  
done for me. Thank you, amen.

He looks out through the phone booth, sees a McDonald's, leaves  
the booth, goes to the McDonald's, orders five BigMacs,  
telling the waitress,

FRED Darling, I'm  
getting married.

61 EXT. SMALL, WHITE WOODEN COUNTRY CHURCH IN RURAL VIRGINIA 61

Fred and Cheryl in wedding dress appears in church door, rush down through waiting, happy crowd of well wishers to awaiting car. They enter and drive away, off to Disneyland.

62 INT. SMALL HOUSE OF CHERYL AND FRED, YEAR 1981 62

Cheryl is sitting on the sofa with Fred sitting on the edge of Coffee table in front of Cheryl, holding her hand, telling her he wants to sign up to join the FBI. He wants to do something meaningful with his science knowledge. He won't be able to go to the FBI right away and will first have to work as a field agent, which doesn't make a lot of sense to him, as it will be a struggle to keep up with the advances in science while he's working as a field agent, but he is willing to do it, if he can just eventually use what he knows to help people. Of course, it's all a hard process to join. The FBI wants only the best people and it might be a year, even 2 or 3 years before he gets approved, and then they'll be apart for three months while they train him at Quantico, but heck, nothing worth doing is ever easy, and this is something he really wants and that will allow him to use his education and skills for good and the betterment of others and of himself and her.

CHERYL But we ain't  
never been apart.

FRED  
I know, darling, and that's really  
the hard part. Along with not  
knowing when or if I'll be  
accepted, and it's up to you if I  
apply if not, though it's what I  
want to do in the worse way and  
almost as much as I wanted to  
marry you. You tell me it ain't  
right for us and I'll forget it.

CHERYL  
I don't know if it's right, except  
that you want it. That's good  
enough for me to want it for you.

FRED (hugging, kissing Cheryl) Thank you, darling.

29 EXT. VIRGINIA STATE PARK, SUMMER 1968 ,DAY 2  
9

Fred and BERT JOLY, State Forester, walks along a heavilywooded trail. Jolly is Fred's boss!

BERT You and your brother Mike need to come back and keep this trail clear for the Park's visitors.

FRED (nodding) I'll get right on it.

BERT So, what did you do to improve your math comprehension?

FRED Well, I'm still doing it. I'm in an advanced physics group now. My parents are mystified, not to mention pleased. They watched me stumble through math in high school.

BERT I believe it. After these past two summers, I doubt there is anything you boys can't do if you put your mind to it.

FRED (Following Bert out of the woods to a state vehicle) We heading back to your place?

BERT Yeah. You coming in for dinner?

FRED I'll split a few rounds of firewood while I'm waiting. The two load up and drive through the trees to Bert's log cabin home off a dirt road.

30 EXT. CABIN, DAY 3  
0

Fred without a shirt splitting rounds at one side of the Joly Family home.

63 EXT. DAY, SHOT OF QUANTICO 6  
3

Fred wearing training uniform in exercise field, at gun range, in class lectures.

64 INT. ASSEMBLY HALL, QUANTICO GRAD CLASS 1982-3, DAY 6  
4

John Burk is on stage, speaking,

JOHN BURK There is one thing that separates agents of the FBI from the rest of the world, and only one thing. That one thing is that when we see something we know is wrong, we cannot just sit on our hands and stare at it. We have to do something about what we see and know to be wrong. Sometimes what we do may not be right. Sometimes we fail in our efforts. But always we at least make the effort to right what we know is wrong, even when the failure costs us dearly. None of us who make this effort, we, none of us, had any choice. We had to do something. We had to do something and we did it when we joined the federal Bureau

37.  
38.

SUPERVISOR

Fred, you're new to this office and field evidently. No one has bothered to fill you in on S.O.P. Tell you what, we've got inspectors coming in from headquarters. Now they don't know their fists from their elbows, much less what is happening herein Houston and we ain't sending them back to Washington any smarter than when they arrived. We handle our own problems and troubles. You got me? Don't say anything to them.

FRED

(shrugging) You don't want rear echelon hero's getting in the way of combat troops. It was the same thing in Nam.

SUPERVISOR Sure, they're just trouble we don't need. You got it. There's a few other little things. I want to fill you in on them before you get any bad habits.

FRED (nodding) Sure.

SUPERVISOR When your signing in, it's upsetting the other guys. See, if you come in at seven-thirty or eight and they arrive later, they're losing their overtime.

FRED (frowning) Is there anything else?

SUPERVISOR Yeah, there's a whole book on how to fill out these vouchers I want you to get with Phillips. He'll show you how we do it. We don't want you making the rest of us look bad and costing us money.

FRED

Anything else?

39.

SUPERVISOR

One more thing. I don't know if  
you and the wife have found a  
permanent place to live or not,  
but you can collect the full three  
months just keep your mouth shut  
when  
you move.

FRED

I've already discontinued the  
temporary allowance for moving.

SUPERVISOR

(surprised)

You have? Well (laughs), you'll  
learn. You'll learn. Remember, see  
Phillips before you file any  
vouchers.  
hers.

66 EXT. DAY, FRED AND PHILLIPS IN PARKED SEDAN HOUSTON STREET66

Surveillance of home of international thief:

A car pulls up beside surveillance vehicle, the driver is a  
woman.

PHILLIPS

My ride. Five o'clock on the  
button. Listen, don't hang around  
here. There is no support after  
five and the old guys won't  
appreciate having to come out from  
home to help you out of trouble.

FRED

I'm right behind you, On my way  
home.

PHILLIPS

This ain't Nam, and anyway,  
whatever you think, you're not the  
lone ranger. We overwhelm the bad  
guys, convincing them to come  
quietly, no gun

battles.

FRED

(smiling)

Sure. I won't hang around without  
calling  
it in.

Phillips exits the car, moves around it and enters the  
waiting vehicle, which drives away.

Fred obviously settles back to get comfortable, ignoring Phillips advice.

Looking across the street Fred watches a woman come out on a high front porch, set a rug over the railing, and return into the house.

He slowly decides to hesitantly cross the street and climb the stairs to ring the door bell. The woman answers the door. He shows his badge. He asks to be allowed to enter. She refuses. He asks if her husband is home. She hesitates. He hears a child calling beyond the door. He reminds the woman he knows she has a child. What kind of life is it for a child? They stand on porch with Fred continue to talk to her as the sun sets and the dark descends with the street lights growing brighter.

Finally, the husband comes to the door, he opens it with two shotguns broken open and his daughter in his arms.

FRED

(taking the guns)

My partner warned me I could get shot, guess he was right.

CROOK

Yeah, and I could have shot you, but I heard everything you said about my little girl, deserving a decent life, and decent parents, too. I never heard no one talk like that before, no one I thought was on the level, but you are on the level. I can tell, and I want a chance to do what is right. I'm willing to pay for what I've done to give us all a chance to quit running and hiding, to quit living in fear, and start living like everyone else. To give my little girl, and my wife a decent life.

67 INT. DAY, OFFICE FBI BULLPEN 67

Supervisor has Fred cornered at Fred's desk:

41.

SUPERVISOR You think you're cute, smarter than the rest of us. You think I enjoy being made an ass when I have to put an all points bulletin out for one of my own agents who doesn't call home and doesn't check in here?

FRED The guy was driving me around to his fences.

SUPERVISOR Never mind why. We aren't paid by arrests. This isn't piece work, and we don't operate alone. I'm talking to you, but I could just as easily be talking to your wife, explaining why you're dead and didn't come home. Listen I don't know what they're teaching in Quantico these days, but if you mean to stay a field agent, you'll operate as part of this office, and part of my team. Do you understand me?

FRED I do.

SUPERVISOR (staring at him) do you?

FRED yes, sir. I made a mistake. I realize how lucky I was. I'm sorry.

SUPERVISOR Don't apologize to me. Apologize to your wife. It's her that will have to bury you.

FRED Yes, sir.

SUPERVISOR What about your vouchers? You aren't turning in appropriate expenses. I told you to have Phillips help you.

42.

FRED Well, yes. I only turn in expenses, meals, gas, that I actually incur.

SUPERVISOR Get Phillips to help you.

FRED Phillips and I discussed the vouchers. Phillips is a good agent, a good friend, but I think fudging the vouchers is a slippery slope. I'm not reporting expenses I don't have.

SUPERVISOR You listen, Whitehurst. The bureau constantly beats us all out of travel pay. We are just evening things out with the vouchers. If you don't follow Phillips advice you're screwing over the expense account vouchers of every agent in this office.

FRED Yes, sir. I'm sorry. I won't do it.

SUPERVISOR  
(walking away,  
disgusted) Jesus H.  
Christ

68 INT. DAY, OFFICE, FBI BULLPEN 68

Fred enters and is hailed by woman receptionist. She hands Fred notice of transfer.

FRED  
(reading transfer) I've heard of being transferred to Butte, Montana, but where in the boondocks is Chico, California?

RECEPTIONIST It's northern California. You'll probably love it, Fred. Your wife, Cheryl will. It's in the mountains.

FRED Nothing to do, hey?

43.

RECEPTIONIST

It's full of marijuana patches.  
Welcome to the front line of the  
grass wars.

FRED Ah.

RECEPTIONIST

(smiling)  
You'll essentially be your own  
boss. Only one other agent there.  
Good luck.

FRED Thanks.

Fred is ignored as he packs up his personal items into a  
cardboard box and leaves.

69 EXT. DAY, PORCH OF CALIFORNIA MOUNTAIN 69

Chalet, the beautiful and delightful new home of Fred and  
Cheryl:

Fred and Cheryl are sitting with Ben Howard the other agent  
assigned to Chico FBI office.

BEN

You'll love it here. Plenty to  
keep us busy, twenty-five thousand  
square miles, and we're the only  
agents and our own bosses. We  
report to Sacramento, but hardly  
ever hear a beep out of them.  
Also, plenty of recreation, the  
lake, horseback riding, good  
skiing, during the winter, and  
some excellent trout fishing,  
Fred.

CHERYL Sounds wonderful.

FRED

I'll be looking forward to that  
fishing.

BEN

Oh, yeah, I, ah, do quite a bit  
myself.

44.

FRED It all sounds perfect. What's the catch?

BEN Now, you ain't talking about fish. No catch. Just keep Sacramento happy. They leave us to run our own boat. And the catch is good, not bad at all.

70 INT. DAY, SMALL, POOR LIT FBI OFFICE 70

Two desks, facing one another, lamp lit. Ben's at his desk, looking across at Fred:

BEN These vouchers (he throws them over to Fred) Sacramento claim they don't add up. They want to see you about them.

FRED You mean they do add up. That's their problem with me. I can add.

BEN You're still gonna have to drive down and meet with them.

FRED Yeah, when do I have to get there?

BEN Tomorrow, eight A.M.

FRED Great. Just wonderful. If I leave now I'll just about make it in time to get up in the morning.

BEN Sorry. I'd told you sooner if I had known.

FRED Yeah, well, let me call Cheryl.

71 INT. DAY, SACRAMENTO FBI OFFICE, SUPERVISORS OFFICE 71

Fred, District Supervisor, and local manager are in officewith Fred sitting while they stand over him. Districtsupervisor is holding copies of Fred's vouchers.

DIST. SUPERVISOR

You're making all our agents look bad, Fred. There's an easy reasonable solution without making trouble for yourself, or getting tagged as a trouble maker. Just log your expenses on your food vouchers.

FRED

I can't do that. I won't steal the damn money, and don't want it. You can't force me to file fraudulently, and it's just about all I can do to keep from filing charges against anyone else who is stealing. This is the kind of thing that adds up to millions in white collar crime, and we are the criminals. Now can I go, or do you really want to force the issue?

MANAGER

There is something else, and I don't want any argument.

DIST. SUPERVISOR

None of this goes any further then this office.

FRED

I'm not looking to turn anyone into the G.A.'s office. I just want to be allowed to turn in vouchers that reflect my actual expenses.

DIST. SUPERVISOR (nodding) You can go.

Fred rises, leaves office, Manager, watching him go:

DIST. SUPERVISOR

There goes trouble for us all.

72 INT. DAY, RESTAURANTS BOOTH 72

The tables are full of guys who are obviously cowboys.

Fred and a fellow FBI agent, Barney, from a resident office in northern California, are meeting to discuss what's going on in Sacramento FBI District office. Barney is almost in tears.

BARNY

I met with the squad supervisors in Sacramento. These guys are dangerous on the street if you've got to work with them. They're a joke, except they can get you killed. I went to headquarters about them.

FRED The ultimate sin.

BARNY

Don't I know it now. The inspectors from headquarters took a look, then informed the supervisors they had checked out my complaint and found nothing wrong. They stabbed me in the back for following procedure and reporting these guys.

FRED (shaking his head) They retaliated against you?

BARNY

They're transferring me to Sacramento Fred, I'm going to lose my home. Listen, Fred, don't ever -don't ever buck these guys. They are worse than the mob. They don't hit you, they just destroy everything you've built or have tried to build. Keep your head down and mouth shut and pray they don't come after you.

FRED

I don't know how those guys got promoted in the first place, but they are dangerous to us all, exactly because there is nothing we can do about them.

47.

BARNY (Now tears rolling down  
hisface in front of the  
watchingcowboys)  
Don't let them get you, Fred.  
Idon't know what to do. I don't  
know. I'm too old to start over.

73 INT. DAY, FBI CHICO OFFICE 73

Ben at his desk as Fred enters and moves over to sit at his desk,  
facing Ben.

BEN Barney get back  
on the road?

FRED Yeah, poor guy.  
Sacramento has allbut ruined him  
emotionally andeconomically.

BEN You can't buck those  
guy, and itgets worse the higher up  
you go.Here, here's what I mean.  
This comes down from headquarters.

FRED What now?

BEN They sent us these  
daily timecards. We're suppose to log  
ourhours on them. You know, if we  
spend four hours on a drug case orfour  
working on a bank robbery, these daily  
time cards are supposeto reflect it.  
But Sacramento wants us to fill out  
the cards to show we spend our time  
conductingforeign counter  
intelligenceinvestigations.

FRED Why?

BEN They want to boost  
the man hoursto convince congress  
to give usmore funds to build up the  
program.

FRED I'm not doing it.

48.

BEN You been here, what?  
Two years? They'll let you go, and  
probably be glad of it.

FRED Eighteen months.  
We've been here, eighteen months.

BEN I'm betting they've  
had enough of you.

FRED What about you?

BEN Me? This is it for me.  
I'm here till the bell tolls.  
My transferring days are  
over. Whatever they do I'll live with  
it until retirement, then it's  
audios, and the trout streams.

FRED Well, I  
wish you luck.

BEN You too.

74 INT. DAY, LOS ANGELES FBI OFFICE, BULLPEN, 1984 74

A dozen young agents, Fred among them, dressed in a variety of  
styles, sit or stand among their desk while a supervisor briefs  
them from front of office.

49.

SUPERVISOR

Some of you guys are working seventy and eighty hours a week, tracking the bad guys on your own, and no one is complaining. You're all young innovative, aggressive, just exactly the people we want on the drug squad. We've got a ninety-seven percent conviction rate. This is what you guys were trained to do. Now we've got the Olympics, coming to Los Angeles. Some of you will be pulled off what you are doing to work security. (loud booing) Most of you others will be assigned to investigate organized crime drug trafficking, during the Olympics. You'll often be working alone in dangerous situations, and you are encouraged to use different and whatever new technology and investigate techniques become available. That's about it, except, drugs are everywhere, and because crooks are careless, don't you get careless. And you married men, send the wives some flowers now and then.

75 INT. DAY, L.A. FBI OFFICE 75

Fred walks out of the bullpen, crossing the hall to the typing pool. Cheryl is sitting at a desk, working as a secretary for the terrorism squad. He produces a long stem white mum and sets it on her desk, mouthing the words, "I love you."

Cheryl responds by picking up the mum, smelling it, kissing it, and throwing it to Fred, who is backing out the office door.

76 INT. DAY, FBI OFFICE HALLWAY 76

Fred, walking down hall, enters elevator, breaks off stem of mum, fits the short stem through his button hole, then smiling, exits the lobby, and out into the sun lit streets of Los Angeles.

77 INT. NIGHT, EAST L.A. LOFT SURVEILLANCE 77

Fred in chair at window with tripod telescopic camera, checking pictures of Mexican dealers, arriving in LincolnTown cars at back alley warehouse entrance. The door opens, the dealers enter warehouse. Fred speaks into radio. suddenly the alley lights up, marked and unmarked cars come from every direction.. The warehouse is swamping with cops. Fred sits continuing to snap pictures.

The loft door opens, Fred looks, sees two agents with cardboard box. Fred continues to take pictures of the scene at the warehouse.

AGENT ONE

We'll leave a little something out for you.

FRED

I don't know what's in the box and don't want to know. Just leave me out of it.

AGENT TWO

Forget him, man. He knows better that to report us. It would finish him as an agent.

The two agents quickly divide their loot, drugs? Money? perhaps both, and hurry from the loft.

As the alley begins to clear out Fred in a slow burn methodical begins putting the camera and equipment away. As he reaches for the tripod, he begins folding it, then suddenly slings it across the room. He sits staring at the broken tripod, disgusted with his helplessness, unable to prevent the corruption, petty as it might be that is systemic within the FBI.

78 INT. NIGHT, BEDROOM OF FRED AND CHERYL 78

They are lying in bed.

FRED

It bothers me, the banging of the books, the voucher fraud, the theft by agents, however minor compared to what is being recovered from the drug dealers. I've decided I'm through covering up for them.

CHERYL But you said yourself they are good men.

FRED

Good men, but we are arresting others for exactly what we are doing ourselves. If we don't hold the moral high ground, and don't know right from wrong when it comes to our own expectations of who we are, how can we expect others to be better than we are, and then arrest and punish them when they do exactly what we are doing ourselves? It isn't right. I suppose it injures my sense of what is fair morally right.

CHERYL Maybe you should think about putting in for a transfer to the FBI lab. I can transfer anywhere within the bureau with computer skills. You're a scientist, not a field agent. We would still be working together.

FRED I've been thinking the same thing.

CHERYL Then we should do it.

FRED I've let you down haven't I?

CHERYL No, not if you've been happy, but you're not happy. You belong in the lab, that's what we signed up for, not to play cops and robbers, unable to tell who are the good guys.

52.

FRED

Of course, you're right. You know when I was in Nam it seemed to me we were after the people's souls, destroying their culture, and lives. Now here at home it seems we still aren't satisfied, possessing our own souls, we continue attacking them. It's like they say about Hollywood, a million dollars for a kiss, Not a penny for your soul.

CHERYL

No, it's like they say at home, if you're gonna lay down with dogs, you get up with fleas! I think we've been running with dogs too long, so that they got us scratching up excuses for their fleas. We'll both be happier if you're doing the science we signed up to do, the work that will allow you to use all the years you spent studying without excuses.

FRED

(Hugging Cheryl)

What would I do without my mountain girl?

CHERYL

We'll just have to see that you never find out (kisses Fred)

79 INT. DAY FBI LAB, WASHINGTON D.C. HOOVER BUILDING, 1986 79

Sign on lab door reads: "Garbage Pit." The counter, desks, shelves, floor et al, reflect the reality of the sign with clutter, trash, exhibits to be tested stacked in heaps indifferently. Randoff, Berton and Whitehurst are in the lab with Randoff and Berton appearing to be busy. Whitehurst is obviously at odds for something to do as he stands with his hands in pocket, minus a lab coat, watching the other 2 men at their tasks.

FRED

(To Benton)

I've been here 2 months and still  
don't know what is expected of me.

RANDOFF

(moving over to Whitehurst as

Berton shrugs and moves away) There's no structured training at the lab. You hang around the first year and don't worry about it. The idea is you'll be able to testify in court that you spent one year in training status. Let us do the science.

FRED That's the problem. I haven't seen any science. You run experiments without control and don't follow any protocols I can see, and you don't save data that supports your hypothesis. This place is a pigsty, and your opinions and findings aren't founded on good science or any science.

RANDOFF Sure, sure there's a lot of truth into what you're saying. Look, you don't need to worry about contamination, mishandling, or preserving data. You're not gonna embarrass the bureau in court. If things get tough, just tell 'em what you know the prosecutor wants. One time in New Mexico a prosecutor handed me a bag of evidence and asked me to tell the jury how I recognized it. I told him my initials were on the bag. They weren't but the bluff worked because no one is going to call your bluff. No one investigates the investigators.

FRED You should be indicted, along with Berton for fraud. It's all I can do to keep from putting the cuffs on you now myself. What about the people you send to prison.

RANDOFF Wait a minute. I do my job.

FRED

No, you don't do your job, nor  
 does Berton. In fact, it seems you  
 despise your job and go out of  
 your way to do it wrong, as if you  
 delight in embarrassing the  
 Bureau. I'm not the only one who  
 feels this way. Every scientist in  
 the Bureau has tried to have the  
 section chief remove you two, but  
 without any success.

RANDOFF

you don't know what you're talking  
 about. I've brought lots of good,  
 new technology and techniques to  
 forensic science, and it hasn't  
 been easy getting them proved and  
 accepted. I'm sorry you've got  
 such a low opinion of me, but  
 you're not going anywhere, so  
 you'll see, in time you'll feel  
 better about what we are doing and  
 how we do it.

FRED

(leaving the  
 lab) It's not  
 science!

80 INT. WHITEHURST HOME, DAY, LIVING ROOM 80

FRED

(to Cheryl)

If I could just convince the  
 bureau to allow outside review,  
 Randoff and Berton would be  
 finished. The other examiners in  
 the unit have known all along  
 their work product is bad and yet  
 defendants in court of law have  
 been denied this knowledge.  
 Innocent men are going to ail due  
 to their bad science. There's no  
 oversight!

CHERYL Isn't

anyone on your side?

FRED

They are all on my side. They feel like Randoff is the real problem. If we could get rid of him and his association with Ed Berton, Berton can be brought in line in the lab.

CHERYL

You've never been stopped by adversity and apathy in your life. There are peoples lives, people we don't even know, but who nevertheless are depending on you ad the FBI to do what is right.

FRED

There's something else. Berton is a racist and sexist. He thinks the most vulgar jokes and words funny. Every other word out of his mouth is nigger, kike, or spik. With women he's even worse. And Randoff seems proud that Berton is a racist. The office of professional Responsibility has investigated him, and have decided he's not a serious bigot, because he makes vulgar comments about everyone. They're condoning his language, and eventually it's going to come back and embarrass everyone at the Bureau, as it can't help but effect his job product.

CHERYL And  
nothing is being done?

FRED

(nodding)

Nothing. What is going on and he's been going on is that for the last twenty-five years the FBI has purposely suppressed information that effectively denied court defendants due process of law and a fair trial. It's no wonder so many people in prison claim to be innocent, we never gave them a fair trial. Probably all we can hope for is that the section chief will be replaced, and the new chief well straighten out our unit, getting rid of Randoff and Berton.

81 INT. FBI BUILDING, DAY 81

Whitehurst and another white coated examiner are standing in hall  
as 3 men in suits approach and enter the lab. Year 1988

56.

FRED

Who is that with the section  
chief?

SCIENTIST

Our new chief, Archer. He's suppose  
to be a straight arrow, no pun  
intended. Randoff is finished.  
Looks like our efforts finally  
paid off, or should I say, your  
efforts? You deserve the credit.

FRED Randoff's out?

SCIENTIST

I hear he's on his way to Quantico  
to take over the explosive residue  
analysis school. He started it  
years ago. So he's got no kick  
about going back there.

FRED What about Berton?

SCIENTIST

Oh, he won't last long without  
Randoff to back him up. With  
Archer as section chief we'll  
finally have the lab we have all  
been arguing for. There's brighter  
days ahead.

FRED (smiling) Let's hope so.

82 EXT. DAY, PHILLIPINES, MANILLA 82

Montage of explosions, car in street, restaurant, people  
indures, shock, ambulances arriving, lots of confusion, noise,  
and chaos.

83 INT. DAY, OFFICE OF FBI SECTION CHIEF ARCHER 83

Whitehurst stands in front of Archer's desk:

57.

ARCHER You're the new head of the explosives lab, Fred. You've already done a great job bringing it up to date, and there's no way to estimate the equipment savings you've managed by finding and rebuilding the equipment we've needed.

FRED Thanks, chief. We do what we can.

ARCHER We do all that. Listen, we've got a problem with a test that Randoff ran at Quantico. It's a putty knife that's supposed to belong to a terrorist responsible for many of the attacks against Marcos in the Philippines.

FRED  
Randoff ran the test?

ARCHER yeah

FRED  
(nodding) You know nothing he does can be trusted?

ARCHER He's the one asking we provide the second opinion.

FRED Then we'll provide the second opinion.

ARCHER  
(leaving  
office) Will do!

84 EXT. DAY, SAN FRANCISCO SKYLINE, GOLDEN GATE, AIRPORT, JET LANDING 84

85 EXT. DAY, S.F. DOWNTOWN FEDERAL COURT BUILDING 85

Whitehurst arrives in cab, gets off at curb, pays driver, climbs stairs to enter courthouse.

86 INT. DAY, S.F. COURTHOUSE, INTERVIEW ROOM 86

Meeting with Asst. U.S. Atty, Randoff, Whitehurst, and caseagent. Whitehurst sits listening without commenting asRandoff tries to explain why he had not conducted the testshe had conducted (all double talk, garbage)

CASE AGENT

(interrupting)At least we've got Whitehurst hereand our chain of custody isunbroken.

AUSA That's something.

CASE AGENT Look at the bright side, I gotover 200,000 frequent flier miles,carrying this knife back and forthacross the country.

AUSA Where you going to use them?

CASE AGENT Mexico, or maybe Hawaii. I'llleave it to the old lady. They'reboth beautiful.

AUSA Where at in Mexico?

CASE AGENT Acapulco. We've got a time sharejust north at Holding Beach.

FRED

(interrupting, disgusted)Amazing what the taxpayers willignore!

CASE AGENT

Excuse me?

FRED Nothing. (standing) Are we throughere until court?

AUSA You confirm Randoff's test?

59.

FRED

I confirm there is explosive residue on the putty knife, but how it got there, it could have been contaminated in Randoff's lab. In fact, the chances it was are good.

AUSA

How it got there is not your worry.

FRED

Science deals with alternative explanations I can't testify where the explosive residue originates.

AUSA

You don't have to. Just be here after lunch ready to go on the stand.

FRED I'll be here.

87 EXT. DAY, SAN FRANCISCO WATER FRONT 87

An old liberty ship is tied up at the pier. There is an inscribed plaque, explaining the ship's history. An old man is standing silently reading it as Fred approaches:

OLD MAN

(sees Fred)

I served on a liberty ship just like this one. Thousands of us went off to fight the war aboard these ships. We lost a lot of these ships and a lot of the boys never came home. They died over there, just like it says on the plaque here, to protect and defend freedom and justice in this country. I don't suppose a young fellow like you would know anything about that?

FRED

My Dad was in your war and I fought in Nam. I'm an FBI agent now sworn to protect and defend

freedom and justice. I can promise  
you I've never broken my vow or  
failed to take it seriously and  
won't break it now.

60.

OLD MAN A G-man, huh?  
There ain't many good men around  
now days.

FRED Well, if  
not, there's one.

OLD MAN  
(offering  
hand) Then that's  
two of us.

FRED (smiling, shaking hands) 88 INT. DAY, S.F. COURTHOUSE 88  
Hallway outside courtroom, Fred met by AUSA and Case Agent.

AUSA Fred, you won't be  
testifying. I'm going with Randoff,  
but hang around, just in case.

FRED  
(nodding) That  
's your  
choice.

89 INT. DAY, COURTROOM HALLWAY 89

Defense Atty and Assist's pass Fred, case Agent, AUSA,  
and Randoff as they enter courtroom. Fred excuses himself  
to follow defense Atty into courtroom.

90 INT. DAY, COURTROOM HALLWAY 90

Fred approaches Defense Atty:

FRED I'm Fred Whitehurst  
head of the FBI headquarters  
explosives lab in Washington. I have  
information you should be aware of.

DEFENSE ATTY  
(suspiciously) What  
might that be?

FRED The explosives  
residue on the putty knife could just  
as easily come from in lab  
contamination as from your client.

61.

DEFENSE ATTY You  
willing to testify to that?

FRED Absolutely.

DEFENSE ATTY It could cost  
you your job. So why you doing it?

FRED  
(smiling) Truth, justice, and  
the American way. I happen to believe  
they are worth preserving. I'm a  
G-man.

DEFENSE ATTY  
(really  
suspicious) Let me see  
your badge.

FRED Sure (shows ID) DEFENSE ATTY A G-man, huh?

FRED (laughs) 91 INT. DAY, COURTROOM 91

Jury enter, the judge instructs bailiff to return the  
jury finding. Fred is in the courtroom, sitting behind the  
defense Atty and defendant as the judge instructs the  
bailiff to give the jury foreman the results. The judge then asks  
the foreman to read the results;

JURY FOREMAN We the jury  
find the defendant not guilty on all  
accounts.

JUDGE I want to thank the  
jury for it's service. The jury is  
dismissed. There being no  
further proceedings, all charges  
are dismissed against the  
defendant Psinakis and the marshals  
are directed to release him from  
custody.

92 INT. DAY, COURTHOUSE HALLWAY 92

Fred exits the courtroom to be met by AUSA in the hall.

AUSA

I don't know why you did it, but I'm sending a letter to your section chief, letting him know you did what is right. We need more agents like you.

FRED

Thanks. I'd like a copy of that letter to show my wife. It ain't often anyone thinks enough of what I do to tell me I done good.

AUSA  
(smiling) I'll send you a copy.

93 INT. DAY, FBI BUILDING, WASHINGTON, ARCHER'S OFFICE 93

Fred stands in front of Archer's desk, reading a letter Archer has given him.

ARCHER

(Fred continues to read)  
I'll need you to sign for it,  
Fred.

FRED

(enraged)  
They're suspending me, giving me six months probation?

ARCHER

I'm sorry Fred. I personally spoke with the Assistant Director, explaining to him about Randoff. He's no different then the others who have occupied his position.

FRED

(bitterly)  
So they censure me instead of having the guts to expose Randoff. They've dismissed my concerns about voucher fraud, banging the books, petty theft, even perjury, but this all goes the way to the top, and to the corruption that allows innocent people to be sent to prison, the citizens we are

sworn to protect. You know I have  
to appeal this decision.

63.

ARCHER Fred, if you appeal this decision and lose, and you will lose, any hope you have for a career with the bureau is over.

FRED You think I'm gonna accept this and get in line on the side of the corruption? Maybe the system doesn't have a backbone, and our bosses are gutless, but they aren't gonna censure me for doing my job. I'll fight 'em, and keep fighting them until they do what they are hired to do, protect and preserve the American people's lives and freedoms of speech and a fair trial.

94 INT. DAY, OFFICE OF FRED WHITEHURST, FBI HOOVER BUILDING 94

Archer and another Agent are with Whitehurst, Date nov2,1990:

FRED How do we do this?

ARCHER  
(uncomfortable) I  
'm not certain.

FRED Well, I guess we'll muddle through it.

ARCHER It's just a few weeks suspension.

FRED Yeah, for now.

ARCHER I'll need your gun, badge, credentials, your keys, credit cards, and your casebook.

64.

FRED

(putting all on the desk)  
You ever see that old Chuck  
Connor's series, Branded? They  
strip him of everything, then  
escort him from the fort. That's  
how I'm beginning to feel, like  
I'm being branded.

ARCHER

(leaving Fred effects on the  
desk)  
We might as well get this overwith.  
(escorting Fred out of the office)

95 INT. DAY, BUILDING HALLWAY, FBI HEADQUARTERS 95

Archer and another agent escort Fred into lobby past metal  
detectors to doors of FBI building:

FRED

No room at the FBI for courage,  
candor, honesty, or integrity. No  
room for truth and justice.

ARCHER It's not  
easy for everyone.

FRED

Do you know the story about  
Thoreau being arrested for  
refusing to pay his taxes and  
Emerson showing up at the jail,  
asking Thoreau why Thoreau?

ARCHER No.  
What did he say?

FRED

He asked Emerson why Emerson was  
not in jail with him.

ARCHER Did they  
repeal the taxes?

FRED No.

ARCHER Nothing changes.

65.

FRED No, nothing. We do what we have todo, and we do it alone.

96 INT. HOME OF FRED AND CHERYL WHITEHURST 96

Fred is at desk, typing a letter to congress, protesting the lack of oversight at the FBI. Cheryl enters the house, coming home from work, moves through the rooms to the den where she finds Fred:

FRED

Hi, sweetheart, just let me finish this letter to congressman Ripley. Sooner or later we'll find someone who cares what's happening with the Bureau.

CHERYL

Don't be too certain. Anyway you don't know all of it. There is so much stolen and unlicensed software in CID computers that the security of the entire system is subject to be compromised or wiped out. On top of that, just knowing about it, my own supervisor wants me to provide him a bootlegged copy of Word Perfect that I mentioned we bought. He thinks I'm a crook. It's just me and Joann who are responsible for installing, and maintaining software in the hundreds of computers throughout the division. We have access to all directories of all the computers in the system. I'm not an agent, just support, my word won't be taken in court over FBI agents or FBI managers responsible for the thefts if this all becomes known. The FBI is the biggest copyright violators in America, probably in the world, and it's suppose to be my job to police the computers of the FBI's Criminal Investigation Unit. They're probably going to put me in jail.

FRED

Oh, come on. How did the software get installed? You didn't install it, did you?

CHERYL The agents and managers install it, using it to work their cases or to play games, all sorts of reasons. I'm worried.

FRED Well, we know they won't take responsibility for it, so we need to worry. I'll see what my sector chief thinks tomorrow, but my feelings now is you'll need to report it just to cover yourself.

CHERYL I did report it. They say that no one investigates the investigators.

FRED Maybe. We've heard that often enough to believe it, but if you know about misconduct, you need to put it in writing. Tell you what, why don't we run all the computer directories in the CID, then compare the programs installed in the computers against those purchased by the Bureau, then we'll know how bad the theft of software really is. It will give us something to take to our sector chiefs.

CHERYL I'll do it, but don't know that anyone can be trusted. Pirated software offers a clear avenue for foreign intelligence access to our networks and their ability to destroy our data, million of manhours of work entered into the FBI computers. The data can be wiped out with just one well placed virus. The thought of it is making me physically sick after all the work I've done to bring the FBI into the computer age.

FRED Okay, honey, but first things first, let's make a copy of the directory notebook. It's the proof we need.

CHERYL (nodding) 97 INT. DAY, HOOVER BUILDING, CHERYL WHITEHURSTS OFFICE 97

A small office with only two desks in it. Cheryl is standing in obvious panic behind her desk as an FBI agent waves a memo in the air, yelling at her. The agent is red with fury, screaming.

AGENT

(pounding her desk)

Do you know what your meddling has done? I've have to erase my Harvard Graphics program. I've used it for years to develop data. Data that's all gone now, you bitch! (he moves around desk and she backs away towards corner of office) Who do you, and that meddling husband of your's think you are? We are the government! We issue the copyrights! We can use or violate them any time we want! No one watches the watchers! Not you! Not him! Not anyone!

98 INT. DAY, CHERYL'S OFFICE 98

A woman enters the office while the agent is yelling at Cheryl. The woman employee immediately leaves, closing the door on the scene of Cheryl backed into the corner by the raving, desk pounding FBI agent.

99 INT. HALLWAY, HOOVER BUILDING, DAY 99

Fred runs down hallway, enters Cheryl's office to find Cheryl collapsed at her desk in tears. She jumps up to rush into his arms. Fred stands cooing to her as she clings to him.

100 INT. DAY, OFFICE OF PROFESSIONAL RESPONSIBILITY, HOOVER BUILDING 100

Fred Whitehurst, sitting across from OPR Investigator.

OPR INVESTIGATOR

You're a big boy, Fred. You don't need us to figure it out for you. You know if there was a crime. If not, figure it out. Come back when you do know and make a report.

68.

FRED

I didn't come in here as an adversary. I need advise. I want your help.

OPR INVESTIGATOR

We don't give advise, Fred. We take reports. You get a report. We'll look into it. But don't expect us to get involved in local politics. That's not why we're here. Figure it out, come back when you know if there really was a crime, just don't waste our time.

101 INT. DAY, OFFICE OF DEPUTY ASSISTANT DIRECTOR OF THE FBI LABORATORY 101

Fred is sitting in front of the assistant directors desk. Fred has a directory in his hand, offering it as proof of the copyright violations with the FBI computers. He gives the directory to the Assistant Director.

FRED

Of every 100 computers eighty-five percent are operating with stolen software programs. Cheryl was ordered to do a second survey, and of the 35 computers she checked, thirty of them were operating with stolen software programs.

ASSISTANT DIRECTOR

I've just been with Director Sessions. I told him the biggest problem as director of the FBI that faces is that all his top managers are crooks.

FRED

(unnerved) Sir?

ASSISTANT DIRECTOR

Well, even so. We do what we can. (he holds up directory) You'll leave this with me?

FRED Yes, sir.

69.

ASSISTANT DIRECTOR

We'll look into what happened to your wife, Fred. We can't have our agents threatening one another, or threatening their families.

FRED No, sir.

ASSISTANT DIRECTOR

No, of course, not.

102 INT. DAY, HOOVER BUILDING, HALLWAY OUTSIDE OFFICE OF OPR 102

Cheryl comes out to Fred, waiting in hallway.

CHERYL They're not going to do anything.

FRED What did they say?

CHERYL

Everything is being handled appropriately.

FRED

But they know there is no doubt that the bureau is using illegal software.

CHERYL They are referring it to DOJ.

FRED

The Department of Justice, but what will . . .

CHERYL

Nothing. They won't do anything. Not about the assault on me or thefts or misuse of software. Just let it go, Fred. Nothing will be done. No one investigates the investigators, or watches the watchers. I just want it over and done with.

FRED

Okay, I'll let it lay, honey for a while, but it ain't over, not yet.

103 INT. DAY, WHITEHURST HOME 103

Cheryl and Fred together in front room with adopted daughter, newly arrived.

FRED

(bending over baby)

Tharma, they sure do make pretty baby girls in India. How do you like America, sweetie?

CHERYL

She don't know yet, but I'll bet you she'll love it, just the same as her new momma and daddy.

FRED You glad we adopted her?

CHERYL

Oh, Fred, yes! I'm also glad for the 90 days maternity leave. We can take time to visit our families and show them our new daughter. We have to get used to a new person in our lives. No more working twelve and fourteen hours everyday. We'll have a little daughter, waiting for us now at home. We can have a normal life. A family.

FRED (fondly) A family. Hey, that sounds swell.

104 INT. DAY, LOS ANGELES COURTHOUSE, HALLWAY 104

Fred Whitehurst, sitting on bench, waiting to be called into courtroom to testify in OJ Simpson trial. Johnny Cockran comes out into hall, walks over to bench as Fred stands. Johnny and Fred shakes hands. Year 1995

COCKRAN

71.

Fred, glad to see you. These LAlab people they are giving us the run around, but the judge isn't going to let you testify. He says we can make our position clear without involving the FBI. There is no science in forensic science in the LA labs they don't worry about contamination, mishandling, or preservation of data, and expect the juries to believe everything they say without question.

FRED

We had the same problem at the FBI.

COCKRAN

So, I understand. You're doing a great job. We need more law enforcement like you. Sorry you wasted the trip out here from Washington.

FRED

Just to meet you, the people on your staff, defending O.J., has made the trip worthwhile.

COCKRAN

I appreciate you saying so. Thank you.

105 INT. DAY, HOOVER BUILDING, FRED WHITEHURST'S OFFICE 105

Fred at his desk is opening mail while the other agent in the office is leaned back asleep in his chair, snoring softly.

FRED

(reading letter)

Damn! Damn! (He stands, shaking letter, as if shaking off the words on the paper.)

OTHER AGENT

(waking up)

Keep it down, Fred. I'm sleeping here.

72.

FRED

They're giving me an award  
for matching the explosives  
of the would-be assassins of George  
Bush Sr with the explosives used  
by Saddam Hussein's  
intelligence operatives, linking  
Saddam to the assassination attempt.  
That's not what I found or what my  
report says. They've changed the  
reports.

AGENT

(shrugging)

What do you expect. It's  
political. Clinton needs to prove  
how tough he could be. Hussein was  
the perfect target. your report  
gave them the excuse they needed.

FRED

That's what I'm telling you. There  
was no connection between the  
Kuwait assassins arrested in 1994  
with Saddam Hussein, and my report  
never said there was.

AGENT

What are you gonna do? It's done  
and over with.

106 INT. DAY, HOOVER BUILDING OFFICE OF SECTION CHIEF ARCHER 106

Fred waits as Archer reads the letter and award, then hands it  
back.

ARCHER Congratulations.

FRED It's not true.

ARCHER

Forget it. It's done. The best  
thing you can do is shut-up about  
it.

FRED

Not Clinton, not you, not anyone  
is going to kill and maim hundreds  
of civilians in my name and tell  
me to shut up about it. I'll have  
a protest on your desk in the  
morning.

107 INT. LAW OFFICES OF KOHN AND KOHN 107

Fred and Cheryl Whitehurst sitting in chairs in front of desk of Mike Kohn desk:

FRED We need help and the protection of the law. I've been expelled from my job, suspended and placed on probation for doing the job I'm sworn to do.

MIKE KOHN If that's the case, and we can prove it you'll be able to address the situation through the courts. It will mean suing the FBI.

FRED We'll do whatever is necessary. I can't see, and Cheryl agrees, how ignoring the treatment we have received can improve the bureau. Someone needs to take responsibility, and it looks like we're elected.

MIKE KOHN I suppose you have documentation?

FRED We've got it all on computer.

MIKE KOHN  
(nodding) Give us a copy of the disks, we'll review them, and get back to you, but it sounds to me like we can help you.

FRED There is an Executive order, Twelve, sixty-seven, four that dictates an agent of the FBI has to report all illegal actions and misconduct. Everything I've done or Cheryl has done has been in accordance with this executive order.

MIKE KOHN Let us review your records and get back to you.

74.

FRED

One more thing you should know. I have been co-operating with the Inspector General Investigation of the lab. They came to me after congress informed them of my concerns. The thing that has most concerned me is their findings that agents have changed my reports to obtain convictions. There are copies of these reports in the files. They represent only a few of the many thousands of people who have been imprisoned over the past 30 years without due process or a fair trial. No one and justice or the FBI is concerned about admitting what we have done to these people. I want to do whatever we can in the process of suing the FBI to help these people, their families, and anyone else who have wrongly suffered or been denied justice due to the reports from the FBI labs.

MIKE KOHN

I understand. Let us look at the records. We'll know more afterwards.

108 INT. DAY, HOOVER BUILDING, FRED WHITEHURST OFFICE 108

Fred working at his desk while the agent at the other desk in the office naps in his chair. Archer and another agent enter the office:

ARCHER

You've been expelled from the building and are on suspension until further notice. I'm sorry, but we both know the routine. I'll need your badge, gun, credentials, and casebook.

75.

FRED

Just one moment. (He picks up phone, dials) Steve, Fred Whitehurst. I've just been suspended for cooperating with the I.G. investigation. You and Mike go ahead and file to have me reinstated. (he listens) No, I'm still in the building, but they're here to escort me out now. (listens again) I intend to cooperate. I'll call you when I get home. Thanks. No. Cheryl is still working. She's no part of this. Alright. Thanks (hangs up).

ARCHER

Badge, gun, credentials, and casebook.

FRED Sure, I know.

109 INT. FEDERAL COURTROOM, 109

Mike and Steve Kohn at table with Fred Whitehurst, Cheryl in the crowded gallery. FBI attys at opposing table. Judge already speaking. Year 1996:

JUDGE

. . . The findings are for Mr. Whitehurst, the award of 1.4 million dollars and full restitution of all lost benefit, during this unlawful and illegal suspension. Mr. Whitehurst is to be restored to his position at the FBI with all rights and benefits effective immediately.

110 INT. COURTROOM, DAY, DEFENSE TABLE 110

Cheryl joins Fred as Kohn brothers shake his hand, warning him his life is about to change with his victory over the FBI.

STEVE KOHN

When the media gets wind of this they'll want interviews. If I was you I would brace myself for it.

76.

FRED Let them come. It's time we were allowed to say what needs saying (hugs Cheryl). We might enjoy it at that.

111 INT. DAY, GOOD MORNING AMERICA 111

Host is interviewing Fred Whitehurst:

HOST The revelations about the FBI recently being referred to in the media are akin to accusing the U.S. Mint of producing counterfeit money. The man most responsible for this outing of the secret working at the FBI is field agent Fred Whitehurst, the scientist in charge of the explosives laboratory here at FBI headquarters in Washington D.C. Mr. Whitehurst recently won a 1.4 million dollar settlement from the government after being involved in an investigation of the FBI and fired for his efforts to support that investigation. Science Magazine has confirmed Mr. Whitehurst charges against the FBI's forensic science. There is no science in forensic science. The king has no clothes, but continues to convict on the basis of assumed inherent knowledge and to behead any and all who claim he has no clothes. In its analysis of wrongful convictions, including 14 resulting in the death penalty, science found that 90% were due to combination of forensic science testing errors and false, misleading testimony by forensic scientists.

Welcome, Mr. Whitehurst to Good Morning America.

FRED Thank you for inviting me.

HOST

A 104 million dollar settlement and the judge ordered the FBI to reinstate you, but I understand you intend to resign?

FRED Yes, I do. This is my last day after 16 years, working for the FBI.

HOST What will you do now?

FRED I plan to go into private consulting. There have been hundreds of people in this country wrongfully convicted due to so-called CSI or forensic science, which really is pseudoscience, lacking in most cases theoretical or empirical foundations. A lot of this expert testimony is based on intuition. This includes the invalidity of ballistics, toolmarks analysis, hair and fiber analysis, paint analysis, and others, including fingerprint analysis. Often fingerprint identification is based on a best guess suspicion, rather than actual matches.

HOST It sounds like we have all been blindsided with scientific sounding wizardry by these so-called experts.

FRED Well, it's trickery and a crime of omissions as they don't tell juries of alternative explanations or even that to make the findings they are claiming it would take years of study and millions of dollars. The FBI hubris has it claiming perfection and error-free science, when in fact their every effort is directed at preserving the illusion of perfection when there is very little and often nothing but opinion to support

conclusions.

The FBI has dazzled millions of people over and over again with the marksman's display of a bullet hitting the edge of an ax, splitting in half and shattering two porcelain plates on either side of the ax. There's only one thing wrong with this marksmanship display. The millions of people who have seen it have been deceived by the FBI. The bullet fired at the ax contains tiny lead pellets of snake shot, which fan out as they travel and hit both plates, shattering them without ever hitting the ax.

HOST Oh, I've seen that! It's a trick!

FRED The same trick is being performed by the FBI in the courtrooms of America as we simply believe what we are told without questioning the facts behind it. The FBI has no outside oversight. The FBI will not only ignore its own findings, but will and does fabricate data as necessary to achieve its own ends, which is the career advancement of FBI managers and directors. Their intentions are to get them convictions and make them heroes, and they don't care who gets hurt in the process. When scientists disagree with what they need, they simply go to the other scientist and get what they need, paying them to agree. Without the proper outside oversight of the FBI, it will continue to fabricate whatever it deems necessary to get convictions, assuring the promotion of the managers. I want to add that there are a lot of good people at the FBI, hardworking people who devote their lives and energy to serving and protecting America. These are not the people in charge, and are not the people who fabricate data to achieve their own ends.

HOST

We are running out of time, is there anything you would like to add.

FRED

Can I say hello to my wife, and daughter? Hello, girls, I'll see you in a little while. They have been right there with me through this whole thing. There is one more thing I'd like to add. When I first joined the FBI and came to Washington to train I had no idea where I was in the city and spent the night at the Harrington Hotel. The next morning I hailed a cab and gave them the Hoover building address. We drove around the city streets and the cab cost me eleven dollars. Finally it deposited me at the Hoover building in 10th street. Seven years later, after being transferred to Washington from Los Angeles, I went out with another agent to lunch to discover the Harrington Hotel was half a block away on the same side of the street as the Hoover Building.

I trusted the cab driver. For decades the Americans have trusted the FBI. When I think about my country boy naivety I laugh. The damage done to our justice system, and the damage that is continuing to be done to our justice systems, putting innocent men and women in prison, and even executing them, is no laughing matter. It isn't funny to me, and shouldn't be funny to anyone who believes in America and loves what it stands for. Thank you.

Fred Whitehurst in order to enhance his abilities in the courtroom attended law school at \_\_\_\_, and in \_\_\_\_, 2004 passed the bar, and now is a practicing atty in \_\_\_\_ N.C.

80.

In February 2004 Mr. Whitehurst was diagnosed with prostate cancer. In March of the same year he successfully underwent surgery, and is back at work, defending the American right to due process and fair trial.

FADE OUT

END.