

RECOUNT

by

Danny Strong

Fourth draft
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Spring Creek/Mirage Productions
Property of HBO Films

"Florida - The rules are different here!"

- official tourism slogan

CAST OF CHARACTERS

THE DEMOCRATS

Ron Klain	- Former Chief of Staff to VP Al Gore
Michael Whouley	- Chief Field Operative
David Boies	- Lead Attorney in Florida
Warren Christopher	- Secretary of State to Bill Clinton
Bill Daley	- Campaign Manager to Gore/Lieberman 2000
Mitchell Berger	- Attorney
Jeremy Bash	- Attorney
David Morehouse	- Aide to Al Gore
Mark Herron	- Recount Attorney
Jack Young	- Recount Attorney
Al Gore	- Vice President of the United States

THE REPUBLICANS

James Baker III	- Secretary of State to George H.W. Bush
Ben Ginsberg	- Lead Attorney to Bush/Cheney 2000
George Terwilliger	- Attorney
Joe Allbaugh	- Campaign Manager to Bush/Cheney 2000
Bob Zoellick	- Deputy to James Baker
Margaret Tutwiler	- Deputy to James Baker
Michael Carvin	- Appellate Attorney
Randy Enwright	- Florida Operative
Mark Wallace	- Lead Attorney in Palm Beach County
George W. Bush	- Governor of Texas

THE STATE OF FLORIDA

Katherine Harris	- Secretary of State
Mac Stipanovich	- Republican Lobbyist
Clay Roberts	- Director, Division of Elections
Kerey Carpenter	- Attorney, Division of Elections
Tom Feeney	- Speaker of the House of Representatives
Jeb Bush	- Governor

THE PALM BEACH COUNTY CANVASSING BOARD

Theresa LePore	- Supervisor of Elections
Charles Burton	- County Judge
Carol Roberts	- County Commisioner

Written across every inch of frame in big black letters:

NOVEMBER 7, 2000

SLOW PULL BACK. As the image travels backwards, more words creep into frame above it:

PALM BEACH COUNTY, FLORIDA

CONTINUE TO PULL BACK:

OFFICIAL BALLOT, GENERAL ELECTION

PULL BACK EVEN FURTHER. Underneath the date is a rectangular box. Written inside it:

	(REPUBLICAN)	
GEORGE W. BUSH - PRESIDENT		3 >
DICK CHENEY - VICE PRESIDENT		

PAN TO THE RIGHT. On the other side of the page is:

		(REFORM)
< 4	PAT BUCHANAN - PRESIDENT	
	EZOLA FOSTER - VICE PRESIDENT	

PAN BACK TO THE LEFT. Underneath the Republican box is:

	(DEMOCRATIC)	
AL GORE - PRESIDENT		5 >
JOE LIEBERMAN - VICE PRESIDENT		

Continue to pull back until the entire ballot fills the frame. Ten candidates are listed on BOTH SIDES OF THE PAGE - Libertarian, Socialist, Constitution, Green (Ralph Nader). It's a messy MAZE of names, numbers and arrows that point toward tiny holes that line down the center of the ballot.

In 24 hours, this little document will be known to the world as THE BUTTERFLY BALLOT.

A STYLUS, the knob-like pointer used to punch holes into ballots, hovers between the #4 hole for Buchanan and the #5 hole for Gore...tentative...unsure which one to punch.

PAN UP TO - THE VOTER. An elderly JEWISH WOMAN with a gold mezuzah dangling from her neck stares down at the ballot. She looks a touch confused.

PAN ACROSS THE VOTING BOOTHS.

Filled with mostly ELDERLY VOTERS, they all share the Jewish Woman's slightly confused expression. One man lines the stylus up to Al Gore's name and guides it to the corresponding hole.

(CONTINUED)

1 CONTINUED:

1

A woman leans right up to the ballot to make sure she's about to punch a Gore vote. Everyone is tentative, afraid to punch.

The Jewish Woman finally punches the ballot. Click.

SERIES OF CUTS: Another stylus punches a vote (click) and another (click) and another (click) and another (click)...

BACK TO THE JEWISH WOMAN. She hasn't pulled her stylus out, wondering..."Did I just vote for the wrong person?"

SLOW PAN from her stylus to the corresponding candidate that she just voted for...

Pat Buchanan.

2 INT. GORE CAMPAIGN HEADQUARTERS - NASHVILLE - DAY

2

A large warehouse that has been converted into a wide open office. Gore/Lieberman posters cover the walls. A banner hangs - "Welcome to Nashville!"

The middle of the room is a giant bullpen that bustles with life - staffers frantically make phone calls, trade off faxes. Pure adrenaline pumps the energized room.

In a ring around the bullpen are larger offices filled with SENIOR CAMPAIGN OFFICIALS (Mark Fabiani, Chris Lehane, Donna Brazile...) all working the phones. We hear snippets of:

SENIOR CAMPAIGN OFFICIAL #1
...need to satellite Lieberman to
Nevada and Ariz...

SENIOR CAMPAIGN OFFICIAL #2
...hammer at the undecid...

SENIOR CAMPAIGN OFFICIAL #3
...I haven't read a poll in at
least fifteen minutes.

We travel through the hectic bullpen into THE BOILER ROOM, the election day nerve center that is a maze of computers, TVs and volunteers in headsets, rolling out calls:

VARIOUS VOLUNTEERS
I'm calling from Gore Campaign
Headquarters to remind you to get
out and vote toda...

We travel past the volunteers to THE KITCHEN, a small room in the back that used to be the actual kitchen. It's now filled with tiny cubicles where college students and old ladies bustle paperwork. Staplers staple.

(CONTINUED)

2 CONTINUED:

2

Crammed in the smallest cubicle against the back wall is RON KLAIN, 39. Casually dressed in a black sweatshirt, Klain is the ultimate overachiever - brilliant, successful, focused.

He types on his laptop, phone clutched under his chin as reads from the computer screen:

KLAIN
(into phone)
"The foundation of a Democracy..."

His assistant, GLEN ROTH, 22, shouts from another cubicle:

GLEN ROTH
ABC on three. Winning electoral,
losing popular.

Klain clicks over to the other line.

KLAIN
Rules are rules and Governor Bush
must respect the electoral process.
(clicks back)
"...is based upon its citizens..."

Without looking up, he hands off a memo to a passing staffer.

KLAIN (CONT'D)
"...right to vote. It is our duty
as Americans to fulfill our
responsibility..."

GLEN ROTH
C-SPAN on one.

KLAIN
(clicks over)
Rules are rules and Governor Bush
must respect the electoral process.
(clicks back)
"...because we must never forget
that every vote counts."

On the other line is AP journalist, RON FOURNIER.

RON FOURNIER V.O.
You're the only press liaison I
know that actually sounds sincere
when you spew that shit.
(then)
Background?

KLAIN
Sure.

(CONTINUED)

2 CONTINUED:

2

RON FOURNIER V.O.
If Gore wins, are you going to join
the new administration?

KLAIN
I don't think he's going to offer
me a position, we've barely spoken
since I came back.

RON FOURNIER V.O.
But if he does?

Slight beat.

KLAIN
No.

Glen Roth shouts:

GLEN ROTH
I have a Lester Hyman on two.

Klain's face instantly flips to concern.

**FREEZE FRAME. TEXT: RON KLAIN, former Chief of Staff to Vice
President Al Gore**

3 INT. GORE CAMPAIGN HEADQUARTERS - BOILER ROOM - DAY

3 *

Klain hurries across the Boiler Room, weaving in and out of
desks and younger volunteers. He stops at THE CLOSET, a
converted janitor's shed that only fits a TV, a computer and
the back of a shiny, bald head. Polling data from across the
country flashes across Whouley's computer screen.

KLAIN
Whouley?

MICHAEL WHOULEY (pronounced Hool-ey), 42, spins around. He's
a gaunt, mean-looking guy who sounds like a Boston teamster.

FREEZE FRAME. TEXT: MICHAEL WHOULEY, Chief Field Operative

WHOULEY
If you were still runnin' this show
we'd be murderin' them. I mean
that.

KLAIN
Listen, we got a --

WHOULEY
-- But since you're not, get me a
coffee and fuckin' danish.

(CONTINUED)

3 CONTINUED:

3

KLAIN

We got a problem in Palm Beach
County. Some older voters think
they voted for Buchanan by mistake.

Whouley looks surprised, uncharacteristic concern.

WHOLEY

We find this out now?!
(yells out the door)
JEREMY!!

JEREMY BASH, 28, baby-faced lawyer, pops his head in.

JEREMY BASH

Yeah?

WHOLEY

Call that fuckin' chowdahead in...
(to Klain)
Wher' was it?

KLAIN

Palm Be --

WHOLEY

-- Palm Beach County, her name is
Theresa LePore.

Klain starts to leave, stops, turns back to Whouley

KLAIN

Hey Michael?...Are we gonna win?

WHOLEY

Yeah, but it's gonna be a fuckin'
squeaka.
(yells out the door)
Where the fuck is Theresa LePore!

4 INT. THERESA LEPORE'S OFFICE - PALM BEACH COUNTY - MORNING 4

The sounds of multiple PHONES RINGING.

THERESA LEPORE, 45, a frail, slender woman with a quiet
demeanor is on the phone. Her nose is bright red from a
chronic sinus infection. Teddy bears fill her shelves. A
nameplate on her desk says THERESA LEPORE, SUPERVISOR.

THERESA LEPORE

(into the phone)
I know...I know...I know...

Out the window, she sees a small CROWD of seniors gather
outside the building. They're upset, a few women are crying.

(CONTINUED)

4 CONTINUED: 4

Staring at the crowd, her exhaustion shifts to genuine fear.

5 EXT. LOEWS HOTEL - NASHVILLE - DAY 5

As Klain enters, DAVID MOREHOUSE, a stocky aide with a bad limp is exiting the hotel.

KLAIN
(re: his knee)
You icing it?

DAVID MOREHOUSE
Tomorrow...if I ever wake up.

Morehouse limps past him, Klain enters the hotel.

6 INT. LOEWS HOTEL HALLWAY - NASHVILLE - DAY 6

Klain walks up to a suite that's flanked by two stone-faced SECRET SERVICE AGENTS. An Agent signals Klain to wait.

SECRET SERVICE AGENT
(into earpiece)
Ronald Klain.

He gets confirmation, opens the door for Klain.

7 INT. LOEWS SUITE - NASHVILLE - DAY 7

Klain sits in a posh suite across from BILL DALEY. Bald head and thick neck, looks like a 1930's Chicago gangster.

DALEY
Look, Ron, we're putting out
feelers for the transition team and
Al definitely wants you on board.

FREEZE FRAME. TEXT: **BILL DALEY, Campaign Manager**

Klain looks surprised...and pleased.

DALEY (CONT'D)
He wants to offer you the lead in
reviewing candidates for high-level
jobs beneath the cabinet.

Klain tries to cover his instant anger, responds formally:

KLAIN
I sincerely appreciate the offer,
but I've been on leave from my law
firm for the past three months and
I need to get back as soon as --

(CONTINUED)

7 CONTINUED:

7

DALEY

-- He really wants you to do this.
You two have a history together and
I don't think he's going to
understand why you wouldn't.

*

KLAIN

Maybe it has something to do with
the fact that he let Tony Coehlo
force me out of the campaign.

Daley softens, feels bad about what had happened to Klain.

DALEY

Come on, Ron, everyone knows Coehlo
was a big mistake. That's why he's
gone and you're here.

KLAIN

Yeah, writing press releases for
the campaign I used to run...before
you were brought in, that is.

Daley leans forward, sincerely confides to Klain:

DALEY

The first thing I did when I got
here was bring you back. I did it
because I hate what happened to
you, it was bullshit and I want to
get you back on the inside.

Klain gets up to leave.

KLAIN

Please tell the Vice President that
I'm not interested in an eight-year
demotion, but I truly appreciate
the generous offer.

DALEY

Do me a favor and think about it.
Will you just think about it?

Klain walks out of the room.

8 INT. KLAIN'S HOTEL ROOM - NASHVILLE - LATER

8

Changing into a plain gray suit, Klain fumbles with the tie,
still angry about the meeting with Daley. His wife, MONICA,
38, smart and warm, walks out of the bathroom in a robe.

(CONTINUED)

MONICA

Chris called earlier. He said if Gore wins you can have the week off, if he loses he wants you back in the office by noon tomorrow.

KLAIN

They don't call Warren Christopher the Great Negotiator for nothing.

Klain continues fumbling with the tie, getting more frustrated with it. Monica takes over, ties it smoothly.

MONICA

So I take it you're not going to be joining the Gore Administration?

Klain is silent. Monica tenderly smooths out the tie.

MONICA (CONT'D)

One more day, babe, then it'll all be over.

INT. BUSH CAMPAIGN HEADQUARTERS - AUSTIN, TX - DAY

A plain-looking office with cubicles and kitchenettes. If it weren't for the BUSH/CHENEY posters and campaign paraphernalia everywhere, it'd look like an insurance office.

Holding court with a group of early-twenties VOLUNTEERS is BEN GINSBERG, 49, short and bald with a thin gray beard. Ginsberg has a dry-but-playful demeanor.

GINSBERG

So we're all seated at dinner, and everyone bows their heads for prayer. Governor Bush grabs my hand, and I'm thinking, what's a Jew from Pennsylvania doing here praying with the Governor of Texas?

Everyone giggles.

GINSBERG (CONT'D)

We finish the prayer, and the Governor announces to the room, "It's about time we got some Methodist blood into Ginsberg!"

FREEZE FRAME. TEXT: BEN GINSBERG, Chief Counsel to BUSH/CHENEY 2000

The room busts out laughing. A few people clap. A young female VOLUNTEER nervously asks:

(CONTINUED)

9 CONTINUED:

9

FEMALE VOLUNTEER

Are we going to win, Mr. Ginsberg?

Everyone anxiously looks up at him. Ginsberg smiles.

GINSBERG

By tomorrow morning, the stains of
Bill Clinton will be washed away...

Everyone laughs at the use of "stains."

GINSBERG (CONT'D)

...and dignity and values will
finally be back in the White House!Applause and whoops!! Everyone holds up three fingers in the
"W" salute. They love their candidate.The campaign manager, JOE ALLBAUGH, a big lug of a guy with a
crewcut, sticks his head out from his office.

JOE ALLBAUGH

Hey, Ben, did you hear about Palm
Beach County?

10 INT. DIVISION OF ELECTIONS - PALM BEACH COUNTY - DAY 10

The color completely drained from her face, Theresa LePore is
seated in a conference room across from CAROL ROBERTS, 70s,
raspy smoker's voice with dyed bright red hair, and JUDGE
CHARLES BURTON, 42, a slightly overweight, jovial type who
seems undisturbed by the day's events.Out the window, the crowd of angry geriatrics has doubled in
size. A few people have already made "Re-Vote!" signs.

Judge Burton examines the Butterfly Ballot.

JUDGE BURTON

This is what all the fuss is about?

An annoyed Carol Roberts snaps at him:

CAROL ROBERTS

Your honor, I've had three friends
call me in a panic because they
think they voted for Pat Buchanan!
(pointing out the window)
They're very upset.Judge Burton takes another look at the messy ballot. Carol
Roberts shakes her head, Theresa LePore looks mortified.
FREEZE FRAME. TEXT: **THE PALM BEACH COUNTY CANVASSING BOARD**

(CONTINUED)

10 CONTINUED:

10

JUDGE BURTON

Theresa, why did you list the
candidates on both sides of the
ballot?

THERESA LEPORE

The font I had to use to fit them
all on one side was so small, I was
worried our older voters would have
a hard time reading it.

Out the window, a local NEWS VAN pulls up. The three stare at
it in silence, realizing that this could blow up into
something serious. Carol drops her head into her hands as:

CAROL ROBERTS

We're going to need a lawyer.

SMASH CUT TO:

11 **BLACK WITH TITLE CARD: RECOUNT**

11

BEGIN OPENING CREDITS - ELECTION NIGHT NEWSCASTS.

The BLACK flips to STATIC. Anchorman DAN RATHER is heard as
the image of his newscast comes into focus (actual footage):

DAN RATHER/CBS

Let's get one thing straight from
the get-go. We would rather be last
in reporting a state than be wrong,
because if we say somebody's
carried a state, you can pretty
much take it to the bank.

TEXT: 7:49 p.m. EST

TOM BROKAW/NBC

We're now going to project an
important win for Vice President Al
Gore. NBC News projects that he
wins the 25 electoral votes in the
state of Florida.

PETER JENNINGS/ABC

Florida has gone to Al Gore.

JEFF GREENFIELD/CNN

This is a roadblock the size of a
boulder to George W. Bush's path to
the White House.

(CONTINUED)

DAN RATHER/CBS

...you can bet that Govenor Bush
will be madder than a rained-on
rooster that his brother the
Govenor wasn't able to carry this
state for him.

TEXT: 9:51 p.m. EST

BERNARD SHAW/CNN

Stand by, stand by. CNN right now
is moving our earlier declaration
of Florida back to the too-close-to-
call column.

DAN RATHER/CBS

Bulletin! Florida pulled back in
the undecided column.

TOM BROKAW/NBC

What the networks giveth, the
networks taketh away.

JEFF GREENFIELD/CNN

Oh, waiter. One order of crow.

PETER JENNINGS/ABC

Whoever ends up with Florida will
take the presidency.

TEXT: 2:16 a.m. EST

BRIT HUME/FOX

FOX News now projects George W.
Bush the winner in Florida.

DAN RATHER/CBS

Florida goes Bush. The presidency
is Bush. That's it. Sip it. Savor
it...

PETER JENNINGS/ABC

Unless there is terrible calamity,
George W. Bush, Govenor of Texas...

DAN RATHER/CBS

...cup it. Photostat it. Underline
it in red...

TOM BROKAW/NBC

...will become...

DAN RATHER/CBS

...press it in a book. Put it in an
album. Hang it on a wall...

11 CONTINUED:

11

PETER JENNINGS/ABC
...the 43rd President...

TOM BROKAW/NBC
...the 43rd President...

BRIT HUME/FOX
...the 43rd President...

DAN RATHER/CBS
...of the United States.

END OPENING CREDITS.

12 INT. LOEWS HOTEL - CONFERENCE ROOM - NASHVILLE - 2:20AM 12

Pull away from the TV up to Ron Klain's utterly devastated face. In a conference room littered with coffee cups and pizza boxes, campaign STAFFERS stare at the TV in shock.

A female STAFFER (Jill Alper) bursts out in tears, others start to follow suit. Klain hugs Jill as he stares at the TV, his earlier anger washed away. All that's left is defeat.

13 INT. BUSH CAMPAIGN HEADQUARTERS - AUSTIN - SAME 13

A WOMAN standing beside Ginsberg is crying as well, but these are tears of joy. Confetti on the ground, it's clear they've been celebrating. Joe Allbaugh hurries into the room.

JOE ALLBAUGH
(Yelling)
Al Gore just called the Governor
and conceded!!

Screams and cheers!! Ginsberg bear hugs the enormous Joe Allbaugh. It's really over!!!!!!

13A INT. LEOWS - CONFERENCE ROOM - SAME 13A

Hands turning off a cellphone. ANOTHER HAND turns off another cell phone.

14 EXT. LOEWS HOTEL - UNDERGROUND PARKING - NASHVILLE - NIGHT 14

A motorcade of limousines are parked in the underground structure of the Loews. The senior members of the Gore team hurry into separate cars with David Morehouse struggling behind everyone else, limping badly.

AL and TIPPER GORE (shot from behind) hurry from the hotel into their limo.

15 INT. KLAIN'S HOTEL ROOM - NASHVILLE - NIGHT 15

Klain gently wakes up his wife who's fallen asleep on the couch. Her groggy face anxiously looks up at him.

He slowly shakes his head, "no." She sits up, gives him a huge hug. Tears roll down her face.

MONICA
I'm so sorry.

Klain clutches his wife. This meant more to him than he'd like to admit.

16 EXT. NASHVILLE - NIGHT 16

Rain pours down on the motorcade as it drives through the dark and misty night, only penetrated by the flashing reds and blues from the police cars. A funeral procession.

17 INT. THE CLOSET - NASHVILLE - SIMULTANEOUS 17

Whouley sits in The Closet, stares in disbelief at the official website for the Secretary of State of Florida.

The vote total shows Bush leading Florida by 52,346 votes. Whouley is stunned, shocked, upset...he just can't believe they lost. He takes off his headset, getting up to leave.

Then...

The number on the screen drops to 47,638.

Whouley looks back at the website. "Did that just happen?"

The number drops again to 42,091.

18 INT. KLAIN'S HOTEL ROOM - NASHVILLE - NIGHT 18

RAIN STREAKS the window as Klain picks up items off the desk. His cell phone RINGS. He stares at it for a second, not even sure if he wants to answer. He reluctantly picks it up:

KLAIN
Yeah?

On the other end is Ron Fournier, the journalist from the AP.

RON FOURNIER V.O.
It's Fournier.

KLAIN
I have no comment at this ti--

(CONTINUED)

18 CONTINUED:

18

RON FOURNIER V.O.
-- Why did Gore concede?

Slight beat, confused (and a little annoyed) by the question.

KLAIN
Because we lost the election, Ron.

RON FOURNIER V.O.
Did you know that the Associated Press, which just happens to be the oldest news organization in the nation, has not yet called this election?

Slight beat. This is news to Klain.

KLAIN
But...all the networks called it, Gore's on his way to the Plaza--

RON FOURNIER V.O.
We still believe Florida's too close to call. I don't understand what the hell you guys are doing.

Fournier hangs up. Klain looks at Monica as he speed-dials a number on his phone.

MONICA
What is it?

He gets dumped to Daley's voice mail:

DALEY V.O.
"You have reached Bill Daley, the Campaign Manager for Gore/Liebe..."

19 INT. BILL DALEY'S LIMO - NASHVILLE - SIMULTANEOUS 19

Daley stares forward in silence, oblivious to the fact that someone is trying to reach him.

20 INT. THE CLOSET - NASHVILLE - SIMULTANEOUS 20

Whouley dials a number, gets a busy signal. Glancing at the computer, he sees...

42,091 drop to 38,761. He screams out the door:

WHOLEY
JEREMY! GET ME NICK BALDICK!!!

21 INT. KLAIN'S HOTEL ROOM - NASHVILLE - SIMULTANEOUS

21

Pacing his room, Klain dials another number:

MICHAEL FELDMAN
(voice mail message)
"Michael Feldman is not avail--"

He hangs up.

MONICA
Try Lehane.

Before he dials, his phone flashes, he immediately answers:

KLAIN
Yes?!

WHOLEY V.O.
Ron! The networks have the wrong
numbers!

KLAIN
They do?

INTERCUT BETWEEN KLAIN/WHOLEY:

WHOLEY
I just got off with Baldick - this
is insane! -- one of the machines
in Volusia went crazy. It just
added 2,800 votes to Bush's total
and subtracted tons from Gore. Our
total in that county is negative
16,000 votes!

KLAIN
What are the real numbers?

WHOLEY
When you recalculate the entire
state, we're down by less than
15,000 votes!

On the computer - the lead has dropped to 14,783.

KLAIN
Then it's a machine recount!

WHOLEY
I know! We're still alive!

KLAIN
But he already conceded, they're
heading to the Plaza right...

(CONTINUED)

21 CONTINUED:

21

WHOLEY

What?! Are you fuckin' kiddin' me?!

KLAIN

Didn't you see the news?!

Whouley storms into the Boiler Room where all the TV's show live footage of the Nashville War Memorial Plaza with "GORE TO PUBLICLY CONCEDE" written on the screens.

WHOLEY

WHY DIDN'T ANYONE CHECK THE NUMBERS
WITH ME FIRST?!?!?!?

Whouley screams to the room:

WHOLEY (CONT'D)

GET ME BILL DALEY!!

KLAIN

His cell phone is off!

WHOLEY

THE CAMPAIGN MANAGER TURNED HIS
FUCKIN' CELL PHONE OFF!?!?

Klain stays calm...thinking...thinking...he's got it:

KLAIN

(quickly)

Page him through the White House
Signal Office.

22 INT. BILL DALEY'S LIMOSINE - NASHVILLE - MOMENTS LATER 22

Still stewing in the back of his limo, Daley hears beeping. He pulls out a pager with the message: "CALL SWITCHBD. CALL HOLDING WITH MICHAEL WHOLEY ASAP."

Daley takes out his cell phone and turns it on.

23 INT. KLAIN'S HOTEL ROOM - NASHVILLE - NIGHT 23

Klain frantically dials numbers as Monica watches the motorcade drive up to the Plaza on the TV. She can barely breathe, it's like she's watching a train wreck.

DAN RATHER

(from the TV)

"The Vice President's motorcade is
pulling up as we speak..."

Klain gets a busy signal. Tries another number. Busy.

24 INT. THE BOILER ROOM - NASHVILLE - NIGHT 24

Whouley is also frantically dialing numbers as his staff watches the TVs, all eyes peeled to the televisions.

DAN RATHER
(from the TV)
"...for what has to be the most
difficult speech of his career."

Whouley glances at the website - Bush's lead is now 8,248. He starts punching his door!

WHOLEY
Fuck fuck fuck fuck FUCK!!

Finally...

JEREMY BASH
I've got Bill Daley!

25 INT. BILL DALEY'S LIMO - NASHVILLE - MOMENTS LATER 25

Daley can't believe it:

DALEY
The networks got it wrong twice in
the same night?!

INTERCUT - WHOLEY/KLAIN/DALEY

WHOLEY
We're going to machine recount. You
can't let him make the speech!

KLAIN
We gotta get to Morehouse -- he
meets him at the car door, right?

WHOLEY
(screams at Jeremy)
GET ME DAVID MOREHOUSE!!!

26 INT. DAVID MOREHOUSE'S LIMOSINE - NASHVILLE - SAME 26

David Morehouse is on the phone, has an ice pack on his knee.

DAVID MOREHOUSE
We'll meet everyone at hold.

27 INT. BOILER ROOM - NASHVILLE - SIMULTANEOUS 27

The tension in the Boiler Room has been deflated. People are starting to breathe again, nervous "I can't believe that just happened" glances. Whouley grabs his chest.

WHOLEY
I swear to God I almost had a
fuckin' heart attack.

On the computer - Bush's lead has shrunk to 5,843 votes.

28 INT. KLAIN'S HOTEL ROOM - NASHVILLE - NIGHT 28

He grabs his suitcase from the closet, flings it onto the bed. Monica begins pulling his clothes out of drawers.

29 EXT. WAR MEMORIAL PLAZA - NASHVILLE - CONTINUOUS 29

Morehouse steps out of the limo, struggling with his knee. Up ahead he sees...

Al Gore already out of the car. Holding hands with Tipper, they make a fast beeline for the backstage entrance.

Stunned, Morehouse takes off after them. Limping badly, he bumps into people, dodges others, holding his knee in pain.

He collides with a woman, knocking them both to the ground. Morehouse struggles to his feet and limps on.

Right as he closes in on Gore, a SECRET SERVICE grabs him.

SECRET SERVICE AGENT
Hold it!

Morehouse quickly sticks out his HARD PIN, a red pentagon-shaped lapel pin.

SECRET SERVICE AGENT (CONT'D)
Excuse me, sir.

He lets Morehouse go.

30 INT. HALLWAY TO STAGE - WAR MEMORIAL - CONTINUOUS 30 *

Gore and Tipper are halfway down a long hallway that leads right onto the stage.

Morehouse BURSTS through the back door, breathlessly limping, trying to catch up to them:

(CONTINUED)

30 CONTINUED:

30

DAVID MOREHOUSE
Mr. Vice President, Daley needs to
speak to you! It's urgent! He just
needs five minutes!

Gore keeps walking.

AL GORE
I just spoke to Bush, he's waiting
for me to give this speech.

Morehouse's knee finally gives in, he grabs it, STUMBLING
BACK in pain. Gore and Tipper are now a few feet from the
steps to the stage...

Morehouse grits his teeth and goes for broke. He squeezes
past them and JUMPS onto the steps, physically blocking them
with his stocky frame. Sweat pours down his red face.

DAVID MOREHOUSE
Mr. Vice President, there's
something wrong with Florida.

31 EXT. CAPITAL BUILDING - AUSTIN, TX - NIGHT 31

The excited crowd stands in the rain waiting for Bush to give
his victory speech. People look at their watches, wondering
what the hold up is.

32 INT. GOVERNOR'S MANSION - AUSTIN, TX - NIGHT 32

The BUSH FAMILY (minus George W.) sits around the television
in the elegant living room, anxiously waiting for Gore to
make his concession.

Florida Governor JEB BUSH, a tall man with a puckish face,
stands in the back with Joe Allbaugh.

JEB BUSH
(whispers to Ginsberg)
My people aren't seeing the same
numbers as the networks.

JOE ALLBAUGH
Neither is Karl.

If Karl doesn't see it, it's serious. George W. Bush's
daughter JENNA, perks up in front of the TV.

JENNA
Uncle Jeb, when's he going to
concede?

But GEORGE W. BUSH enters (shot from behind):

(CONTINUED)

32 CONTINUED:

32

GEORGE W. BUSH
Just give him some time, he'll get
there.

33 INT. BASEMENT - WAR MEMORIAL PLAZA - SIMULATANEOUS 33

Gore and his Team (along with family members) huddled in the basement. Excitement in the room as everyone knows something is up. David Morehouse ices his elevated leg, looks like he scored the winning touchdown and is out for the season.

The BLURRED figure of Daley rushes past CAMERA and grabs Al Gore (shot from behind)

Everyone in the room turns to look.

34 INT. KLAIN'S HOTEL ROOM - NASHVILLE - LATER 34

Klain rushes like hell, throwing things in a bag. Monica chases, helping as much as possible.

KLAIN
This better not be an internet
prank or we're going to look like a
bunch of assholes.

35 INT. GOVENOR'S MANSION - AUSTIN, TX - NIGHT 35

CLOSE - Joe Allbaugh at George W. Bush's ear:

JOE ALLBAUGH
Governor, Al Gore is on the phone.

The room looks confused/worried.

36 INT. ANTEROOM - WAR MEMORIAL PLAZA - NIGHT 36

GORE, holding the phone, watched by Daley. Others visible through the doorway in another room.

AL GORE
I'm sorry to keep you waiting,
Governor, but circumstances have
dramatically changed since I first
called you.
(then)
The state of Florida is too close
to call.

37 CUT TO - BUSH - UPSTAIRS AT HIS MANSION 37

With his father and Jeb.

GEORGE W. BUSH
(stunned)
Are you saying what I think you're
saying? Let me make sure I
understand. You are calling back to
retract your concession?

CUT TO - DOWNSTAIRS. Everyone can hear Bush's side of the
conversation. They are stunned.

CUT TO - GORE.

AL GORE
You don't have to be snippy about
it.

CUT TO - GORE'S GROUP - They cover their mouths in stunned
amusement, "Did he really just say that?"

CUT TO - BUSH. He jerks his head back, can't believe Gore
just said that.

GEORGE W. BUSH
My little brother has assured me I
won the state of Florida!

CUT TO - GORE.

AL GORE
Let me explain something to you,
your little brother is not the
ultimate authority on this!

CUT TO - GORE'S GROUP. 'Yeah!'

CUT TO - BUSH. A beat. Then:

GEORGE W. BUSH
(icy)
Mr. Vice President, you do what you
have to do.

38 INT. KLAIN'S HOTEL ROOM - NASHVILLE - NIGHT 38

Klain zips up a small duffel bag. Monica takes his hand.

KLAIN
This thing will be over in a day.
Forty-eight hours, tops.

He kisses Monica goodbye as he heads out.

(CONTINUED)

38 CONTINUED:

38

MONICA

Honey?

He stops.

MONICA (CONT'D)

Be careful down there...they have
alligators.

39 **BLACK WITH TEXT: DAY 1**

39

IN BLACK, the sound of a PHONE RINGING is heard...a hand
fumbles around for a light switch...the CLICK of the switch.
The room lights up, revealing...

40 INT. KATHERINE HARRIS'S BEDROOM - TALLAHASSEE - NIGHT

40

KATHERINE HARRIS, 43, energetic, outgoing, the ultimate
hostess, what she lacks in intelligence she makes up for with
charm and enthusiasm. Having just been woken up (her husband
asleep next to her), she mumbles into the phone:

KATHERINE

Secretary of State Katherine Harris
speaking.

FREEZE FRAME. TEXT: **KATHERINE HARRIS, Secretary of State,
Florida**

The angry voice of Jeb Bush is on the other line:

JEB BUSH V.O.

I can't get through to Clay!

KATHERINE

I'm sorry, this is the Secretary of
State of Florida, Katherine Harris,
Clay Roberts is my...

JEB BUSH V.O.

KATHERINE! IT'S JEB! WHAT ARE THE
NUMBERS!!

*

41 INT. DIVISION OF ELECTIONS - TALLAHASSEE - NIGHT

41

An elevator door slides open, in jeans and a T-shirt
Katherine hurries into the lobby of the DIVISION OF
ELECTIONS. Mobbed by frantic REPORTERS that bombard her:

REPORTERS

Secretary Harris, what are the
results here!?! When are we going
to get the final totals?!

(CONTINUED)

41 CONTINUED: 41

She pushes her way through the press with a huge smile that tries to cover her terror.

42 INT. DIVISION OF ELECTIONS - CONFERENCE ROOM - LATER 42

Katherine stands in the middle of a hot and sweaty conference room along with a group of angry MIDDLE AGED MEN.

Everyone anxiously stares at CLAY ROBERTS, 35, heavy-set, perspiring, as he reads from his notes:

CLAY ROBERTS
Bush received 2,909,135 votes and
Gore received 2,907,351 votes.

FREEZE FRAME. TEXT: **CLAY ROBERTS, Director, Division of Elections.**

KATHERINE
....What's the difference, Clay?!

CLAY ROBERTS
Oh, sorry...uh...Bush took Florida
by...
(reads)
...1,784 votes.

There is a collective gasp, no one can believe it's so close. Katherine steps forward, taking control of the room.

KATHERINE
We will now proceed to machine
recount.

*

43 INT. GORE CAMPAIGN HEADQUARTERS - NASHVILLE - MORNING 43

The Gore Team is back at headquarters, assembled in the bullpen. Klain, Daley, Whouley and several other lawyers.

*

JACK YOUNG, 52, tough, blunt, speaks up:

JACK YOUNG
They're going to try to certify a
Bush victory as quickly as
possible.

*

FREEZE FRAME. TEXT: **JACK YOUNG, recount expert**

JACK YOUNG (CONT'D)
It'll be a machine recount - every
ballot goes through the counting
machines again.

KLAIN
Can we push for a hand recount??

(CONTINUED)

43 CONTINUED:

43

DALEY
Jesus Christ, how long will --

JACK YOUNG
--Not yet -- not yet.

44 INT. BEN GINSBERG'S HOTEL ROOM - AUSTIN, TX - MORNING 44

Ginsberg hurriedly packs a suitcase as the sun starts to rise. The TV on in the background:

FOX NEWS ANCHORMAN
"...the world woke up with a shock this morning to discover that the United States has not elected its next President. At this moment, Florida's ballots are running through the counting machines for a second time in...."

His cell phone rings, Ginsberg answers.

JOE ALLBAUGH V.O.
Today Show.

Ginsberg clicks the remote. Daley is on the TODAY SHOW:

DALEY
(from the TV)
"...almost 175,000 ballots the counting machines registered as 'no-votes'. We believe the American people want all these votes counted. I also want to add that Al Gore did win the popular vote by over 300,000 votes."

*

Ginsberg seethes.

GINSBERG
(into phone)
They're already trying to steal it.
We need to move quickly.

FROM THE TV:

MATT LAUER
"I understand that former Secretary of State Warren Christopher has been brought in to head the recount for Gore."

A picture of the dignified elder statesman WARREN CHRISTOPHER (the actor portraying him), appears on the screen.

(CONTINUED)

44 CONTINUED:

44

GINSBERG
(into phone)
OK - They got Warren Christopher --
what're we thinking?

45 INT. LIMOSINE - SIMULTANEOUS

45

CLOSE - JAMES BAKER, tall, regal with distinct Texan accent. Seated next to his wife (Susan), Baker exudes pure charisma as he TALKS INTO CELLPHONE, theatrically waving his arms.

BAKER
Goddamn trial lawyers are gonna be
fallin' out of the sky, Florida'll
be drownin' in litigation hell!

FREEZE FRAME. TEXT: **JAMES BAKER III**
White House Chief of Staff (1981 - 1985)
US Secretary of the Treasury (1985 - 1988)
US Secretary of State (1989 - 1992)

BAKER (CONT'D)
...yeah, alright, give me an hour.

He hangs up, looks to his wife, shrugs, then leans forward to the Limo Driver.

BAKER (CONT'D)
We need to go back to the airport.

46 EXT. PALM BEACH DEMOCRATIC HEADQUARTERS - MORNING

46

Thousands of angry elderly Jews swarm the single-story Democratic Headquarters in Palm Beach County. They line up at a row of tables where lawyers take affidavits.

A group of PRIESTS stand in a circle, heads bowed in prayer. Two twelve-year-old BOYS wheel a cooler around, selling bottled water (they made \$150 that day).

Ragtag groups of Democratic and Republican PROTESTORS stand across the street holding signs - "Dummy-crats," "Gore = Milosevic," "Bush is a Drunk," "Count all the Votes." Cars drive by, HONKING for both sides. COPS mill about, amused.

Near the Headquarters, Klain is SWARMED by SENIOR CITIZENS:

SENIOR CITIZENS
I want a re-vote!/ It's not fair!/
Buchanan is a Nazi!

47 INT. PALM BEACH DEMOCRATIC HEADQUARTERS - LATER 47

Safe from the geriatric mob, a disheveled Klain is on his cell phone inside the building.

KLAIN
I'm trapped in "Night of the Living
Bubbies"!

*

WHOLEY V.O.
Just stay calm and whatever you do
don't yell "Bingo."

On a TV in the corner he sees PAT BUCHANAN on the Today Show (actual footage). Klain hurries over.

KLAIN
Turn on Today. I'll call you back.

He hangs up. From the TV:

PAT BUCHANAN
"When I took one look at that
ballot on election night, I think
one of the networks had it up
there, it's very sim...easy for me
to see how someone could have voted
for me in the belief they voted for
Al Gore."

Klain looks surprised that Buchanan said it.

THE TV CUTS TO - JESSE JACKSON, marching through Palm Beach County with African-American and elderly Jewish protestors waving "COUNT ALL THE VOTES!" signs (actual footage).

MSNBC ANCHORMAN
"Allegations of African-American
voters being turned away at the
polls has a cast a cloud of sus..."

A hand taps Klain on the shoulder. He turns around to see MYRIAM, the Jewish Woman from the opening of the film.

MYRIAM
(slight German accent)
Excuse me, are you Ron Klain?

Klain nods.

MYRIAM (CONT'D)
My name is Myriam Sukerevsky.

She holds out her forearm - there is a faded imprint of BLACK SERIAL NUMBERS. Myriam is a concentration camp survivor.

(CONTINUED)

47 CONTINUED:

47

MYRIAM (CONT'D)

(unemotional)

I woke up at five-thirty yesterday morning thinking I was going to vote for Joseph Lieberman for Vice President. But I think I voted for Pat Buchanan...he said Adolph Hitler was "a man of great courage."

(then)

Please, Mr. Klain, there must be something you can do.

Klain stares at her, realizing this is bigger than Al Gore.

48 EXT. TALLAHASSEE, FL - DAY

48

Establishing shot of TALLAHASSEE, FLORIDA. Flying over the tiny downtown area, we see the state's phallic Capitol Building, known as "Eskew's Erection." It towers over the Old West-themed Adams Street that is crammed with people.

49 EXT. BUSH BUILDING - TALLAHASSEE - DAY

49

A town car pulls up in front of a three-story brick building flanked by trees on a quiet Tallahassee street.

Baker walks out of the town car, flanked by his long-term associates, MARGARET TUTWILER, 50s, plump, pensive, and BOB ZOELLICK, 50s, intellectual, patrician.

50 INT. BUSH BUILDING - CONFERENCE ROOM - CONTINUOUS

50

The imposing trio moves into the posh conference room of the George H.W. Bush Building. Leather chairs, a long conference table adorned with water, fruit and pastries. Pictures of former president George H.W. Bush cover the walls.

At the table are Ginsberg, Allbaugh and bearded attorney GEORGE TERWILLIGER, along with three other lawyers. Everyone stands for Baker who is instantly unhappy.

BAKER

This is everyone? Five lawyers and Joe Allbaugh?!

They all look nervous. Baker turns to Margaret:

BAKER (CONT'D)

Tell Austin I need operatives, PR and volunteers down here immediately.

Baker gets right to business.

(CONTINUED)

BAKER (CONT'D)

Alright, people, they already got Jesse Jackson down in Palm Beach holding hands with all those old Jews screaming, "COUNT ALL THE VOTES!" Who the hell is gonna be against that?!

(he smiles)

I'm guessing Mr. Jackson is going to keep his "Hymie Town" comments to a minimum this time around.

The lawyers chuckle, Baker's as charming as he is tough.

BAKER (CONT'D)

I want our own protestors in Palm Beach, Tallahassee, Miami...

(to Margaret)

... call Roger Stone...

(back to the group)

...Ft. Lauderdale, Tampa, Austin...

GINSBURG

Karl wants protestors outside of Gore's Tennessee house.

Baker busts out laughing, SLAPS the table.

BAKER

There you go! Listen - This is a street fight for the presidency of the United States. It ain't gonna get any more political than this.

51 EXT. STRIP MALL - TALLAHASSEE - DAY

51

In a small brick strip mall behind a Pier One Imports is a vacant storefront nestled between a hair salon for dogs (Bloomingtails) and a hair salon for people (Nu Dimension).

Through a dirty window we see the Democrats seated on cardboard boxes and crates.

52 INT. STRIP MALL - TALLAHASSEE - DAY

52

Inside the dingy room are papers, trash and uneaten food left over from the previous tenant. Klain, Jack Young and MITCHELL BERGER, a Florida attorney sit across from Daley and former Secretary of State WARREN CHRISTOPHER, 76. Wearing an expensive Oxford suit, Christopher looks out of place.

Jeremy Bash hands everyone coffee.

(CONTINUED)

CHRISTOPHER

Gore says pull Jesse Jackson out of Florida as quickly as possible.

Klain looks surprised.

KLAIN

When I spoke to the Vice President he said he wants to fight this as hard as --

CHRISTOPHER

-- there's concern that protestors would taint the dignity of this situation. No one wants to turn this into a circus.

FREEZE FRAME. TEXT: **WARREN CHRISTOPHER**

Deputy U.S. Secretary of State (1977 - 1981)

U.S. Secretary of State (1993 - 1997)

CHRISTOPHER (CONT'D)

We want to proceed as if this is a legal process, not a political street fight.

Jack Young is immediately concerned, glances at Klain.

KLAIN

Okay...I'll, uh, I'll have Donna talk to Jesse Jackson.

DALEY

What happened to Holland & Knight? I thought we had already negotiated their fee.

KLAIN

We did. They suddenly "discovered" a conflict of interest.

Klain gestures to Mitchell Berger, very high strung.

MITCHELL BERGER

It's pretty simple, Jeb Bush doles out a lot of business in this state. His chief counsel has made clear the consequences of taking us on as a client.

FREEZE FRAME. TEXT: **MITCHELL BERGER, Florida attorney**

MITCHELL BERGER (CONT'D)

No major law firm in Florida will represent Al Gore.

The huge disadvantage lands on the room.

(CONTINUED)

52 CONTINUED:

52

DALEY

This is already fucked.

Klain jumps in, wants to keep the energy up.

KLAIN

Wait a minute, wait a minute, I'll start making calls. Kendall Coffey already agreed to come on board, he'll bring Ben Kuehne. By tomorrow morning, we can patch together a team.

CHRISTOPHER

I'm assuming our first step will be dealing with this Butterfly Ballot situation?

53 INT. BUSH BUILDING - TALLAHASSEE - SIMULTANEOUS

53

The Bush Team have their jackets off, sleeves are rolled up.

GEORGE TERWILLIGER

The Constitution says presidential elections must be held on a single day throughout the nation. There isn't a court in the state that would be crazy enough to grant them a re-vote.

FREEZE FRAME. TEXT: **George Terwilliger, attorney**

GINSBERG

I've been through a ballot configuration dispute **on the Connie Mack recount**, there are no legal remedies.

*
*

Baker marvels at the craziness of the Butterfly Ballot.

BAKER

Looks like Warren Christopher won't be able to negotiate his way out of this one.

54 INT. STRIP MALL - TALLAHASSEE - SIMULTANEOUS

54

CHRISTOPHER

We're not going to let James Baker suck us into a football match.

KLAIN

Some local Palm Beach groups have already filed lawsuits...

(CONTINUED)

54 CONTINUED:

54

DALEY

We want to stop those immediately.
We don't want to go to court.

Jack Young shifts in his seat, getting angry.

KLAIN

But if we're pursuing this as a
legal process and not a political
fight, then we're going to have to
file lawsuits.

DALEY

Gore doesn't want to send a message
that he's suing to be President of
the United States.

CHRISTOPHER

Absolutely no lawsuits.

55 INT. BUSH BUILDING - TALLAHASSEE - LATER

55

Baker leans forward.

BAKER

I want to file a lawsuit in federal
court as quickly as possible.

The lawyers exchange glances, everyone hates the idea.

GINSBERG

It'd get tossed out immediately.

BAKER

You bet it will, but I want us on
track to the U.S. Supreme Court.

Now the room is just confused, "this makes no sense."

GINSBERG

I don't think they'd even hear it.

BOB ZOELLICK

And we'd get crucified by our own
people for pushing a state issue
into federal court.

BAKER

Listen up, folks -- you know, I
love to call turkeys in the spring.

Everyone stares at Baker, confused (except for Margaret who's
smiling). Baker lets it sit for a beat. Then:

(CONTINUED)

BAKER (CONT'D)

As did Lawton Chiles, the previous Governor of this great state of Florida. Although I would contend that I am the better shot.

Baker takes a long swig of Dr. Pepper, letting the room stay confused. Finally:

BAKER (CONT'D)

Now there's no love lost between Chiles and the Bush family after that dirty campaign he ran against Jebbie in '94, but I always liked Lawton and every year before he passed on we would have ourselves a fine time calling turkeys in the spring.

(yells out the door)

Can I get another Dr. Pepper, please?!

He casually turns back to the room.

BAKER (CONT'D)

As a two-term Governor, Chiles appointed the majority of the Justices currently seated on the Florida Supreme Court. And I can tell you positively that he filled that court with...the BIGGEST FLAMING LIBERALS IN THE ENTIRE GODDAMN STATE!!!

They're slowly getting it. Baker stands up to make his point.

BAKER (CONT'D)

If we end up in the Florida Supreme Court we are dead. The U.S. Supreme Court is a long shot, but Florida is a NO SHOT.

(then)

So we can drink tea and discuss the virtues of federalism or we can start throwin' punches!

Baker sits back down.

BAKER (CONT'D)

And, yes, we'll take a hit in the op-eds. I don't even want to see a copy of the New York Times unless it's to wrap the garbage.

56 INT. STRIP MALL - TALLAHASSEE - SIMULTANEOUS

56

Christopher holds up the NY Times.

CHRISTOPHER

R.W. Apple wrote that we have a week to resolve this before the American people will lose their patience. I think we need to heed his advice.

Frustrated, Jack Young jumps in, refers to Klain:

JACK YOUNG

We discussed hand recounts. If we're trailing at the end of the machine recount, we need to request a statewide hand recount.

*

DALEY

No way.

*

Klain is surprised, didn't know this wasn't an option.

KLAIN

Why?

*

DALEY

Because in order to get a statewide we'd have to convince each individual county to hand recount one percent of their votes first. That's sixty-seven hearings. And if every county agrees --

*

*

CHRISTOPHER

And many won't.

DALEY

-- then we'd have to have another sixty-seven hearings to convince them to recount all 67 of their counties!

*

CHRISTOPHER

And many won't.

Klain glances at Chris, realizing he doesn't want to recount.

KLAIN

But Chris -- we don't have any choice.

(CONTINUED)

JACK YOUNG

It's simple logic: the trailing candidate in a recount has got to try to recount as many votes as possible.

DALEY

If by some sort of miracle we get all sixty-seven counties to agree, it'll take at least three weeks -- we've got five days til the certification deadline. Which Katherine Harris, surprise, surprise, is refusing to extend!

Klain and Jack Young are silent, it's a powerful argument.

CHRISTOPHER

I don't see how this can possibly end well --

KLAIN

-- we're only down by 1,800 votes.

CHRISTOPHER

I know, I know, but we are down. I'm afraid we ought to start thinking of an exit strategy. Some graceful way for Gore to --

KLAIN

(gingerly)

-- Chris, if at the end of the machine recount we're trailing by 4,000, then we should probably concede. But if we're only down by a couple thousand votes --

DALEY

-- Lawton Chiles doesn't run this state anymore, Ron, they control everything! The Governor's his brother, Katherine Harris is co-chair of the Bush Florida campaign for Christ sake! The entire legislature's Republican!

KLAIN

What about a partial recount? Just a couple of counties.

Christopher and Daley look at each other, they don't hate it.

(CONTINUED)

KLAIN (CONT'D)

Palm Beach and Volusia were the main sources of election day problems, we'd be justified to ask for recounts in those two counties.

JACK YOUNG

We need a full, statewide hand recou --!

DALEY

-- We'll never get it!

KLAIN

But we might get Palm Beach and Volusia.

MITCHELL BERGER

(nodding)

And the entire Palm Beach Canvassing Board is Democratic.

KLAIN

Whouley is setting up a base in Ft. Lauderdale to supervise south Florida -- we have to start punching back, Chris. The Bush brothers aren't going to be so concerned about making this a dignified process.

Christopher smiles at Klain with his wise, pensive gaze.

CHRISTOPHER

That may be true, but the world is watching. We are theoretically its last great Democracy. If we cannot resolve this in a way that's worthy of the office we seek, then what kind of hope can we give other countries that wish to share our values?

(then)

This can be a dignified process...if we make it one.

Klain stares at Christopher...he's got a big problem.

Klain PACES rapidly in the alley behind the strip mall as Jack Young and Mitchell Berger huddle against the wall.

KLAIN

'Last Great Democracy?!' Are you kidding me?

(MORE)

57

CONTINUED:

57

KLAIN (CONT'D)

They're going to come at us with
guns and drums and swords and Chris
- God bless him - is worried about
being a goddamn beacon of light!

JACK YOUNG

Does he understand that 175,000
votes weren't counted because the
machines registered them as "no-
votes"?! Punch Card Ballots are
FUCKED, Ron! They leave those
little pieces of cardboard hanging
on the back - so when the ballot
goes through the tabulation
system...

58

INT. COUNTING STATION - ELECTION NIGHT FLASHBACK

58

Poll workers place batches of ballots into AUTOMATIC
TABULATION SYSTEMS (they look like bank money counters).
Thousands of ballots FLIP through the machines in an instant.

JACK YOUNG V.O.

...the little chad gets pushed back
into the hole.

CUT TO - INSIDE THE TABULATION SYSTEM - SLOW MOTION

As the ballot glides through the counting machine, a chad
that hangs off the back of the ballot slides back into the
empty slot. A tiny laser beam strikes the now-covered hole.

JACK YOUNG V.O. (CONT'D)

The machine reads it as if a hole
was never punched and it's counted
as an "undervote."

A ballot with a fully attached chad that PUFFS OUT of the
ballot slides through the counting machine.

MITCHELL BERGER V.O.

And what about the one's that don't
hang at all? They're just dimpled
because the voter didn't push hard
enough!

The laser strikes the indented-but-completely-covered hole.

59

EXT. BACK ALLEY - STRIP MALL - TALLAHASSEE - CONTINUOUS

59

JACK YOUNG

Who does that? OLD PEOPLE! Who
usually vote for Democrats!

60 INT. AFRICAN-AMERICAN POLLING STATION - ELECTION DAY 60

An African-American hand pushes a stylus into a ballot.

MITCHELL BERGER V.O.
Hell, what about the Votomatics
that don't get cleaned out for
years?!

CUT TO - INSIDE A VOTOMATIC VOTING MACHINE.

The interior of the Votomatic is clogged with tiny pieces of cardboard "chads."

MITCHELL BERGER V.O. (CONT'D)
They're so jammed up with chads
that the voter can't penetrate the
ballot at all, they just leave a
dimpled chad.

SLOW MOTION - the back of the ballot pushes out as it's struck by the stylus, but the chad is unable to detach because it's blocked by all the loose chads.

JACK YOUNG V.O.
And you know where that happens?
Poor communities with outdated
voting equipment! Take a guess who
they vote for?!?

61 EXT. BACK ALLEY - STRIP MALL - TALLAHASSEE - NIGHT 61

KLAIN
(quieter now)
The only way we'll ever have a shot
at getting them counted is to have
an actual human being look at the
ballot by hand.

62 INT. WHOULEY'S OFFICE - FT. LAUDERDALE - DAY 62

Whouley is in his chaotic office in Ft. Lauderdale, where STAFFERS bustle about, trying to get the space set up.

Frustrated, Whouley yells into a speakerphone:

WHOULEY
It would be fuckin' insane to
concede without requesting hand
recounts! Insane!

63 INT. KLAIN'S HOTEL ROOM - TALLAHASSEE - NIGHT 63

Klain listens to Whouley, he's under enormous pressure.

(CONTINUED)

63 CONTINUED:

63

KLAIN

Yeah, I know, but what do I do
about Chris? He seems determ--

WHOLEY V.O.

--OK, OK, Warren Christopher is
your boss, but you got to press him
now, you got to get him to agree to
hand recounts!

64 INT. WHOLEY'S OFFICE - FT. LAUDERDALE - NIGHT

64

Wholey changes his tone, quiet and personal.

WHOLEY

(into phone)

Look, Ron, we all believed you
shoulda ran the campaign, but Gore
went with that fuck Coehlo because
Tony was a fighter and he proved it
when he pushed you out.

65 INT. KLAIN'S HOTEL ROOM - TALLAHASSEE - SIMULTANEOUS

65

Klain listens, painful memories.

WHOLEY V.O.

Now's the time to show Gore what
Ron Klain can do. That Ron Klain's
not gonna back down from this
fuckin' fight.

Klain thinks for a beat, then:

KLAIN

Has anyone ever told you that you
say "fuck" a lot?

66 INT. GOVERNORS INN - TALLHASSEE - DAY

66

A small conference room at the quaint, antebellum Governors
Inn hotel, where the two sides meet. Baker, Zoellick and
Allbaugh sit across from Christopher, Daley and Klain.

Warren Christopher and James Baker III are face to face, both
feigning that they like each other.

TEXT: DAY 2

(CONTINUED)

CHRISTOPHER

The world is watching us, Jim. We have a tremendous opportunity to show how a nation of our power can resolve a conflict as great as this through diplomacy and compromise.

BAKER

Compromise? I thought we were here to discuss scheduling.

CHRISTOPHER

Well...yes, but it was my feeling that you and I should be able to devise a way to settle this matter.

BAKER

There's nuthin' to settle. If we're ahead at the completion of the machine recount then our position is this: Governor Bush won the election and Katherine Harris is going to certify the election. No negotiations, no compromises, no extensions. Bush is President. I go home. End of story.

Silence as his words hammer down on the room. Klain is blown away by Baker, stares at him in awe.

Christopher knows he's hit a wall, smiles, very friendly.

CHRISTOPHER

It's always great to see you, Jim.

Baker smiles back, very friendly.

BAKER

You too, Chris.

66A EXT - A COUNTY BLDG IN FLORIDA - LATE AFTERNOON

66A *

Lights on in the building. We HEAR:

*

BOARD MEMBER'S VOICE

*

We have our own standards for a recount here and we --

*

*

66B INT. - CLAY ROBERT'S OFFICE - LATE AFTERNOON

66B *

On the telephone.

*

CLAY ROBERTS

*

--But you didn't put the ballots through the machine again and --

*

*

66C INT. - ANOTHER COUNTY BLDG IN FLORIDA - NIGHT

66C *

A middle-aged woman on the phone.

*

CLAY'S VOICE

*

I sent out guidelines for the
recount procedure several months--

*

*

MIDDLE-AGED WOMAN

*

--We checked our tabulations and
that's all we're required to do
according to our books.

*

*

*

*

67 INT. GOVERNORS INN - TALLAHASSEE - NIGHT

67

Klain walks Christopher up to his hotel room. At 76, Warren
Christopher looks a little too tired for all this.

KLAIN

It's brass knuckle time, Chris, we
gotta take the gloves off. And I
know Gore feels the same way, he
says it every morning on the
conference call. He wants to fight.

CHRISTOPHER

I'm worried about his future. He's
a young man, he can run again, but
not if he destroys his career with
a prolonged legal battle.

KLAIN

But the fight is here, it's now.
Berger's going to move us into his
firm -- we'll have the tools we
need to do this --

CHRISTOPHER

-- I'm not so sure we can.

Slight beat, this is hard for Klain to do...

KLAIN

You've been a real mentor to me and
I will always be grateful, but
I...I can't do it this way. We
might very well have won this
election. We owe it to the country
to find out the truth.

Christopher stares at Klain with a tiny twinkle in his eye.
Before he can respond...

A loud SCREAM emanates from the next room.

(CONTINUED)

VOICE
AHHHHH!!!!!!!!!!!!!!

Klain and Christopher look around, confused. A door flies open, Mitchell Berger points at the TV.

MITCHELL BERGER
The machine recount is up!!!

Klain and Christopher hurry up to the television.

MSNBC ANCHORMAN
(from the TV)
"To repeat, at the completion of the machine recount, Bush's lead has dropped to 327 votes."

KLAIN
Holy shit.

MSNBC ANCHORMAN
"As of this moment, George W. Bush is the winner of Florida's 25 electoral votes, but with a race this close, it is expected that..."

Klain turns to Christopher who cuts him off:

CHRISTOPHER
All right, Mr. Klain, all right. We'll count the two counties.

KLAIN
Four.

Slight beat.

CHRISTOPHER
We agreed on two.

KLAIN
I want to add Broward and Miami-Dade, they're loaded with Democratic undervotes.

Daley has just walked up to the doorway, he doesn't look happy, hoped the machine recount would have ended this.

DALEY
We won't be able to finish by Miss Harris's certification deadline.

Christopher turns to him, a little fire.

CHRISTOPHER
I'll talk to Katherine Harris personally.

68 INT. SEC OF STATE'S OFC - TALLAHASSEE - BATHROOM - NIGHT 68

Katherine Harris stands in front of a mirror in her private bathroom, applying make-up.

CHRISTOPHER V.O.
There's no logical reason for her
not to extend the deadline.

Her face thick with powder, long false eyelashes rimmed with heavy liner. She applies blue eye shadow over her lids.

CHRISTOPHER V.O. (CONT'D)
I'm sure she'll at least want to
appear to be fair.

Katherine layers berry-red lipstick over her lips.

69 INT. SEC. OF STATE'S OFFICE - TALLAHASSEE -SIMULTANEOUS 69

Clay Roberts sticks his head into Katherine's empty office. *

CLAY ROBERTS
Katherine, 18 of the 67 counties
didn't actually run their ballots
through the machines again. *

He moves toward the closed bathroom door. *

CLAY ROBERTS (CONT'D)
And I don't think we can do
anything. Most of them just did
some form of checking their
tabulation numbers -- *

He spots a book on her desk, "Queen Esther Saves Her People." *

CLAY ROBERTS (CONT'D)
That could be a million ballots
that weren't recounted by machine
and-- *

Katherine yells from the bathroom. *

KATHERINE'S VOICE
Is someone in my office? *

CLAY ROBERTS
(frustrated)
It's Clay... *

The bathroom door swings open. Katherine Harris stands in the doorway wearing way too much make-up.

Clay visibly flinches. She hurries past him to the door. *

(CONTINUED)

KATHERINE

I believe the press is waiting.

CLAY ROBERTS

Um...Katherine...

KATHERINE

Yes?

He raises a finger to his face, subtly trying to indicate there is a problem in the facial region.

CLAY ROBERTS

...maybe...

KATHERINE

What?

Swirling his finger in a small circle:

CLAY ROBERTS

...you should...um...

KATHERINE

What is it, Clay?!

He can't tell his boss she looks horrible.

CLAY ROBERTS

Nothing.

In front of the 19th-century mansion that used to be Florida's Capitol, dozens of REPORTERS stare at Katherine Harris's appearance.

She is nervous, nothing like her normal hostess persona. Very stiff and robotic. Clay stands behind her alongside BOB CRAWFORD, Secretary of Agriculture, standing in for Jeb Bush.

KATHERINE

The law states that I cannot accept returns after the certification deadline unless there is some sort of natural disaster that prevents counties from turning in results on time, such as a hurricane.

REPORTER #1

My understanding is that the law gives you the discretion to accept late returns for any reason. That it's up to you.

Katherine's face goes blank.

70 CONTINUED:

70

KATHERINE

The law says...there has to be a hurricane...I have no choice but to follow the law.

71 INT. MITCHELL BERGER'S LAW OFFICE - TALLAHASSEE - NIGHT 71

The Gore Team moves into their new office, still too small to conduct such an enormous venture. One wide hallway with six individual offices. Aides have set up desks in the hall.

Klain ON PHONE, Jack Young and Daley are in the kitchenette watching the Katherine Harris press conference on a tiny 13-inch TV. They are stunned by her incompetence. From the TV:

REPORTER #2

"Since the absentee ballots won't be tallied for another ten days, is it possible to accept late returns until the absentee ballots have been counted?"

That same blank expression covers Katherine's face.

KLAIN (INTO PHONE)

Uh-oh, you better get up here.

72 INT. WHOULEY'S OFFICE - FT. LAUDERDALE - SIMULTANEOUS 72

Whouley ON PHONE, watches the TV with A STAFFER.

KATHERINE

"I simply have no authority to extend the deadline...unless of course there was a hurricane."

WHOULEY (INTO PHONE)

Does her **makeup** count as a hurricane?

*

73 INT. BUSH BUILDING - TALLAHASSEE - SIMULATANEOUS 73

Baker, Ginsberg and George Terwilliger in the common area of their headquarters. A dozen offices shoot off of the main corridor. They have 4 times the space as the Democrats.

TERWILLIGER

Maybe we should ask for recounts in Republican-leaning counties to offset any gains they make in their counties?

(CONTINUED)

BAKER

Hell no. Our stance is this election is over and Bush is the winner. They gave up all their moral high ground when they only requested recounts in the four most liberal counties in the state.

Margaret Tutwiler smokes on the balcony. She shouts out:

MARGARET TUTWILER

"Al Gore isn't interested in counting all the votes, he's only interested in counting Al Gore votes."

BAKER

That's it! I love it!

Joe Allbaugh sticks his head out from the conference room.

JOE ALLBAUGH

You guys need to see this.

74 INT. BUSH BUILDING - CONF ROOM - TALLAHASSEE-CONTINUOUS 74

Everyone watches the Katherine Harris's press conference on a 35-inch TV. They too are stunned by her incompetence.

KATHERINE

(from the TV)

"...there will be absolutely no communication with either campaign. I've instructed my staff to place a firewall around my office."

Baker turns to the room.

BAKER

This woman is not acceptable.

75 INT. LATIN CLASS - FLORIDA STATE U.- TALLAHASSEE - DAY 75

A female LATIN PROFESSOR stands in front of a classroom filled with early-twenties COLLEGE STUDENTS.

LATIN PROFESSOR

Vinco, vincis...

The students repeat each conjugation.

STUDENTS

...vincit, vincimus...

(CONTINUED)

75 CONTINUED:

75

Seated in the back of the class is a man about thirty years older than his fellow students. A full head of gray hair, neatly trimmed gray goatee and muscular build for his fifty-one years. This is MAC STIPANOVICH.

MAC
(genteel Southern accent)
...vincitis, vincunt...

His cell phone flashes. He looks down at it, annoyed.

76 EXT. LATIN CLASS - FLORIDA STATE UNIVERSITY - DAY 76

Mac is outside the class on his cell phone. He's pissed.

MAC
Come on, now. You know I don't like
calls when I'm in my class.

A muffled, MYSTERIOUS VOICE asks him a question.

MYSTERY VOICE V.O.
I'm just curious, Mac, are you
going to sit around and parse Latin
verbs all day or are you going to
get into this fight?

Mac smiles from ear to ear, he's been waiting for this call.

**FREEZE FRAME. TEXT: MAC STIPANOVICH (aka "Mac the Knife"),
Florida Republican lobbyist**

MAC
Qua operor vos volo mihi?

MYSTERY VOICE V.O.
What the hell does that mean?

MAC
It means..."Where do you want me?"

77 INT. SECRETARY OF STATE'S OFFICE - CONFERENCE ROOM - DAY 77

Mac is seated in the conference room with Katherine and Clay Roberts. Cardboard is taped over the windows.

MAC
Listen, Katherine, most people in a
crisis like to dip their toe in and
check the temperature. You can't do
that, there isn't time. You have to
make decisions and stick to them,
no matter how hard they attack you.

(CONTINUED)

KATHERINE

I assure you it's going to take a lot more than making fun of my hair and my makeup to knock me down.

MAC

And that's exactly why I backed you when everyone else ran over to Mortham, because you are a woman of action.

KATHERINE

I hope... I hope like Queen Esther.

Slight beat.

MAC

Come again?

KATHERINE

I've been reading the Bible quite a bit lately, and I've been feeling this unusually strong kinship with Queen Esther. She was willing to sacrifice herself to save the lovely Jewish people and that's exactly what I'm doing right now.

MAC

You have to stay strong. The world needs to see that Katherine Harris is in charge!

She collects herself.

KATHERINE

You're right...you're right.

MAC

(slowly)

You need to bring this election in for a landing, Katherine.

KATHERINE

Bring it in for a landing?

MAC

Bring it in for a landing with George W. Bush in the cockpit. They're going to ask for extensions, for negotiations, for recounts. We don't have to let that happen, Katherine.

KATHERINE

And the Secretary of State has that authority?

(CONTINUED)

77 CONTINUED:

77

MAC

You're the final arbitrator of
Florida election law.

Katherine thinks about it. Then:

KATHERINE

Hypothetically, if I were to deny
hand recounts, on what grounds
would we justify such a decision?

78 INT. MITCHELL BERGER'S LAW OFFICE - LAW LIBRARY - DAY 78

Klain and the legal team are crammed into the law library,
huddled around one copy of the Florida Election Statute.

JEREMY BASH

(reading the statute)

It says hand recounts are
allowed...if there is "an error in
the vote tabulation which could
affect the outcome of an election."

Everyone exchanges glances, not sure what that means.

MITCHELL BERGER

It's vague.

JACK YOUNG

It's fucking archaic.

KLAIN

No...The key is interpreting "error
in the vote tabulation."

Everyone turns to Klain, a known legal genius.

KLAIN (CONT'D)

(figuring it out)

If there are undervotes, -- ballots
the machines were not able to read
because hanging or dimpled chads
blocked the holes, that would be an
"error in the vote tabulation,"
because there would be votes in
existence that haven't been
counted.

79 INT. BUSH BUILDING - TALLAHASSEE - SIMULTANEOUS 79

Ginsberg and co. are in the conference room, everyone has
their own copy of the statute.

(CONTINUED)

79 CONTINUED:

79

GINSBERG

No. Our position has got to be that "error in vote tabulation" means "how the **system** tabulated them." So the only way a hand recount can proceed is if there is a problem with the tabulation systems. The **hardware** or the **software** has to fail for there to be an "error in the vote tabulation."

80 INT. BERGER'S LAW OFFICE - TALLAHASSEE -SIMULTANEOUS

80

KLAIN

No. That's incorrect. If the Legislature wanted "vote tabulation" to mean "vote tabulation systems," it would have said that because it uses that exact language later in the statute.

81 OMITTED

81 *

82 INT. CLAY ROBERTS'S OFFICE - TALLAHASSEE - DAY

82 *

CLOSE UP - A SHERIFFS STAR. Engraved across the bottom of it is - "**DIVISION OF ELECTIONS**." Clay slides the badge across a table to KEREY CARPENTER, 30's, attractive, blonde attorney. *

CLAY ROBERTS

We want you to go to Palm Beach County.

83 EXT. PALM BEACH AIRPORT - DUSK

83

As an AIRLINER touches down. WE HEAR:

KEREY CARPENTER

Kerey Carpenter...

84 INT. PALM BEACH GOV. CENTER - TABULATION ROOM - MORNING

84

Kerey Carpenter is flashing her badge to Judge Burton:

KEREY CARPENTER

...Division of Elections.

Judge Burton slumps in relief.

(CONTINUED)

84 CONTINUED:

84

JUDGE BURTON

Thank God. This is a nightmare. We
 don't have any guidance whatsoever,
 the laws are vague, they contradict
 each other. We're knocking
 ourselves out and we're under a
 microscope here --

*
*
*
*
*
*

He points through a set of glass windows where a huge CROWD
 fills the packed lobby of the Government Center.

Reporters and camera crews surround the building, pointing
 cameras into every window space they can squeeze into. Rows
 of tables are filled with counters, prepping for the recount.

KEREY CARPENTER

Well you have every right to ask
 for an advisory opinion. We can't
 offer it unsolicited -- but if you
 ask, the Secretary of State can
 issue an opinion that will give you
 clear guidance --

*
*
*
*
*
*

85 INT. CLAY ROBERTS'S OFFICE - TALLAHASSEE - MORNING

85

Clay Roberts sits at his desk, holding a sheet of paper. He
 speaks directly into camera:

TEXT: ADVISORY OPINION DE 00-13: Manual Recount Procedures

CLAY ROBERTS

Dear Judge Burton, This is in
 response to your request for an
 Advisory Opinion.

86 INT. JUDGE BURTON'S OFFICE - PALM BEACH - CONTINUOUS

86

Seated at his desk, Judge Burton reads the Advisory Opinion.

CLAY ROBERTS V.O.

"An 'error in the vote tabulation'
 means a counting error in which the
 vote tabulation system fails. Since
 there is no such error, county
 Canvassing Boards are not
 authorized to hand recount
 ballots."

87 INT. BERGER LAW OFFICE - TALLAHASSEE - SIMULTANEOUS

87

Klain, Jack Young, Mitchell Berger and Jeremy Bash are
 reading the Advisory Opinion. From a TV in the corner:

(CONTINUED)

87 CONTINUED:

87

ABC NEWS
 "With this Advisory Opinion,
 Katherine Harris has shut down the
 recount."

JACK YOUNG
 What??

They're speechless, can't believe what just happened.

KLAIN
 So much for Madame Secretarys'
 concerns about fairness.

MITCHELL BERGER
 What are Chris and Daley thinking?

KLAIN
 Daley's leaving.

Beat. They all stare at him.

KLAIN (CONT'D)
 He's going back to DC to stay with
 Gore.

Looks are exchanged, a realization that people are jumping
 ship. Klain looks back at the Advisory Opinion.

JACK YOUNG
 Or just getting out of here because
 he's taking too much heat about his
 old man stealing the election for
 JFK??

Klain looks up, is about to defend Daley, when:

JEREMY BASH
 Is there any way we could get our
 own Advisory Opinion?

Everyone looks at the intern. It's a brilliant idea.

88 INT. ATTORNEY GENERAL'S OFFICE - TALLAHASSEE - DAY

88

Attorney General BOB BUTTERWORTH sits at his desk
 uncomfortably reading his Advisory Opinion into camera:

**TEXT: ADVISORY OPINION - AGO 2000-65: Definition of error in
 the vote tabulation**

(CONTINUED)

88 CONTINUED:

88

BOB BUTTERWORTH

Dear Judge Burton, Since the Division of Elections' Advisory Opinion is so clearly at variance with the existing Florida Law, I am issuing this Advisory Opinion...

89 EXT. EMERGENCY OPERATIONS CENTER - PARKING LOT - DAY

89

The Palm Beach County Canvassing Board holds an outdoor meeting in the parking lot of the Emergency Operations Center. A huge crowd swarms their table on all three sides. An MSNBC reporter speaks into a news camera:

MSNBC REPORTER

The Palm Beach Canvassing Board is listening to arguments from both parties on how to proceed with two conflicting Advisory Opinions. In accordance with Florida Law, all meetings must take place in public.

Judge Burton looks conflicted, Theresa LePore wears sunglasses, looks medicated. Carol Roberts is mad as hell.

Gore attorney, BEN KUEHNE, is at the microphone addressing the Canvassing Board. Whouley stands directly behind him.

BEN KUEHNE

The ballots punched for both Gore and Buchanan counted in the 1% recount -- show that the Butterfly Ballot cost Al Gore a minimum, minimum, of 6,000 votes.

Theresa LePore stares forward in quiet shock. Whouley glares at her with murder in his eyes.

BEN KUEHNE (CONT'D)

Under these circumstances, we feel Palm Beach County must proceed with the hand recount and Attorney General Butterworth issued an Advisory Opinion so stating.

Seated in the front of the crowd, Bush attorney MARK WALLACE, 32, charming & arrogant, whispers to one of his co-counsels.

MARK WALLACE

Butterworth is the Co-chair of Gore's Florida Campaign.

His associate rolls his eyes.

(CONTINUED)

89 CONTINUED:

89

CAROL ROBERTS

I represent the people of Palm
Beach County, and I believe that
hand recounting our ballots is the
only way to find out who won this
election!

*

Mark Wallace quickly jumps up to the microphone.

MARK WALLACE

The Secretary of State has told you
that you cannot conduct a hand
recount. It would be illegal for
you to disobey her Advisory
Opinion.

FREEZE FRAME: MARK WALLACE, Bush attorney.

CAROL ROBERTS

What happens? Do we go to jail?
Because I am willing to go to jail!

The crowd cheers! Someone shouts:

BYSTANDER

YOU GO, GIRL!!!

Judge Burton drops his head into his hands, this is a
complete fucking nightmare.

90 INT. CYPRUS RESTARUANT - TALLAHASSEE - NIGHT

90

Klain is at dinner with Christopher at the trendy Cyprus
Restaurant. Bright water-color paintings on the walls.

KLAIN

We have to take Katherine Harris to
court. It's the only way we'll be
able to get the count up and
running.

Christopher shifts uneasily in his seat.

CHRISTOPHER

I'm afraid I have some bad news.

91 INT. KLAIN'S HOTEL ROOM - TALLAHASSEE - NIGHT

91

Klain lies back on his bed, totally despondent. He's on the
phone with Monica.

MONICA (V.O.PHONE)

He's going back to Los Angeles?

(CONTINUED)

91

CONTINUED:

91

KLAIN

His daughter is sick. I don't blame him for leaving, this whole thing is pretty hopeless, but with Daley gone there isn't a senior Gore campaign official in the entire state of Florida.

MONICA (V.O.PHONE)

If you want to leave no one would blame you. Everyone else is jumping ship, Ron.

He sits up, rubbing his temples, thinking.

KLAIN

...I think he probably won this thing, Monica, and he does too. He's got a real fire now, he's--

There's a knock at his door. It opens and a beaming Jeremy Bash holds up a manila envelope.

JEREMY BASH

You need to see this.

92

INT. MITCHELL BERGER'S LAW OFFICE - CONFERENCE ROOM - DAY 92

Klain stands in front of his team, energized. Whouley is there watching as Klain takes a sheet of paper from the manilla envelope.

TEXT: DAY 7

KLAIN

OK, guys, I'm gonna read you something from another state's election code...

(reads)

"A hand recount shall be conducted in preference to an electronic recount." It also says that dimpled chads should be counted in any hand recount.

The excitement quickly deflates with a collective "so what?"

MITCHELL BERGER

It's great, Ron, but we can't use another state's election code.

KLAIN

Oh, yeah. What if it was signed into law by its current governor, George W. Bush?

(CONTINUED)

Mouths drop in shock. No one can believe it.

KLAIN (CONT'D)

This is now talking point number one.

Everyone claps. Finally a break.

KLAIN (CONT'D)

Point two, Jeremy starts following up on those allegations of black voter suppression.

WHOLEY

I know damn well we'll eventually turn something up.

Klain turns to MARK HERRON, slightly overweight gray-hair.

KLAIN

And three, this is Mark Herron, a Florida election law specialist. He's going to write a memo detailing exact standards that overseas absentee ballots have to meet to be counted. My gut tells me that some of them were sent after election day.

MARK HERRON

I think so, too.

KLAIN

And you all should know Mark's law firm fired him for coming on board with us.

MITCHELL BERGER

On his birthday.

People pat Mark on the back, a few thank you's.

MARK HERRON

I've been to better office birthday parties.

Everyone laughs, the mood has visibly lightened.

KLAIN

Another piece of decent news, Volusia County ignored Katherine Harris's "Advisory Opinion" and has almost completed their recount.

JACK YOUNG

It looks like we're gonna pick up about a hundred votes.

(CONTINUED)

KLAIN

The bad news is Madame Secretary will still try to block recounting but she's also going to strictly enforce the deadline-- unless, of course, there's a hurricane--

Everyone laughs at the absurdity of it all.

KLAIN (CONT'D)

--which will make it impossible for the counties to finish in time. So our strategy is twofold; we have to insist that hand recounts are legal and number two we argue that regardless of a deadline, all votes have a right to be counted.

JACK YOUNG

Argue where? CNN?

KLAIN

Volusia County is going to sue Katherine Harris to accept their late returns.

(then)

We are going to join the lawsuit.

The room looks surprised.

MITCHELL BERGER

I thought Gore was against lawsuits?

KLAIN

The Vice President just told me that since Bush is dragging our ass to district court, we can drag his ass to state court.

Baker sits at his desk reading a motion, surprised. He's surrounded by the lawyers.

BAKER

Looks like Warren Christopher just joined the lawsuit.

RANDY ENWRIGHT

Christopher went back to LA. Ron Klain is running Tallahassee now.

BAKER

Who's Ron Klain?

93 CONTINUED:

93

GINSBERG
Gore's former Chief of Staff.

BAKER
Former?
(slight beat)
Can someone please explain that to me?

94 INT. KLAIN'S OFFICE - TALLAHASSEE - DAY

94

Klain on the phone:

KLAIN
If Judge Burton doesn't count
dimpled chads, then we're going to
take him to court too.

Behind him is an eraser board with the current status of the
four-county recount:

VOLUSIA - counting
BROWARD - not counting
PALM BEACH - not counting
MIAMI-DADE - not counting

Written across the bottom is: **BUSH LEADS BY + 327.**

Whouley hurries into the room, looks giddy.

WHOLEY
James Baker is on line four.

Klain is surprised, and a little flattered.

KLAIN
I have to call you back.

Klain hangs up, takes a breath, steels himself:

KLAIN (CONT'D)
(into phone)
What can I do for you, Mr. Baker?

INTERCUT WITH BAKER:

He's surrounded by his team.

BAKER
I'm sorry to bother you, Mr. Klain,
but I was surprised to see you
joined Volusia County's lawsuit.

Klain glances at Berger, not sure what this is about.

(CONTINUED)

KLAIN

Well, Mr. Baker, I figured it would be the easiest way to get your autograph.

Baker grins from to ear to ear.

BAKER

Unfortunately, Mr. Klain, I will not be attending the hearing.

KLAIN

That's a shame, Mr. Baker, I was going to put you right in between my Sandy Koufax and my Spiro Agnew.

Baker starts laughing, he loves it.

BAKER

I'm sorry to hear that Secretary Christopher and Secretary Daley left Tallahassee. Will you be leaving as well?

KLAIN

No, Mr. Baker, I'll be here until the Vice President fires me again.

BAKER

Well then, I should tell you that you're probably gonna lose tomorrow.

KLAIN

That's certainly one of two possibilities.

Baker nods to Ginsberg, he officially likes Ron Klain.

BAKER

All right, Mr. Klain, just wanted to say hello.

KLAIN

Call anytime, Mr. Baker.

Klain hangs up.

WHOLEY

Yeah, yeah, he's gloating 'cause he thinks we're gonna lose tomorrow.

KLAIN

I think we're gonna lose too.

(then)

(MORE)

(CONTINUED)

94 CONTINUED:

94

KLAIN (CONT'D)
 We need the biggest gun we can find
 for an appeal to the Florida
Supreme Court.

95 INT. CIRCUIT COURT - TALLAHASSEE - NEXT DAY

95

EXTREME CLOSE SHOT - A Gavel SLAMMING DOWN!

JUDGE TERRY LEWIS, 47, thick bushy moustache, on the
 courtroom bench in his black robe. He speaks into camera:

TEXT: **VOLUSIA COUNTY CANVASSING BOARD v. KATHERINE HARRIS**

JUDGE LEWIS
 Florida law grants to Katherine
 Harris, as the chief elections
 officer, broad authority to accept
 or reject late returns. --

96 INT. BOIES RESIDENCE - KITCHEN - NEW YORK - EVENING

96

The brilliant lawyer, DAVID BOIES, 59, tall in a Lincolnesque
 kind of way, sincere, nicest guy you'll ever meet, is in his
 kitchen wearing sweatpants, scooping ice cream onto a cone.

JUDGE LEWIS V.O.
 -- Based on the limited evidence
 presented, this court will not
 overturn her decision to enforce a
 strict deadline.

Bois's wife, MARY, yells from the living room:

MARY BOIES V.O.
 David! Ron Klain is on the phone!

As he reaches for the phone, the ice cream slips off the cone
 onto the counter. He tries to scoop it back up, but it keeps
 sliding off the scooper. Boies is torn, does he answer the
 phone or go for the ice cream? He goes for the ice cream.

FREEZE FRAME. TEXT: **DAVID BOIES, attorney**

MARY BOIES V.O.(CONT'D)
 David! He's waiting!!

Giving up on the scooper, Boies picks up the ice cream with
 his hand and flops it onto the cone. Not able to spot a
 towel, he wipes his hand off on his pants, grabs the phone...

BOIES
 (professional, friendly)
 Hello, Ron, to what do I owe this
 pleasure?

(CONTINUED)

96 CONTINUED:

96

He takes a lick of his well-earned ice cream cone.

97 INT. BUSH BUILDING - BAKER'S OFFICE - TALLAHASSEE - DAY 97

Baker and co. watch Boies hold a press conference on a TV:

REPORTER #1

(from the TV)

"Now that the deadline has passed and the absentee ballots have pushed Bush's lead to 930, is Gore going to change his strategy?"

BOIES

(from the TV)

"The strategy is the same, Al Gore is just trying to get votes counted and Florida's Chief Election Officer is doing everything she can to prevent him from doing jus--"

Ginsberg preps Baker:

GINSBERG

David Boies is the best courtroom lawyer I've ever seen. He can destroy a witness and make you think he's a great guy while he's doing it.

TERWILLIGER

His twenty-hour deposition of Bill Gates is already legendary.

BAKER

I heard he never uses notes.

GINSBERG

He's dyslexic, so he has to memorize everything.

Baker's impressed, sees he has a worthy opponent.

BOIES

(from the TV)

"Our goal is simply to get the Florida Supreme Court to extend the deadline so we can get these votes counted...with or without the hurricane."

The press laughs, instantly charmed by Boies. Baker CLICKS the TV off, turns to a sober, 45ish, BALDING MAN.

BAKER

What do you think?

(CONTINUED)

BALDING MAN (MICHAEL CARVIN)
(nods slowly)
...He's tough...

FREEZE FRAME: MICHAEL CARVIN, Republican Constitutional lawyer.

BAKER
You're gonna have to be tougher.

CARVIN cracks a reluctant smile.

BAKER (CONT'D)
All right, people, we got a fired
Chief of Staff, a lawyer who can't
read his own notes and seven
Florida Justices to face, who I may
have mentioned, I'm not really sure
if I did, are all liberal
Democrats! So I wanna hit the
streets, and I wanna hit 'em hard!!

Standing with grace and dignity is the Greek revival
architecture of the FLORIDA SUPREME COURT. Six tall columns
line the entrance way to a dome that sits atop a rotunda.

People fill the streets of downtown Tallahassee. It looks
like a full-fledged MARDI GRAS. A man wears an UNCLE SAM
costume with a noose around his neck, others are in Bush and
Gore masks. A Vendor hocks "JUST KEEP BILL" T-shirts.

A hot dog cart sells pretzels, links and skewers. COPS in
riot gear carry batons, ready for action.

In a sequined red dress with a crown on her head, ANGELINA
THE POLKA QUEEN plays the accordion and sings:

ANGELINA THE POLKA QUEEN
*"George W.B./Please put the world
back in order for me/I don't like
liberals creating such
confusion/Just want folks to
respect the Constitution."*

Row after row of NEWS WINNEBAGOS with satellite dishes fill
every inch of available concrete - MSNBC, CNN, FOX, ABC, CBS,
UNIVISION, BBC, JOURNAL FRANCIS. We hear snippets of:

CNN
--Gore's last hope--

ABC NEWS

--Katherine Harris claims that
ballots counted after the deadline
can not be included in the fina--

MSNBC

--the Texas Standard that says hand
counts are preferable to machine
counts--

FOX NEWS

--insists that hand recounts can
only proceed if there was an error
in the systems--

UNIVISION

--es un circo loco!

Hundreds of Republican Protestors wave blue "SORE-LOSERMAN"
signs intermixed with many handmade slogans - "HAND RECOUNTS -
A LICENSE TO STEAL" and "DEMOCRATS: TOO STUPID TO VOTE!" A
BALD GUY holding up a pro-Bush sign furiously yells:

BALD GUY

Peter Jennings and Tom Brokaw have
bald spots! Peter Jennings and Tom
Brokaw have bald spo--

Baker and Ginsberg hurry out from a black SUV and enter the
silver doors of the Courthouse to a round of applause.

Fewer in numbers, Democratic protestors wave their own signs -
"HAIL TO THE THIEF" and "COUNT ALL THE VOTES." Pushing
through the crowd, Klain and Boies are greeted with boos.

KLAIN

(to Boies)
Having fun yet?

The high white ceiling of the Florida Supreme Court has an
understated elegance, crown moldings outline the walls. The
packed courtroom faces an elevated dark-paneled BENCH which
seats the seven JUSTICES of the Florida Supreme Court.

TEXT: FLORIDA SUPREME COURT, DAY 13

Boies speaks at the lectern, simple and concise, no flash:

BOIES

At the completion of the machine
recount, the difference between the
two candidates was 327 votes.

(MORE)

(CONTINUED)

BOIES (CONT'D)

Under Florida law, the trailing candidate in a race this close is entitled to request hand recounts in individual counties.

CUT TO - Michael Carvin at the lectern. Glancing at his notes, he is ruffled and brisk.

MICHAEL CARVIN

If they had completed the recount by the deadline, then there would be no issue. Unfortunately, they did not, and therefore the recount cannot continue.

CUT BACK AND FORTH:

BOIES

They are placing expediency over accuracy. Who knows how many votes could've been counted had Katherine Harris not issued her Advisory Opinion that mistakenly claimed there had to be an error in the system to--

MICHAEL CARVIN

-- the Secretary of State was just following the law.

BOIES

We implore the court to set specific counting guidelines as the current "intent of the voter" standard is too vague for --

MICHAEL CARVIN

-- setting guidelines after election day would be, in effect, changing the rules in the middle of the game --

BOIES

-- dimpled chads must be included in this standard because they represent a voter's intent --

MICHAEL CARVIN

-- issues of dimples and chads are exactly why we believe that hand recounts are inherently flawed and unconstitutional.

Justice BARBARA PARIENTE is visibly frustrated with Carvin.

(CONTINUED)

JUSTICE PARIENTE

Doesn't the current process in Texas, signed into law by your client, state that hand recounts are preferred over machines, and dimpled chads should be counted?

Slight beat.

MICHAEL CARVIN

I really don't know what Texas law is.

CUT TO - Boies.

BOIES

I am not urging anything that will imperil Florida's letter to real votes --

Klain winces, but Boies keeps going, not fazed at all.

BOIES (cont'd) (CONT'D)

-- excuse me, electoral votes, what I am asking is that the court use its power to protect the very fabric of our democracy by insuring that the votes of the people of Florida be counted.

Seated in the audience, Baker whispers to Ginsberg:

BAKER

As long as they come from the three most liberal counties in the state.

100 INT. FLORIDA SUPREME COURT - TALLAHASSEE - NIGHT

100

A set of feet hurry across the empty lobby of the courthouse. They belong to the court's small, chipper spokesperson, CRAIG WATERS, 44. He holds a sheet of paper.

101 EXT. FLORIDA SUPREME COURT - TALLAHASSEE - NIGHT

101

Outside the silver doors of the Florida Supreme Court, Craig Waters stands at a podium in front of hundreds of press, cameras and protestors.

CRAIG WATERS

I am going to read the ruling that was issued by this court.

102 INT. BERGER'S LAW OFFICE - TALLAHASSEE -NIGHT

102

The tiny TV has been brought into the hallway so the entire Gore Team can watch together. Everyone is very still, holding their breath in anticipation.

CRAIG WATERS
(from the TV)
"The Florida Supreme Court, in its unanimous opinion, has reversed the circuit court ruling."

Everyone JUMPS up in TRIUMPH! Boies throws up his arms in victory and accidentally PUNCHES Klain in the face. Blood POURS from Klain's nose like a faucet as he COLLAPSES.

103 INT. BUSH BUILDING - TALLAHASSEE - SIMULTANEOUS

103

The entire Bush Team stares in silent rage at the TV.

GINSBERG
They just gave Gore the steal sign.

CRAIG WATERS
(from the TV)
"The counties are to hand recount their ballots, and to achieve this goal, the final totals must be accepted by 5 p.m. November 26."

George Terwilliger looks down at a calender.

GEORGE TERWILLIGER
They have 5 more days.

CRAIG WATERS (ON TV)
"To disenfranchise electors, as Katherine Harris proposes, is unreasonable, unnecessary and violates long-standing law."

103A INT KATHERINE HARRIS' OFC - NIGHT

103A

She stares at the TV, stung. Mac and two other lawyers are angry.

KATHERINE HARRIS
This is a personal attack. Is this normal? Is this how they do things?

103B INT BUSH BUILDING - TALLAHASSEE - CONTINUOUS

103B

Ginsberg is disgusted.

(CONTINUED)

103B CONTINUED:

103B

GINSBERG

This is outrageous, they have no
right to extend the deadline!

TERWILLIGER

The Florida Supremes just rewrote
the law.

Shifting back to strategist, Baker knows his next move.

BAKER

I think the US Supreme Court might
find that pretty darn interesting.

Zoellick reads the ruling online. Points to the screen.

BOB ZOELICK

There's a small victory here.

BAKER

What?

BOB ZOELICK

They didn't set counting standards.
We can still fight dimpled chads.

BAKER

Dimpled chads is good...but the
real question is what would happen
if they didn't finish in five days?

104 INT. PALM BEACH DIVISION OF ELECTIONS - DAY

104 *

The Palm Beach Canvassing Board holds a press conference in
the lobby. Judge Burton gestures through the windows to where
a dozen teams of COUNTERS sit at counting tables in the
Tabulation Room.

JUDGE BURTON

We will have three counters at each
table, containing at least one
member of each political party.
Disputed ballots will be referred
to the Canvassing Board. One
Republican and one Democratic
observer may stand behind the
counters and is allowed to...

JUMP CUT TO:

105 INT. TABULATION ROOM - PALM BEACH - DAY

105

Dozens of three-person counting teams hold up ballots.
Standing behind them, the Republican OBSERVERS...

(CONTINUED)

105 CONTINUED:

105

REPUBLICAN OBSERVER #1
I object to that ballot on grounds
it does not meet the standards--

CUT TO -

REPUBLICAN OBSERVER #2
--it is not in the statute laid out
by the Legislature that was
established--

CUT TO -

REPUBLICAN OBSERVER #3
-- not in the guidelines and
criteria, per the ruling of the
Canvassing Board that was signed
into law--

The Canvassing Board sits at the front of the room, examining
the "disputed ballots." Judge Burton holds up a ballot.

JUDGE BURTON

Gore.

Mark Wallace launches into it:

MARK WALLACE
I object to that vote on several
grounds. Number one, it is--

Gore's lawyer, Ben Kuehne, jumps in (Whouley is behind him):

BEN KUEHNE
Your honor, he is intentionally
trying to slow down the recount.

CUT TO - LATER.

Whouley stares as Judge Burton holds up a ballot that looks
blank.

As he turns it around, the camera PUSHES in on it. All the
observers lean forward.

CLOSE UP ON THE BALLOT - it's a DIMPLED CHAD in the #5 hole.

JUDGE BURTON

Dimple. No-vote.

He sets it in the "no-vote" pile.

BEN KUEHNE
(frustrated)
That dimple shows clear intent for
Gore.

(MORE)

(CONTINUED)

105 CONTINUED:

105

BEN KUEHNE (CONT'D)
CHADS DON'T BULGE ON THEIR OWN! And
Miami-Dade and Broward are both
counting dimpled chads!

MARK WALLACE
Broward County changed their
standard in the middle of the
recount.

BEN KUEHNE
Broward changed their standard
because they felt that
disqualifying dimpled chads was
discarding legitimate votes.

Whouley leaps up, can't contain himself:

WHOLEY
Even the Republican on the board
voted to change the standard!

Judge Burton turns to the lawyers...

JUDGE BURTON
There will be no more discussion of
the standard.

106 INT. BERGER LAW OFFICE - KITCHENETTE - SIMULTANEOUS 106

Klain and Mitchell Berger watch Judge Burton on the TV:

JUDGE BURTON
"Dimple. No vote."

Klain is starting to lose it:

KLAIN
What's he doing?! The guy's
literally throwing away people's
votes!

MITCHELL BERGER
Whouley thinks this will cost us
around 800 votes.

Klain can't watch this anymore, clicks to another channel -
Gov. Marc Rasciot holds a press conference (actual footage):

GOVERNOR MARC RASCIOT
"The hand counting of the ballots
that is ongoing is not only
fundamentally flawed...it is
becoming completely untrustworthy."

KLAIN
Goddamit!!

(CONTINUED)

106 CONTINUED:

106

He storms out of the room.

Mitchell Berger switches to another channel - Sen. Bill Frist is on Crossfire (actual footage):

SENATOR BILL FRIST
 "It introduces the potential for
 human error that the machine does
 not have."

107 INT. KLAIN'S OFFICE - TALLAHASSEE - LATER

107

Klain is on the phone, pacing the room in fury:

KLAIN
 There are news cameras everywhere!
 Observers from both parties!
 Everyone is working under a bell
 jar. How can they be talking about
 fraud?! They're the ones...
 (he stops, yells out the
 door)
 Has Jeremy gotten anywhere on the
 voter suppression?

108 EXT. DOWNTOWN TALLAHASSEE - DAY

108

Boies sits on a bench with an ice cream cone. He's surrounded by cameras and reporters.

BOIES
 "A hand recount shall be conducted
 in preference to an electronic
 count." "Dimples should be
 counted." Who signed that into law?
 George W. Bush.

109 INT. PALM BEACH COUNTY - BREAKROOM - DAY

109

Carol Roberts reads USA TODAY. On the cover is the iconic photograph of Judge Rosenberg looking at a ballot through a magnifying glass.

A COUNTY WORKER hurries in with a sheet of paper.

COUNTY WORKER
 Carol, you need to see this. It's
 all over the internet.

She shows Carol a picture of her with Commissioner Suzanne Gunzburger. There is a HEART around the 70-year-old ladies with caption: "COUNTY COMMISSIONERS ARE LESBIAN LOVERS!!!"

(CONTINUED)

109 CONTINUED:

109

COUNTY WORKER (cont'd) (CONT'D)
Should we release a denial?

CAROL ROBERTS
Well...I don't really care if
people think I'm a lesbian, I just
don't want them to think that
Suzanne is the best I could do.

Everyone in the room laughs.

CAROL ROBERTS (cont'd) (CONT'D)
Don't let Hyman see this, he'll
have a heart attack.
(beat)
On second thought, make sure he
sees it.

More laughter.

Theresa LePore sits on the other side of the room holding a
greeting card with a smiling Mickey Mouse on it. For the
first time in weeks, the gaunt Theresa smiles. She opens the
card. Written inside it is: **"You're going to die tonight."**

Theresa screams.

110 INT. PARKING LOT - PALM BEACH - NIGHT 110

Judge Burton, Theresa and Carol are escorted by ARMED GUARDS
back to their cars.

111 OMIT 111

112 EXT./INT. CAROL ROBERTS'S HOUSE - PALM BEACH - NIGHT 112 *

An exhausted Carol Roberts walks up to her front door, a
police car is parked outside her house. As soon as she walks
in, her husband, HYMAN, yells:

HYMAN
Carol, you have to see this!

Carol walks into his office, sees him staring at a website.

CAROL ROBERTS
Hyman, I'm not a lesb...

She stops, sees that Hyman is reading a message board on a
website. As Carol begins to read, her eyes fill with tears.

113 INT. TABULATION ROOM - PALM BEACH - DAY 113

Carol Roberts holds up a ballot. She is subdued, quiet. Ben Kuehne whispers to Whouley:

BEN KUEHNE
What happened to Roberts?

WHOLEY
(whispers back)
A website listed the addresses of
all her grandchildren, said someone
should take them out.

Carol sets the ballot into the no-vote pile.

CAROL ROBERTS
No-vote.

SERIES OF CUTS:

ALL THE COUNTERS HOLD UP BALLOTS - Judge Burton. Theresa LePore. Carol Roberts. Judge Rosenberg with his magnifying glass.

As the CUTS quicken in tempo, their expressions become more and more bored...frustrated...and finally exhausted.

This is a long, slow, torturous process for the counters.

114 EXT. JACKSONVILLE, FL - DAY 114

Wearing a suit, Jeremy Bash walks down the street of a poor suburb. Arriving at a run-down house, he knocks on a screen door. An African-American man, JOE TURNER, 50s, answers.

MR. TURNER
Can I help you?

JEREMY BASH
Mr. Joe Turner?
(Mr. Turner nods)
My name is Jeremy Bash and I work
for the Democratic Party. I
understand you were turned away at
the polls on election day?

115 INT. BUSH BUILDING - CONFERENCE ROOM - TALLAHASSEE - DAY 115

Baker is with the lawyers, all eyes on TED OLSEN, 60s, Donald Trump hair.

(CONTINUED)

TED OLSEN

Since Broward and Miami-Dade are counting dimpled chads and Palm Beach is not, we can claim the recount violates the Equal Protection Clause because all votes are not being evaluated with the same standard.

BOB ZOELLICK

Rehnquist and Scalia won't go for it. They've rarely ever ruled for an Equal Protection violation.

GINSBURG

And we'd have to find a victim. The law is designed to prevent women and minorities from having their voting rights taken away.

TED OLSEN

The victims are the people whose votes were disqualified in one county, but the exact same ballot would've been counted in another.

FREEZE FRAME: TED OLSEN, premier US Supreme Court lawyer.

BAKER

I kind of like it.

All heads turn to Baker, who slowly smiles.

BAKER (CONT'D)

Who knows, Scalia and Thomas might just discover their inner liberals.

Joe Allbaugh pops his head in, holds up a four-page MEMO.

JOE ALLBAUGH

I'm sorry to interrupt, but I wasn't sure if you guys could smell this?

GINSBURG

What is it?

JOE ALLBAUGH

The pile of shit Al Gore just stepped in.

Bush spokesperson, KAREN HUGHES, holds a press conference (actual footage):

116 CONTINUED:

116

KAREN HUGHES

It is a very sad day in our country
when the men and women who are
serving abroad and facing danger
are denied the right to vote
because of some technicality out of
their control.

117 INT. KLAIN'S OFFICE - TALLAHASSEE - NIGHT

117

Klain is in his office with a pale and sweating Mark Herron
who's mortified by what has happened. CNN is on in the
background with "HERRON MEMO" written across the screen.

REPUBLICAN PUNDIT

(from the TV)

"It is a disgrace that Al Gore, who
wants to be Commander-in-Chief, is
trying to disqualify military
ballots --"

Klain and Mark talk into a speaker phone:

MARK HERRON

My memo does NOT target military
votes, Senator Lieberman, it states
the exact standards that all
overseas absentee ballots must meet
to be counted.

CUT TO:

An ABSENTEE BALLOT ENVELOPE with a postmark dated November
8th, another dated November 9th.

MARK HERRON V.O.

344 ballots were postmarked after
election day or had no postmark at
all.

CUT TO - an envelope with no postmark.

MARK HERRON V.O. (CONT'D)

93 were lacking witness signatures.

CUT TO - the blank witness signature section on a ballot.

MARK HERRON V.O. (CONT'D)

183 ballots were postmarked within
the Unites States.

CUT TO - postmarks from California, Virginia, Utah...

CUT BACK TO - KLAIN'S OFFICE:

(CONTINUED)

117 CONTINUED:

117

Through the speaker comes the voice of SENATOR JOESPH LIEBERMAN, Gore's VP running mate.

SENATOR JOESPH LIEBERMAN V.O.
I was told that military ballots
without postmarks are common
because soldiers on tankers usually
can't get postmarks.

MARK HERRON
That's correct, Senator Lieberman,
which is why I stated in the memo
that if the ballot is signed and
dated on or before election day...

CUT TO - An ABSENTEE BALLOT with a signature and a hand-written date of November 5, 2000.

MARK HERRON V.O.
...this would be acceptable instead
of a postmark.

CUT BACK TO - KLAIN'S OFFICE:

MARK HERRON
I'm not pulling this out of thin
air, it's what the law says.

KLAIN
And this is exactly what the
Republicans said in a press
conference they held last week when
they were worried about illegal
absentee ballots coming in from
Israel. If ballots are not properly
postmarked then they should not be
counted. Period.

SENATOR JOESPH LIEBERMAN V.O.
All right, I got it.

118 INT. BERGER LAW OFFICE - KITCHENETTE - NEXT DAY

118 *

The entire Gore Team is huddled around the television. They are watching TIM RUSSERT interview Sen. Joe Lieberman on Meet The Press (actual footage). Everyone is tense.

TIM RUSSERT
(from the TV)
Many controversies swirling in
Florida. The most recent,
Democratic lawyers challenging
overseas absentee ballots.

Tim Russert holds up the Herron Memo.

(CONTINUED)

TIM RUSSERT (CONT'D)

They point to a memo written by Mark Herron, a lawyer who assists the Gore Campaign, telling Democratic lawyers this is how you knock out ballots from military people overseas.

Mark Herron shakes his head, angry and embarrassed.

MARK HERRON

That's not what it says.

Senator Lieberman addresses the issue:

SENATOR JOESPH LIEBERMAN

"Let me just say that the Vice President and I would never authorize, and would not tolerate, a campaign that was aimed specifically at invalidating absentee ballots from the members of our armed service."

Shock immediately envelops the room, Klain's face drops.

KLAIN

Oh no.

TIM RUSSERT

"So Democratic lawyers should drop any objections to overseas ballots from armed services personnel?"

SENATOR JOESPH LIEBERMAN

"If I was there, I would give the benefit of the doubt to ballots coming in from military personnel."

Klain throws down his notepad.

KLAIN

GODDAMMIT!

SENATOR JOESPH LIEBERMAN

"And if they have the capacity, I'd urge them to go back and take another look."

The room's anger turns to despair. Klain turns to a red-faced Mark Herron.

KLAIN

I am so sorry, Mark. I don't know what to say.

(CONTINUED)

118 CONTINUED:

118

Red with fury, Mark hurries out of the room. Everyone looks demoralized as Lieberman continues:

SENATOR JOESPH LIEBERMAN
 "Because, again, Al Gore and I
 don't want to ever be a part of
 anything that..."

A STAFFER yells from the hall:

STAFFER
 Ron, Daley is on line 2.

They all turn to Klain as he picks up the phone.

DALEY V.O.
 Gore is going ballistic. What the
 hell just happened?

It pains Klain to say this...

KLAIN
 I think Lieberman has moved on to
 the 2004 primaries.

119 INT. BUSH BUILDING - BAKER'S OFFICE - CONTINUOUS

119

The entire Bush Team is assembled in front of Baker.

BAKER
 The wise Senator Lieberman says we
 should take another look at these
 military ballots and I see no
 reason not to follow his sage
 advice.

Lots of grins, nodding heads.

BAKER (CONT'D)
 I wanna go back to every military
 county in the state to fight for
 more ballots. I'm talkin' Escambia,
 Okaloosa, Santa Rosa, Pasco!
 They've had what I would call a
 break in the ranks, people!
 (yells)
 LET'S GET ON IT!!!!

120 INT. SANTA ROSA CANVASSING BOARD - DAY

120

A Republican lawyer argues in front of a Canvassing Board:

(CONTINUED)

120 CONTINUED:

120

REPUBLICAN LAWYER #1
 Their own vice-presidential
 candidate said these ballots should
 not be discarded.

CUT TO - THE ESCAMBIA COUNTY CANVASSING BOARD

A Democratic Lawyer tries to fight it.

DEMOCRATIC LAWYER
 But that ballot does not have a
 postmark or a witness signature.

CUT TO - THE OKALOOSA CANVASSING BOARD

A Republican lawyer gets soulful.

REPUBLICAN LAWYER #2
 Your honor, if a member of our
 military gets shot, that bullet
 won't have a postmark either.

The head of the Canvassing Board nods.

CANVASSING BOARD JUDGE
 I'll count it.

The Judge crosses out "**REJECTED AS ILLEGAL**" that's stamped
 across the envelope.

SERIES OF CUTS:

Judge after Judge crosses out "**REJECTED AS ILLEGAL**" from
 envelope after envelope.

121 INT. BERGER LAW OFFICE - CONFERENCE ROOM - LATER

121 *

Klain stares in disbelief at the dry eraser board where an
 aide erases Bush's previous lead of 930 and writes **1,104**.

Klain shuts his eyes in pain. Lieberman cost them 100+ votes.

The rest of the board reads:

VOLUSIA - Completed, +98 for Gore
BROWARD - Counting
PALM BEACH - Counting
MIAMI-DADE - Counting

From the TV in the corner, Klain hears loud chanting:

CUBAN PROTESTORS
 "REMEMBER ELIAN! REMEMBER ELIAN!"

(CONTINUED)

121 CONTINUED:

121

Klain turns to the TV where a CNN Correspondent is in front of a crowd of CUBAN PROTESTORS that wave "REMEMBER ELIAN!" signs. Klain slowly walks toward the TV, sensing trouble.

CNN CORRESPONDENT

"It seems that Miami's Cuban Community still resents Al Gore for the Clinton Administration's decision to send Elian Gonzales back to Cuba."

KLAIN

(soto)
Shit.

Boies yells from the hall:

BOIES

Ron! You need to see this!

122 INT. MITCHELL BERGER LAW OFFICE - HALLWAY - CONTINUOUS 122

Klain hurries down the hall where the team surrounds Jeremy Bash who has a binder that's filled with LISTS of names.

KLAIN

What is that?

JEREMY BASH

It's the Voter Purge List.

KLAIN

The what?

JEREMY BASH

The reason people were turned away from the polls on election day.

Jeremy points to a list of names.

JEREMY BASH (CONT'D)

These people have been scrubbed from the voter rolls because they were supposed to be convicted felons, but there are a ton of people on here that never committed a crime in their life.

(then)

Katherine Harris' office instructed DBT to cast as wide a net as possible by, quote, "capturing more names that possibly aren't matches."

(hands Klain a printout)

This is an actual e-mail from her office.

(CONTINUED)

122 CONTINUED:

122

Klain reads the e-mail, the line "...capture more names that possibly aren't matches" is highlighted in yellow.

JEREMY BASH (cont'd) (CONT'D)
So the list is comprised of
convicted felons and anyone whose
name happens to be similar to a
felon.

He points to WILLIE D. WHITING Jr. and WILLIE J. WHITING.

JEREMY BASH (cont'd) (CONT'D)
Willie D. Whiting is a minister,
but his name's similar to Willie J.
so he was told he couldn't vote.

Everyone looks at the list, stunned by its insidiousness.

JEREMY BASH (cont'd) (CONT'D)
The Supervisor in Leon County
actually went through his list
person by person and found that of
the 697 names the state gave him,
only 33 were actual felons.

KLAIN
Have you got a statewide total?

Jeremy takes a beat, almost ashamed of the actual figure.

JEREMY BASH
20,000 people were inaccurately
placed on the Voter Purge List. 44%
were African-American.

BOIES
Most of whom vote Democratic.

JEREMY BASH
It's our margin of victory 10 times
over.

This silences the room.

MITCHELL BERGER
Can we do anything with this?

Boies and Klain share a look, they know there's no remedy.

BOIES
You can't get votes back that were
never cast. All we can do is hand
it over to the NAACP so they can
try to stop it for 2002.

A STAFFER yells from down the hall.

(CONTINUED)

122 CONTINUED:

122

STAFFER

Ron! Whouley's on one, he says it's urgent!

Klain grabs a phone.

KLAIN

Yes, Mike?

WHOLEY V.O.

Miami is about to explode, Ron.

123 EXT. CLARK CENTER - MIAMI - DAY

123

TEXT: DAY 15

Hundreds of CUBAN PROTESTORS stand outside the Clark Center, a forty-story government building. They wave "SORE/LOSERMAN" signs intermixed with "REMEMBER ELIAN" posters. Cuban activist EMILIO CEPERO is up on a stage firing up the crowd:

EMILIO CEPERO

REMEMBER ELIAN! REMEMBER ELIAN!!!

The crowd chants with him:

CROWD

REMEMBER ELIAN! REMEMBER ELIAN!

Intermixed in the crowd are YOUNG REPUBLICANS in ties and pantsuits holding up "SORE/LOSERMAN" signs.

An enormous RV is parked near the Clark Center. Republican volunteers bustle in and out carrying more "SORE/LOSERMAN" signs along with fliers, posters and T-shirts with logos such as "HOW TO STEAL AN ELECTION" and "GORE LIES." They pass them out to Cubans and non-Cubans alike. A Young Republican yells through a bullhorn:

YOUNG REPUBLICAN

This is the new Republican party!
We're not going to take it anymore!

CUT TO - twenty Young Republicans surround a group of pro-Gore protestors and scream at them through megaphones:

MEGAPHONE PROTESTORS

BABY KILLERS! MURDERERS! BABY
KILLERS!! MURDERERS!!!!!!

CUT TO - near the RV, a REPORTER interviews CONGRESSMAN JOHN SWEENEY, mid 40s, tall with a thick moustache.

REPORTER

Congressman Sweeney, why are you here in Miami?

(CONTINUED)

123 CONTINUED:

123

CONGRESSMAN SWEENEY

(fury)

I'm here because Miami-Dade has
become ground zero for producing a
manufactured vote!!

CUT BACK TO - EMILIO CEPERO. He's chanting to the Cubans:

EMILIO CEPERO

DENOUNCE THE RECOUNT! DENOUNCE THE
RECOUNT! DENOUNCE THE RECOUNT!!!!

CUT TO - a Young Republican grabs a pro-Gore sign from a
young woman and RIPS it up as he screams at her:

YOUNG REPUBLICAN

CHEATERS! CHEATERS! CHEATERS!!!!

SERIES OF CUTS: Young Republicans and Cubans take signs away
from pro-Gore protestors and RIP them to shreds.

CUT BACK TO - CONGRESSMAN SWEENEY. As he walks away from the
interview, he gets a call on his cell phone:

REPUBLICAN VOICE

Miami-Dade thinks that they can't
finish in time, so they're just
going to count the undervotes! I
repeat, just the undervotes! We
can't let this happen!!

Congressman Sweeney can't believe it, starts yelling:

CONGRESSMAN SWEENEY

Shut it down! SHUT IT DOWN!

124 INT. CLARK CENTER - 19TH FLOOR LOBBY - MIAMI - DAY

124

The lobby of the 19th floor is a small, confined space that
is more like a hallway to the elevators than an actual lobby.
It's jammed with a group of about 50 Young Republicans. They
BANG on the walls and pound the doors that lead into the
Tabulation Room. Everyone CHANTS:

YOUNG REPUBLICANS

LET-US-IN! LET-US-IN! LET-US-IN!

Intermixed with shouts of:

YOUNG REPUBLICANS (cont'd) (CONT'D)

THEY'RE STEALING THE ELECTION!/ WE
WANT TO SEE THE VOTES!/ CHEA-TERS!

Some are genuinely angry, but many are smiling, amused by
their rare act of civil disobedience.

125 INT. CLARK CENTER - TABULATION ROOM (19TH FLOOR) - NIGHT 125

In a small enclosed area toward the back of the Tabulation Room, the Canvassing Board is examining ballots as Jack Young and the Republican lawyer, NEAL CONNOLLY, stand behind them.

The County Supervisor (David Leahy) holds up a ballot:

DAVID LEAHY/CANVASSING BOARD
Punched #7 hole. No-Vote.

JACK YOUNG
I object. It's obvious the fives are for Bush and the sevens are for Gore. We need to devise a fair system to count these votes. These voters clearly didn't insert their ballots proper--

NEAL CONNOLLY
-- That's preposterous. We can't guess who they intended to vote for when they punched a blank hole!

Jack Young's associate, JOE GELLAR, whispers urgently.

JOE GELLAR
Let's get a blank ballot and try to demonstrate this.

Jack nods. Joe Gellar heads out the door, passing a sweating COURT CLERK who hurries into the room.

COURT CLERK
Can I have everyone's attention!

The room turns to him.

COURT CLERK (cont'd) (CONT'D)
The Canvassing Board should know that there is a full protest out in the lobby and I think it could escalate out of control.

126 INT. CLARK CENTER - 19TH FLOOR LOBBY - MIAMI - DAY 126

Joe Gellar pushes his way through the protestors, he squirms up to the CLERK'S WINDOW and yells:

JOE GELLAR
I'm one of the recount lawyers, I need to get a sample ballot.

The receptionist slides a "sample" ballot under the glass.

(CONTINUED)

126 CONTINUED:

126

A red-headed PUDGY PROTESTOR sees him slide the ballot into his jacket pocket and screams:

PUDGY PROTESTOR
HE'S STEALING A BALLOT!!!!

In this instant, the jokey quality of the protest FLIPS to a genuine angry mob. The entire crowd SWARMS upon Joe Gellar, trying to yank the ballot away.

PROTESTORS
ARREST HIM! HE'S STEALING A BALLOT!

Joe Gellar shoves his way toward the elevators. Protestors KICK and PUNCH him as he pushes by.

PROTESTORS (cont'd) (CONT'D)
THIEF! ARREST HIM! THIEF!!!

A Protestor starts kicking Gellar as he yells:

KICKING PROTESTOR
Stop kicking me! Stop kicking me!!

Being from the Bronx, Gellar shoves him off and slides into the open elevator, his leg killing him from the kicks.

He is followed in by a group of Protestors.

127 INT. ELEVATOR - CLARK CENTER - CONTINUOUS

127

The elevator descends in thick silence as everyone stares daggers of hate at Joe Gellar. Finally:

PUDGY PROTESTOR
The Colonel and I won't let you
leave with that ballot.

Slight beat. Then Joe Gellar turns to him:

JOE GELLAR
Who the fuck is the Colonel?

The elevator stops and the door slides open. Joe Gellar hurries toward the exit. The Protestors stay right on his tail, pointing at him and shouting to everyone in the lobby:

PROTESTORS
He has a ballot! He has a ballot!!

A group of thirty Young Republicans swarm him from all directions. Joe Gellar is completely surrounded. The Pudgy Protestor BUMPS Joe Gellar with his chest.

(CONTINUED)

127 CONTINUED:

127

PUDGY PROTESTOR
 If you push me again I'm going to
 have to defend myself.

The crowd moves in closer on Gellar who doesn't know what to do. Right before it gets really ugly...

A dozen COPS descend upon the scene, separating him from the mob. The Pudgy Protestor points at Gellar.

PUDGY PROTESTOR (cont'd) (CONT'D)
 He stole a ballot! He stole a
 ballot!!!

An exasperated Joe Gellar shows the ballot to the cops.

JOE GELLAR
 It's a sample ballot! It's blank!

128 INT. CLARK CENTER - 19TH FLOOR LOBBY - CONTINUOUS 128

Back on the 19th floor, the Protestors are banging the walls even harder, everyone now filled with RAGE. They chant:

YOUNG REPUBLICANS
 NO JUSTICE! NO PEACE! NO JUSTICE!
 NO PEACE! NO JUSTICE! NO PEACE!!!

The windows and walls SHAKE and RATTLE!

129 INT. CLARK CENTER - TABULATION ROOM (19TH FLOOR) - DAY 129

In the tabulation room, the Canvassing Board is still counting ballots, getting more nervous as the glass windows gently shake from each BANG in the lobby. David Leahy turns to his fellow Canvassing Board members:

DAVID LEAHY/CANVASSING BOARD
 We better take a break until this
 calms down.

130 INT. BERGER LAW OFFICE - LAW LIBRARY - SIMULTANEOUS 130

Klain is in the law library, reading over a brief with Boies. Jeremy Bash writes the names of litigation on eraser boards that cover the walls, they're already half filled with cases.

KLAIN
 (to Boies)
 We need to request an Emergency
 Hearing on Counting Dimpled
 Ballots. If Burton won't count them
 maybe a Judge will force hi--

(CONTINUED)

130 CONTINUED:

130

Mitchell Berger hurries into the room.

MITCHELL BERGER
Miami-Dade stopped counting,
they're about to hold a hearing.

KLAIN
A hearing? For what?!

131 INT. CLARK CENTER - 18TH FLOOR - MIAMI - SIMULTANEOUS 131

The Canvassing Board holds a hearing in the wide open space
of the 18th floor where an anxious crowd stares at them.

DAVID LEAHY/CANVASSING BOARD
This morning I felt we could count
the undervotes in five days, but we
are in a very different situation
than we were this morning.

JUDGE MYRIAM LEHR/CANVASSING BOARD
A radically different situation.

Standing in the front, panic creeps into Jack Young.

132 INT. BERGER LAW OFFICE - KITCHENETTE - SIMULTANEOUS 132

Klain is on the phone, pointing at the TV:

KLAIN
What the hell is going on!? Why
aren't they counting!?!?

DAVID LEAHY/CANVASSING BOARD
(from the TV)
"I cannot sit here and tell you if
we begin this process it will be
concluded by the November 26th
deadline."

133 INT. CLARK CENTER - 18TH FLOOR - MIAMI - SIMULTANEOUS 133

DAVID LEAHY/CANVASSING BOARD
Therefore I am going to have to
vote to abandon the Miami-Dade
Recount.

Jack Young starts shouting at the Board:

JACK YOUNG
I object! This is the presidency of
the United States! We have to at
least try to finish the recount!!

(CONTINUED)

133 CONTINUED:

133

JUDGE MYRIAM LEHR/CANVASSING BOARD
 Mr. Young, I wish I could tell you
 that we could get this done in
 time, but I don't believe we can
 either.

JUDGE LAWRENCE KING/CANVASSING BOARD
 I am also going to vote to stop.

FREEZE FRAME. TEXT: **THE MIAMI-DADE CANVASSING BOARD**

The Young Republican Protestors HUG and SCREAM in victory.
 Jack Young futilely tries to yell over the crowd.

JACK YOUNG
 NO! NO! NO! WE CAN GET THESE VOTES
 COUNTED!! WE HAVE TO!!

134 INT. BERGER LAW OFFICE - KITCHENETTE - SIMULTANEOUS 134

Klain stares at the TV.

KLAIN
 GODDAMMIT! GODDAMMIT! GODDAMMIT!!!!

Everyone stands outside the door, frozen.

135 INT. FT. LAUDERDALE HEADQUARTERS - SIMULTANEOUS 135

Whouley picks up a chair and FLINGS it against the wall where
 it shatters in a hundred pieces.

136 EXT. CLARK CENTER - MIAMI - DUSK 136

The crowds outside the Clark Center have mostly dispersed.
 Debris and "Sore-Loserman" signs cover the ground. A group of
 Young Republicans from the protest walk out of the building,
 elated smiles on all their faces.

NEWS ANCHORMAN V.O.
 "Bush lawyers adamantly deny that
 the so-called "Brooks Brothers
 Riot" was responsible for Miami-
 Dade's decision to shut down their
 recount."

137 INT. HOTEL BAR - TALLAHASSEE - NIGHT 137

Klain and Whouley sit at an empty bar drinking Scotch. Their
 eyes downcast. On the TV above the bar - Bush lawyer, FRED
 BARLITT, defends the riot (actual footage):

(CONTINUED)

FRED BARTLITT

"This protest was benign and peaceful. There were babies in the crowd. There were little kids there. There was, in some ways, a holiday atmosphere."

KLAIN

Yeah, like Bastille Day.

Whouley downs his Scotch, turns to Klain.

WHOLEY

I think I owe you an apology.

KLAIN

What do you mean?

WHOLEY

I'm worried that I was right, that you are going to become famous ...famous as the lawyer that lost Al Gore the presidency.

Klain already thought about this.

KLAIN

Monica's worried that if we lose, no one's ever going to hire me again. In law or in politics.

WHOLEY

I am, too.

Silence. Then:

KLAIN

You know what's funny about all this?

WHOLEY

What?

KLAIN

I'm not sure I even like Al Gore.

They both start to laugh.

FOX NEWS ANCHORMAN

(from the TV)

"...home to fair and balanced news."

This snaps Klain out of his rare moment of levity.

(CONTINUED)

137 CONTINUED:

137

KLAIN

I'm in the middle of a recount
where votes aren't being counted,
and they're making up the rules as
they go along...

WHOLEY

This whole thing is fucking absurd,
and nobody gives a shit. Nobody.
(beat, sips his drink)
...All I know is... whoever stops
fighting first always loses.

This hits Klain on a deep level. He turns to Whouley.

KLAIN

You know what I'd like to know?
I'd like to know who the hell is
actually supposed to be our next
president.

138 INT. PALM BEACH EMERGENCY OPERATIONS BUILDING - DAY 138

The Palm Beach Canvassing Board holds a press conference.
Judge Burton speaks to the press.

TEXT: DAY 19

JUDGE BURTON

Unfortunately, we will not be able
to complete the Palm Beach County
recount by today's 5 p.m. deadline.
I had sent a letter explaining that
we were exhausting ourselves trying
to get through this and that in
order to ensure the most accurate
results we were requesting an
extension of the deadline.

(he pauses)

She has declined our request and
decided to shut us down -- with
approximately two hours left to go
and perhaps 800 to 1000 ballots
left to count.

*

139 INT. STATE CABINET ROOM - TALLAHASSEE - NIGHT 139

Katherine Harris is seated up on a stage in front of a small
audience, flanked by Clay and Bob Crawford. She has a tiny
smile.

*

*

JUDGE BURTON V.O.

That is how she chose to exercise
her discretion.

(CONTINUED)

139 CONTINUED:

139

The seal of the state of Florida is behind her as news cameras record this historic moment.

KATHERINE

On behalf of the state Elections
Canvassing Commission and in
accordance with the laws of the
state of Florida...

140 INT. DIVISION OF ELECTIONS - TALLAHASSEE - SIMULTANEOUS 140

Mac is alone in the conference room watching on a TV.

KATHERINE

"...I hereby declare Governor
George W. Bush the winner of
Florida's 25 electoral votes."

Mac has a satisfied smile across his face, the completion of
a job well done.

141 INT. BUSH BUILDING - TALLAHASSEE - SIMULTANEOUS 141

The Bush Team watches Katherine Harris on the TV, huge smiles
on everyone. Lots of hugs.

KATHERINE

(from the TV)

"I wish to point out that our
American democracy has triumphed
once again and this is a victory in
which we can all take a great deal
of pride and comfort."

142 INT. MITCHELL BERGER LAW OFFICE - HALLWAY - SAME 142

Klain and company watch Katherine Harris, a look of
devastation on everyone's faces. Seeing the election actually
certified for Bush is a huge blow.

KATHERINE

(from the TV)

"The true winner in the election is
the rule of law. Thank you and may
God bless America."

Written across the TV is: **BUSH WINS FLORIDA BY 537 VOTES**

Behind them on the eraser board are the results of the four-
county recount.

SLOW PAN FROM EACH COUNTY TO ITS FINAL TOTAL:

(CONTINUED)

142 CONTINUED:

142

VOLUSIA - COMPLETED, +98 for Gore
BROWARD - COMPLETED, +567 for Gore
MIAMI-DADE - ABANDONED
PALM BEACH - INCOMPLETE

Klain clicks off the TV, turns to the despondent room.

KLAIN

Listen to me, everyone, listen to me. When Broward finished their recount, the Canvassing Board was so convinced that Katherine Harris would deny she ever received their totals, they flew a clerk to Tallahassee dressed up like a tourist...

143 INT. DIVISION OF ELECTIONS - TALLAHASSEE - DAY BEFORE 143 *

A "Tourist" wearing a neon orange "I Love Florida" sweatshirt and green "Florida" visor walks through the office.

KLAIN V.O.

...so he could sneak into the Division of Elections to hand deliver the final totals. That's the only way they could be sure their votes would be counted--

The Tourist hands a confused Clay Roberts a manila envelope.

KLAIN V.O. (CONT'D)

--that's the way those guys are playing it.

144 INT. MITCHELL BERGER LAW OFFICE - HALLWAY - SAME 144

Klain stares at his team with intense determination, still very much in this war.

KLAIN

Now in the two counties we finished we picked up 98 votes in one and 567 in another -- So I don't care what she just said, this election is not over.

145 EXT. DOWNTOWN TALLAHASSEE - THE NEXT DAY 145

Klain, Boies, Berger and Bash move down Adams Street clean-shaven in pressed suits. Mobs of press surround them. Jeremy Bash holds a silver briefcase. We hear newscasts:

(CONTINUED)

145 CONTINUED:

145

CBS NEWS

"...CBS has just learned that Gore's attorneys are on their way to file the first ever contest of a presidential election in the history of the United States."

146 INT. COUNTY COURT CLERK'S OFFICE - TALLAHASSEE - DAY 146

The lawyers stand in front of the clerk's desk at the Courthouse. Camera crews film them from outside the windows.

FOX NEWS V.O.

In contesting the certification of George W. Bush by Secretary Harris, Gore will attempt to convince a judge to force Miami-Dade to finish the aborted recount..."

Klain hands the actual motion for contest to Jeremy Bash.

ABC NEWS V.O.

"...and to get Palm Beach County to once again recount their undervotes with a standard that includes dimpled chads."

Jeremy slides the motion to the CLERK.

JEREMY BASH

We'd like to Contest the election for the presidency of the United States.

FLASH BULBS POP!!!!

147 INT. MITCHELL BERGER LAW OFFICE - HALLWAY - LATER 147

The tense group surrounds Mitchell Berger as he opens a Manilla Envelope. He is devastated.

MITCHELL BERGER

Sanders Sauls!? We can't win! Judge Sauls will never rule for Al Gore.

KLAIN

I thought he was a Democrat.

MITCHELL BERGER

Yeah, a Dixie Democrat, the kind that votes Democratic because that Republican, Lincoln, freed the slaves.

(CONTINUED)

147 CONTINUED:

147

KLAIN
 (to Boies)
 What do you think?

BOIES
 I think we have to get this back in
 front of the Florida Supreme Court.

JEREMY BASH
 How?

BOIES
 By losing with Judge Sauls in the
 circuit court as quickly as
 possible.

148 INT. CLARK COUNTY CIRCUIT COURTHOUSE - TALLAHASSEE - DAY 148

All of the players are seated in the Clark County Courthouse
 looking at JUDGE SANDERS SAULS up on the bench.

TEXT: **GORE v. HARRIS**

Judge Sauls reads from his ruling:

JUDGE SANDERS SAULS
 The Court finds and concludes the
 evidence does not establish any
 illegality, dishonesty, gross
 negligence, improper influence...

Huge smiles on Baker and company.

149 EXT. CLARK COUNTY CIRCUIT COURTHOUSE - TALLAHASSEE - DAY 149

SLOW PULL UP ABOVE TALLAHASSEE: WE HEAR:

BAKERS VOICE
 We are gratified that the court has
 upheld the rule of law. I implore
 Al Gore for the good of the nation
 to concede this election as soon as
 possible.

Rising above the city, we see that the entire town swarms
 with news vans, helicopters and protestors. It looks like the
 circus has permanently taken over Tallahassee.

Now WE HEAR Klain and Gore:

KLAIN V.O.
 Yes sir, Mr. Vice-President, we've
 filed the appeal to the Florida
 Supreme Court and should hear
 something within 24 hours.

(CONTINUED)

149 CONTINUED:

149

AL GORE V.O.

Alright, as long as we've got even
a glimmer... but I have to begin
wondering...when is ending this the
right thing to do? When do we stop?

150 INT. KLAIN'S OFFICE - TALLAHASSEE - MIDDLE OF THE NIGHT 150

Klain is on the phone with Gore...

KLAIN

We stop when the votes have been
counted and we know who really won.
(then)
Or when you know you can't
win...even if you won.

Slight beat. Then:

AL GORE V.O.

Ron...you've been a real leader
here and I'm...I'm really glad
we're working together again.

This means the world to Klain.

KLAIN

Me too, Mr. Vice President, me too.

151 EXT. BUSH BUILDING - TALLAHASSEE - MIDDLE OF THE NIGHT 151

Two cars, a Buick and a Ford Explorer, exit the Bush Building
at the same time, both with their headlights off. They turn
in different directions, heading off into the dark night.

152 EXT. A SMALL HOUSE - TALLAHASSEE - MIDDLE OF NIGHT 152 *

The Buick pulls up to the curb. Spanish moss hangs over the
Live Oaks. Ginsberg gets out of the car as the Ford Explorer
pulls up behind him with George Terwilliger in the back seat. *

153 INT. THE SMALL HOUSE - TALLAHASSEE - NIGHT 153 *

The group sits in the living room of the sparsely furnished
house. *

All eyes are on TOM FEENEY, lanky, 42.

TOM FEENEY

If this election is not resolved by
December 12th, a very interesting
scenario arises.

(CONTINUED)

153 CONTINUED:

153

FREEZE FRAME. TEXT: TOM FEENEY, Florida Speaker of the House

Everyone leans forward, anxious.

TOM FEENEY (cont'd) (CONT'D)
According to the Electoral Count
Act of 1887, if an election is not
resolved by December 12th, then
state Legislatures can decide who
should be awarded their state's
electoral votes.

GINSBERG
Wait a minute, the Florida
Legislature could award its 25
electoral votes to Bush, no matter
what the results of the recount?

MAC
According to several constitutional
scholars it would be a legal
interpretation of the Constitution.

TOM FEENEY
It gives the Electors a "Safe
Harbor" where they can't be
disputed.

MAC
We're calling it the "Nuclear Bomb"
option.

154 EXT. OLD CAPITOL - TALLAHASSEE - DAY

154

Tom Feeney holds a press conference.

TOM FEENEY
If this election is not resolved by
the Safe Harbor deadline of
December 12th, then it is the
Legislature's duty to ensure that
Florida's 25 electoral votes are
not placed in jeopardy.

REPORTER
-- Any validity to allegations that
you're coordinating your efforts
with Bush lawyers?

TOM FEENEY
I haven't had any contact with the
Bush Team in at least 24 hours.

155 INT. KLAIN'S HOTEL ROOM - TALLAHASSEE - MORNING 155

Walking out of his hotel room, Klain sees on the ground the headline across the newspaper - "**4th DOWN AND LONG FOR GORE.**"

156 EXT. DOWNTOWN TALLAHASSEE - DAY 156

Klain walks down Adams Street. It's very different from the Tallahassee we saw earlier. It seems empty. Most protestors have left, journalists are seated at outdoor cafes, laughing, having a good time. In V.O. we hear newscasts:

CNN V.O.

"During oral argument, the Florida Supreme Court seemed unsympathetic to Al Gore's appeal --"

Klain strolls down the street, sees city workers hanging Christmas lights across Government buildings.

MSNBC V.O.

"Legal experts agree that it will be highly unlikely that the Florida court will rule for Gore."

Storefronts have placed candy canes and fake reindeer in the windows. The world is moving on to Christmas.

CBS NEWS V.O.

"The Florida Legislature is seeking to pass a resolution to award its electoral votes to Bush if the election is not resolved by December 12th."

157 INT. MITCHELL BERGER'S LAW OFFICE - TALLAHASSEE - DAY 157

The once-packed and bustling hallway of recount headquarters is now deserted. Klain stares at the empty hall, realizing that it's almost done.

ABC NEWS V.O.

"If the Florida Court rules against Gore he will have effectively exhausted all his options. There is speculation that if the court so rules, Al Gore may concede as early as this afternoon."

TEXT: DAY 31

158 INT. BERGER LAW OFFICE - LAW LIBRARY - CONTINUOUS 158

Klain walks into the Law Library. All the lawyers are eating crabs. Everyone is trading T-shirts and signing court briefs to each other. Lots of smiles, people are laughing. Klain does not like what he sees.

KLAIN
What's going on here?

MITCHELL BERGER
Steve Zack represents Joe's Stone
Crab, he had them send these up.

The phone rings. Klain grabs it.

KLAIN
Ron Klain.

It's Gore's assistant (Monica Dixon).

GORE'S ASSISTANT'S V.O.
Hi, Ron, Gore wanted me to get the
names and numbers of all the
lawyers so --

KLAIN
-- The court hasn't ruled yet.

GORE'S ASSISTANT'S V.O.
I know, but he wants to have a list
so he can thank them persona...

Klain SLAMS the phone dawn. Hard! Everyone stares.

KLAIN
And what do you people think you're
doing?! This isn't the last day of
school! You need to be ready to
win, not to lose!
(yelling)
THIS ISN'T OVER!!

159 INT. FLORIDA SUPREME COURT - TALLAHASSEE - DAY 159

The familiar feet of Florida Supreme Court spokesman, Craig Waters, bustles through the lobby with the ruling in hand. When he gets to the doors, the SECURITY GAURD asks:

SECURITY GUARD
Do you want a bullet proof vest?

160 EXT. FLORIDA SUPREME COURT - TALLAHASSEE - DAY 160

Craig Waters stands at the podium outside the silver doors as press, cameras and people surround the courthouse.

CRAIG WATERS
The Florida Supreme Court today has
issued its ruling in the case of
Albert Gore, Jr. versus Katherine
Harris.

161 INT. MITCHELL BERGER'S LAW OFFICE - HALLWAY - DAY 161

The entire Gore Team watches in the hallway. Everyone
expecting their notice of execution.

CRAIG WATERS
(from the TV)
"In the contest brief, Vice
President Gore requested that Miami-
Dade complete its aborted recount
and for Palm Beach to recount their
ballots with a standard that
includes dimpled chads."

Klain stands in the back, focused, he's still ready to win.

162 INT. BUSH BUILDING - TALLAHASSEE - SIMULTANEOUS 162

The Bush Team watches in the conference room. Baker stands in
the back, his focused expression similar to Klain.

CRAIG WATERS
(from the TV)
"...he also requested the inclusion
of 168 votes from Miami-Dade, 215
votes from Palm Beach and 51 votes
from Nassau, all counted during the
protest phase, but not included in
the final certification."

GINSBERG
Come on, send me home.

CRAIG WATERS
"In its 4-to-3 ruling, the Court
rejects Gore's request to recount
Palm Beach County."

Everyone starts nodding, it's a good start.

CRAIG WATERS (cont'd) (CONT'D)
"The court also rejects the
inclusion of the 51 votes from
Nassau County."

163 INT. BERGER LAW OFFICE - HALLWAY - SIMULTANEOUS 163

Klain's head has dropped, getting ready for the deathblow.
Everyone else looks like this is what they were expecting.

CRAIG WATERS
"However..."

Klain's head pops up.

CRAIG WATERS (cont'd) (CONT'D)
"...the court does order the
inclusion of the 215 legal votes in
Palm Beach and the 168 legal votes
in Miami-Dade."

The room JUMPS to life.

JEREMY BASH
Holy shit!

MITCHELL BERGER
154!! We're only down 154 votes!

164 INT. BUSH BUILDING - TALLAHASSEE - DAY 164

Anger has quickly enveloped the Bush Team.

CRAIG WATERS
"The court also orders an immediate
hand recount of the 9,000 uncounted
undervotes in Miami-Dade."

The anger immediately turns to rage.

GINSBERG
This is insane!

165 EXT. FLORIDA SUPREME COURT - TALLAHASSEE - SAME 165

Craig Waters takes a quick breath before he finishes with...

CRAIG WATERS
In addition, the Court orders a
hand recount of all uncounted
undervotes in the entire state of
Florida.

There is a collective and audible GASP among the press that
echoes across Tallahassee (and the world).

166 INT. BUSH BUILDING - TALLAHASSEE - SIMULTANEOUS 166

The entire Bush Team stares in rage at the television. Their anger only out matched by their shock.

Baker looks like he's just been punched in the stomach. He slowly sits down. For the first time, he looks his age.

167 INT. BERGER LAW OFFICE - HALLWAY - SIMULTANEOUS 167

THE DEMOCRATS ARE JUMPING UP AND DOWN!!! The most joy they have experienced in the entire recount.

CRAIG WATERS
(from the TV)
"The recount is to proceed immediately and must be completed by December 12th."

BERGER
Three more days!

Boies gives Klain a huge hug.

BOIES
We did it, Ron, they're going to count.

KLAIN
Volunteers! We need more people!
Get 'em down here now! Immediately!

168 INT. BUSH BUILDING - TALLAHASSEE - SIMULTANEOUS 168

The Republicans are back in action, people reading the actual ruling, writing briefs, phone calls being made.

Baker huddles with lawyers, he's already recovered.

BAKER
I want to request an immediate Stay from the U.S. Supreme Court.

BOB ZOELLICK
It's a long shot. We have to prove "irreparable harm." On what grounds would the counting of votes cause irreparable harm to Bush?

BAKER
How about the fact that the Florida Supremes just gave Al Gore a statewide recount when he never even asked them for one!

(CONTINUED)

168 CONTINUED:

168

BOB ZOELLICK
That's true, but it doesn't prove
irreparable harm.

Ginsberg shows them a passage in the ruling.

GINSBERG
Wait a minute -- did you look at
Justice Wells dissent?

169 INT. FLORIDA SUPREME COURT - TALLAHASSEE - DAY

169

Chief Justice CHARLES WELLS sits alone at the bench in the
empty Florida Supreme Court. Furious, he speaks into camera:

TEXT: FLORIDA CHIEF JUSTICE WELL'S DISSENT TO GORE v. HARRIS

CHIEF JUSTICE WELLS
The majority's decision to count
all the state's undervotes has no
foundation in the law of Florida at
anytime until the issuance of this
opinion.

170 INT. TALLAHASSEE AIRPORT - NIGHT

170

Republican VOLUNTEERS in suits and Democratic VOLUNTEERS in
jeans hurry through the Tallahassee airport.

CHIEF JUSTICE WELLS V.O.
I have a deep and abiding concern
that the prolonging of the judicial
process propels this state and this
country --

171 INT. FLORIDA SUPREME COURT - CONTINUOUS

171

CHIEF JUSTICE WELLS
-- into an unprecedented and
unnecessary constitutional crisis.

172 INT. BUSH BUILDING - TALLAHASSEE - NIGHT

172

Ginsberg and Mark Wallace lecture the newly-arrived
volunteers, holding up forms and sample ballots.

CHIEF JUSTICE WELLS V.O.
There is a real and present
likelihood that this constitutional
crisis will do substantial damage
to this court--

173 INT. BERGER LAW OFFICE - HALLWAY - NIGHT 173

The hallway is jammed with people as Whouley and Jack Young lecture their new volunteers.

CHIEF JUSTICE WELLS V.O.
--to our state--

174 INT. BERGER LAW OFFICE - CONFERENCE ROOM - DAY 174

Klain is in a conference room that is being transformed into a war room. The names of every county are written on the board. The atmosphere is electric.

CHIEF JUSTICE WELLS V.O.
--and to our country.

Jeremy Bash is on the phone, yells to Klain:

JEREMY BASH
They've just asked the United
States Supreme Court for a Stay!

KLAIN
They'll never get it! There's no
way the counting of votes can cause
irreparable harm.

174A EXT - SUPREME COURT BUILDING - WASHINGTON - NIGHT 174A

The dramatically lit facade stands majestic and silent.

HOLD, then:

174B INT. BERGER LAW OFFICE - NEXT MORNING 174B

Klain at work as Whouley sticks his head in the door.

WHOLEY
We picked up 2 votes in Madison and
3 in Escambia.

175 INT. BUSH BUILDING - TALLAHASSEE - SIMULTANEOUS 175

A similar war room atmosphere. Ginsberg is updating Baker who paces the room.

GINSBERG
We picked up 3 votes in Desoto and
3 in Swannee..

176 EXT. U.S. SUPREME COURT - WASHINGTON DC - DAY 176

LONG SHOT OF THE UNITED STATES SUPREME COURT. It sits under the sun like a lion waiting to jump.

We begin a SLOW PUSH IN toward the grand, marble columns.

177 INT. BERGER LAW OFFICE - CONFERENCE ROOM - DAY 177

Whouley to Klain:

WHOLEY
...2 in Highlands and 18 in Orange.

178 INT. BUSH BUILDING - TALLAHASSEE - DAY 178

Ginsberg to Baker:

GINSBURG
...1 in Flagler, 5 in Okaloosa...

179 INT. BERGER LAW OFFICE -CONFERENCE ROOM - DAY 179

WHOLEY
...10 in Okechobee, 7 in
Franklin...

180 EXT. U.S. SUPREME COURT - WASHINGTON DC - DAY 180

CONTINUE PUSH IN on the intimidating facade.

181 INT. BUSH BUILDING - TALLAHASSEE - MORNING 181

Baker nervously swigs his Dr. Pepper.

BAKER
--Anything yet?

TERWILLIGER
Not yet...nothing.

BAKER
We don't get the stay, this thing
is going to come down to a couple
of votes.

182 INT. CONFERENCE ROOM - DAY 182

Whouley is elated, but trying to keep his cool.

(CONTINUED)

182 CONTINUED:

182

WHOLEY

As of right now, we're down by 98 votes.

KLAIN

How many counties still to report?

WHOLEY

Fifty-one.

On the phone, Jeremy's face drops, he turns to the room:

JEREMY BASH

Guys...

183 INT. TALLAHASSEE COUNTY LIBRARY - DAY

183

A CLERK stands up in front of the counters.

CLERK

The U.S. Supreme Court has just issued a Stay. All counting is to halt immediately.

Everyone freezes.

184 EXT. TALLAHASSEE COUNTY LIBRARY - DAY

184

Outside the Leon County Library, a crowd of fifty Bush Protestors are cheering in celebration. They chant:

BUSH PROTESTORS

STAY! STAY! STAY! STAY! STAY! STAY!

184A CLOSE A MAN'S HANDS

184A

Punching keys on a Blackberry.

184B CLOSE ANOTHER BLACKBERRY - DAY

184B

We can't quite read the text of the received message.

TILT UP to Klain's face, troubled but moved.

Around him everyone waits, pained.

KLAIN

(quietly)

...The orders from the vice-president are, quote: "Please make sure that no one trashes the Supreme Court."...end quote.

185 INT. A CANVASSING BOARD - FLORIDA - DAY 185
All stop counting.

CNN ANCHORMAN V.O.
"In its 5-to-4 ruling, the U.S.
Supreme Court has stopped the
recount."

186 INSERT: BALLOTS GATHERED INTO PILES. 186

186A A FOX NEWS ANCHORMAN. 186A

FOX NEWS ANCHORMAN
"The Court will hear oral argument
on December 11th to determine
whether the recount should be
allowed to continue."

187 INSERT: BALLOTS PLACED INTO LOCKBOXES AND CLAMPED SHUT. 187

187A AN MSNBC ANCHORMAN. 187A

MSNBC ANCHORMAN
"U.S. Supreme Court Justice John
Paul Stevens issued a blistering
dissent defending the Florida
Courts decision by saying, quote,
"The Florida Courts ruling reflects
the basic principle that every
legal vote should be counted."

188 INT. SCALIA'S CHAMBERS - U.S. SUPREME COURT - DAY 188 *

Justice ANTONIN SCALIA sits in his chambers. Annoyed, he
speaks directly into camera:

TEXT: JUSTICE SCALIA'S RESPONSE TO JUSTICE STEVENS'S DISSENT

JUSTICE SCALIA
I believe a brief response is
necessary to Justice Stevens's
dissent.
(then)
The counting of votes that are of
questionable legality does in my
view threaten irreparable harm to
the petitioner, George W. Bush, and
to the country, by casting a cloud
upon what he claims to be the
legitimacy of his election.

189 INT. FLORIDA SENATE HEARING ROOM - TALLAHASSEE - DAY 189

Klain and Boies hold a press conference. Devastated.

KLAIN

Certainly we're disappointed. We hoped the Court would have ruled to facilitate any means to assure that this presidency actually deserves to be legitimate.

BOIES

How the counting of votes could cause irreparable harm to Bush is -- is --

A REPORTER shouts out a question:

REPORTER

Since the United States Supreme Court set the hearing for December 11th, won't this prevent you from completing the recount by the December 12th deadline and allow the Florida Legislature to award Bush the 25 electoral votes?

KLAIN

It's the single-most-disappointing thing about what the five Justices have done.

BOIS

They ran our clock out. They could've tossed out the totals if they ultimately ruled that these votes should not have been counted. There's nothing irreparable.

REPORTER #2

Do you have a strategy for the hearing?

190 EXT. WASHINGTON DC - THE MALL - DAY 190

A town car zooms down Constitution Avenue toward the imposing structure of the UNITED STATES SUPREME COURT. Crowds of protestors swarm the courthouse.

TEXT: DAY 34

In the back seat is Klain and Boies, making final preparations for the hearing.

(CONTINUED)

KLAIN

Olsens' primary argument is that the Florida Supreme Court rewrote the law when they extended the deadline.

Boies pops a few M&M's into his mouth.

BOIES

Kennedy has never seemed impressed with the "New Law" argument.

KLAIN

What about Equal Protection?

BOIES

I don't think Olsen has much faith in it. It's buried in the last five pages of their brief.

Boies holds out a baggie of red M&M's. Klain reacts.

BOIES (CONT'D)

I'm only eating the red ones today.

Klain takes a couple, pops them into his mouth.

KLAIN

I think Kennedy is our only shot.

Boies nods. They ride in silence a moment.

KLAIN (CONT'D)

Well...there's nowhere to go after this... This is it, isn't it?

Boies doesn't answer.

KLAIN (CONT'D)

Listen, David, I just want to say--

BOIES

-- You don't have to.

(beat, then)

Yes, Ron, this is it.

The packed courtroom faces a raised mahogany BENCH where the nine stoic JUSTICES of the U.S. Supreme Court face the audience. Marble patterns encircle the room with engravings of such wise lawgivers as Moses, Solomon and Confucius.

TEXT: **BUSH v. GORE**

Up on the bench, Justice Kennedy looks pressured.

(CONTINUED)

191 CONTINUED:

191

Boies sits at a table in the front, Klain in the crowd a few rows behind. They stare at Kennedy, his every gesture.

FREEZE FRAME. TEXT: JUSTICE ANTHONY KENNEDY, appointed by Ronald Reagan

Ted Olsen stands at the lectern as Justice STEPHEN BREYER asks him a question.

JUSTICE BREYER
I understand you think the system that's set up now is very unfair, because it's different standards in different places. What in your opinion would be a fair standard?

FREEZE FRAME. TEXT: JUSTICE STEPHEN BREYER, appointed by Bill Clinton

TED OLSEN
Well, certainly one that would...I don't...I haven't crafted it entirely out. That is the job for the Florida Legislature.

JUSTICE O'CONNOR
Wouldn't the starting point be what the Secretary of State, Katherine Harris might decree for uniformity?

FREEZE FRAME. TEXT: JUSTICE SANDRA DAY O'CONNOR, appointed by Ronald Reagan

TED OLSEN
I would agree with that, Justice O'Connor.

Klain's eyes scream, "No!"

Justice Breyer jumps back in, really trying to pin this down.

JUSTICE BREYER
I'd still like to get your view as to what would be the fair standard.

TED OLSEN
Well, certainly, at minimum, the full penetration of the ballot card would be required...because indentations or dimples are no standard at all.

CUT TO - BOIES AT THE LECTERN.

BOIES
I think there is a uniform standard.
(MORE)

(CONTINUED)

191

CONTINUED:

191

BOIES (CONT'D)

The standard is whether or not the "intent of the voter" is reflected by the ballot.

JUSTICE O'CONNOR

Why isn't the standard the one that voters are instructed to follow, for goodness sakes? I mean, it couldn't be clearer. I mean, why don't we go to that standard?

Boies barely hides his frustration at the question.

BOIES

Well, your Honor, because in Florida law since 1917, *Darby v. State*, the Florida Supreme Court has held that where a voter's intent can be discerned, even if they don't do what they're told, their vote is supposed to be counted. For the last eighty years, the Florida Court has always ruled that the right to participate in the Democratic process is more important than the voter's ability to follow instructions.

Justice Kennedy chimes in.

JUSTICE KENNEDY

Mr. Boies, would you say that from the standpoint of the Equal Protection Clause...

Boies subtly flinches at the mention of the Equal Protection Clause. Klain instantly looks worried.

JUSTICE KENNEDY (cont'd) (CONT'D)

...each county could give their own interpretation to what "intent" means?

Before Boies can answer, JUSTICE SOUTER helps him.

JUSTICE SOUTER

I think what's bothering Justice Kennedy is that the rule to counting dimpled chads varies from county to county, Broward and Miami-Dade were counting them, Palm Beach was not. If we were fashioning a response to a hypothetical Equal Protection violation, what would you tell them to do about it?

(CONTINUED)

191 CONTINUED:

191

FREEZE FRAME. TEXT: **JUSTICE DAVID SOUTER, appointed by George H.W. Bush**

BOIES

Well...I think that's a very hard question.

The entire courtroom breaks out in laughter.

JUSTICE SOUTER

You'd tell them to count every vote, Mr. Boies.

More laughter.

BOIES

Yes, I would tell them to count every vote.

Even more laughter, except for Klain, terrified that Boies is blowing the heart of the matter. But:

BOIES (cont'd) (CONT'D)

I think I would say that if you're looking for a standard, then the Texas standard, if you wanted to specify something that was specific, gives you a pretty good standard. It says dimpled chads should be counted.

Klain lets out a sigh of relief.

JUSTICE KENNEDY

Mr. Boies, let's assume that at the end of the day, different counties have used different standards in making their counts. At that point, in your judgment, is it a violation of the Equal Protection Clause?

The red light on the podium lights up. Boies looks at it, holy shit, he has to answer this!

CHIEF JUSTICE REHNQUIST

I'll extend your time by two minutes, Mr. Boies.

FREEZE FRAME. TEXT: **CHIEF JUSTICE WILLIAM REHNQUIST, appointed by Richard Nixon**

(CONTINUED)

191 CONTINUED:

191

BOIES

If this election were deemed a violation of the Equal Protection Clause, then every election in the nation would be considered an Equal Protection Violation because it is literally impossible to have uniform standards when different types of voting machines and different types of ballots are used from county to county.

Klain nods, it's a perfect answer.

192 EXT. U.S. SUPREME COURT - WASHINGTON DC - NIGHT

192

A MASS OF NEWSPEOPLE run toward us and down the steps, making a mad dash for their News Cameras.

CUT TO - TWENTY MINUTES LATER.

A MONTAGE: As the reporters try to explain the ruling into news cameras. THE FOLLOWING IS ALL OVERLAPPED:

CBS NEWS

It appears the court has issued a victory for Al Gore.

ABC NEWS

The court has ruled partially for Gore and partially for Bush.

CNN

The court wants the entire case sent back to the Florida Supreme Court for clarification.

MSNBC

To be perfectly honest, we don't really know what it says.

193 INT. MITCHELL BERGER'S LAW OFFICE - TALLAHASSEE - NIGHT 193

Klain is on the phone reading the ruling to Gore from a FAX, the entire team anxiously huddled around him.

KLAIN

(reading)

"The closeness of this election, and the multitude of legal..."

He stops, turns to Jeremy Bash who is waiting for the next page to finish printing through the FAX machine.

(CONTINUED)

193 CONTINUED:

193

KLAIN (CONT'D)
One second, Mr. Vice President.

194 INT. BUSH BUILDING - BAKER'S OFFICE - TALLAHASSEE - SAME 194

The entire Bush Team is in Baker's office. Everyone reads their own copy of the ruling. The silence is thick.

Then Baker moves to the phone and dials. Everyone waits.

BAKER
(into the phone)
I need to speak to the Governor.

He sets the phone down on the desk and switches it to speaker phone. Through the speaker comes the voice of George W. Bush:

GEORGE W. BUSH V.O.
What do ya got, Jim? No one can make sense of this thing.

BAKER
(big smile)
Congratulations...Mr. President-elect.

195 INT. MITCHELL BERGER'S LAW OFFICE - HALLWAY - NIGHT 195

The entire room shares a look of bitter defeat. Despair has enveloped all except for Klain, whose mind is racing.

Boies is on the conference call as well.

BOIES V.O.
Sir, I think the ruling is intellectually dishonest, but the point is crystal clear, the recount is over.

AL GORE V.O.
...Ron?

Everyone in the room turns to Klain.

KLAIN
The court ruled that the recount violates the Equal Protection Clause because different counties are counting with different standards.

Mitchell Berger shakes his head with disgust.

(CONTINUED)

KLAIN (CONT'D)

So let's petition the Florida Court
to set exact counting standards.
Under these circumstances, they
might finally do it, and this would
resolve the Equal Protection
violation.

AL GORE V.O.

David?

BOIES V.O.

I think Ron's lost his mind...
(beat)
...but I'll drink the Kool-Aid.

Klain smiles, exactly what he wanted to hear.

AL GORE V.O.

Gentlemen... The Florida House has
already voted to award the state's
electors to Bush.

KLAIN

Than we file two lawsuits! One to
set standards and another to halt
the Legislature. We can do this!

AL GORE V.O.

Ron...nobody can ever fault you for
not trying, but aren't we --

Klain cuts him off.

KLAIN

-- You can't concede, Mr. Vice
President, not yet. Please. Just
give me one more shot.

Baker packs his office up. Ginsberg sticks his head into the
room, he's furious.

GINSBERG

Klain is going to petition the
Florida Supremes to set standards.

Baker is stunned. Then, his face breaks into a smile.

BAKER

Sometimes a soldier can't stop
fighting...even when the war is
done.

But Ginsberg is livid.

GINSBERG

I've ran over twenty-five recounts
and it never ceases to amaze me the
extent that Democrats will lie,
cheat and steal to win an election.
If we hadn't played hardball, they
would've stolen this one, too.

Baker laughs, keeps packing.

BAKER

Shit, Ben, I was a Democrat till I
was forty years old.

Ginsberg can't believe it.

GINSBERG

Why'd you switch parties?

BAKER

My wife passed away. Cancer.

GINSBERG

I'm so sorry.

BAKER

Thank you. She was...

(still painful)

...too young.

(then)

A close friend of mine, who
happened to be a Republican, was
running for Senate, told me to come
work on his campaign to get my mind
off my grief. I told him I had
never worked in politics, and I was
a Democrat to boot. He didn't care,
just didn't want me to be so sad
all the time.

GINSBERG

That's a good friend.

Baker gestures to a picture on the wall of George H.W. Bush.

BAKER

He sure is.

FADE TO BLACK.

198 INT. BERGER LAW OFFICE - LAW LIBRARY - NEXT MORNING 198 *

Klain is in the law library, proofing the petitions. Written on the eraser boards are the names of every court case tried in the last 36 days. They cover all the walls.

He stares at the endless list of litigation, troubled at how far this has gone...but also proud.

Jeremy walks in.

JEREMY BASH
You wanted to see me?

KLAIN
Have a seat.

Jeremy sits down, not sure what this is about.

KLAIN (CONT'D)
I just wanted to know what your plans were when this was over.

JEREMY BASH
I'm not really sure.

KLAIN
I've spoken with Warren Christopher and we both agree that if you'd like to join O'Melvney & Myers, we'd love to have you.

Jeremy is surprised and flattered, but hesitant.

JEREMY BASH
Wow. That's...quite an honor.

KLAIN
You don't look so sure.

JEREMY BASH
It's just...I'm not sure I want to be a lawyer anymore.

Klain is surprised.

KLAIN
Why not?

Slight beat. Jeremy isn't sure how to explain. Then -

JEREMY BASH
The Supreme Court ruled that we have to stop counting because we missed a deadline. But they caused us to miss it through their interpretation of the law.

(MORE)

(CONTINUED)

JEREMY BASH (CONT'D)

(beat between them)

And this decision is "limited to the present circumstances"?! The entire function of the Supreme Court is to set legal precedents for lower courts, but "Bush v. Gore" only counts once, and after Bush is President, it never counts again.

(then)

If the umpires aren't going to call a fair game...

Long beat. Klain isn't sure what to tell him. Then:

KLAIN

When I came back to the campaign, no one could understand why I was willing to write press releases for the campaign I used to run.

JEREMY BASH

So why did you come back?

Slight beat. Klain looks to the walls - the endless list of litigation.

KLAIN

Because...there isn't anything else...

(off Jeremy's look)

...just...the Constitution.

JEREMY BASH

Well, it sure let us down, today.

KLAIN

(nods)

Maybe today. This time.

(then, quietly)

Because the five people who told us what it meant...were not as wise as the people who wrote it.

A beat. Then Mark Herron sticks his head into the room.

MARK HERRON

Ron, phone.

KLAIN

(to Mark)

Do you think Jeremy should become the youngest associate at O'Melvney & Myers?

MARK HERRON

Yes.

(CONTINUED)

JEREMY BASH

(to Mark)

What are you going to do when this
is over?

Mark thinks about it.

MARK HERRON

I guess I'll have to tell my wife
that my firm fired me.

JEREMY BASH

You haven't told her?!

Mark sheepishly shakes his head.

Jeremy and Klain look at each other, then bust out laughing.
Mitchell Berger sticks his head in.

MITCHELL BERGER

What's so funny?

They laugh even harder.

Still smiling, Klain walks into his office, grabs the phone.

KLAIN

Hello?

AL GORE V.O.

Ron, it's Al.

KLAIN

Mr. Vice President, I'm sorry to
keep you wait --

AL GORE V.O.

-- I couldn't sleep last night,
Ron, I couldn't stop thinking.

Klain tenses up, sensing where he's going.

AL GORE V.O. (CONT'D)

But then... I remembered what a
wise man once said to me. He said
that... I have to end this war when
I know I can't win.

(beat)

Ron, I can't win. Even if I win...I
can't win.

Time stops as all signs of life drain from Klain's face.
Thirty-six days of adrenaline, sweat, anger and frustration
wash away in an instant. All that's left is defeat.

(CONTINUED)

199 CONTINUED:

199

Ron Klain knows that it's really over.

He tries to speak, but can't, too afraid he'll cry. Finally:

KLAIN
(barely audible)
...I'm sorry...I'm so sorry...

He stares forward in utter disbelief.

KLAIN (cont'd) (CONT'D)
...I just...I...just...couldn't get
them counted.

Al Gore sounds like he's trying to hold back tears, too.

AL GORE V.O.
I'll never forget what you did for
me, Ron. I promise you, I will
never forget it.

200 INT. BERGER LAW OFFICE - HALLWAY - SIMULTANEOUS

200

Through the window to Klain's office, Whouley sees Klain slumped over on the phone. He slowly walks toward the office, sensing what is going on. Jeremy sees Whouley walking toward Klain. He slowly walks over too.

One by one, everyone notices the painful conversation Klain is having in his office. They stop what they're doing and join Whouley and Jeremy.

201 INT. BERGER LAW OFFICE - KLAIN'S OFFICE- SAME

201

As Klain hangs up the phone, he immediately sees that everyone in the office is staring at him through the window.

He walks to the door, straightening his tie. Right before he opens the door, he pauses...doesn't know what to say...he is consumed with the overwhelming sense of failure.

As he opens the door...

The entire room gives him a wild round of applause.

It gets louder and louder and louder until the room begins to shake with the fire and anger that fills their souls.

Klain is profoundly touched by the moving gesture. He starts to applaud with them.

In V.O. we hear James Baker:

(CONTINUED)

201 CONTINUED:

201

BAKER V.O.

People are going to say a lot of things about this election.

202 INT. BUSH BUILDING - TALLAHASSEE - SIMULTANEOUS

202

Baker makes a speech to the Bush Team.

BAKER

That it was down to 154 votes. That Bush's brother was the Governor. That the Supreme Court gave it to us. But I want you all to remember that we won every single recount. Never once did we trail Al Gore. And who knows how many votes we lost when the networks called Florida for Gore before all the polls had closed.

(then)

But more important than all that is that the system worked. There were no tanks in the streets. This peaceful transfer of power, in the most emotional and trying of times, is a testament to the strength of our constitution and to our faith in the rule of law.

Ginsberg holds up his hand to toast an imaginary glass.

GINSBERG

To George W. Bush, the 43rd President of the United States.

Everyone holds up their hands, clinking imaginary glasses.

203 EXT. TALLAHASSEE AIRPORT - MORNING

203

Klain and Whouley walk across a tarmac to a small jet in the tiny airport. No press, no mobs, no protestors. They're the last to go home.

KLAIN.

We should've asked for a statewide from the get-go. That was our biggest mistake.

(CONTINUED)

WHOLEY

Yeah, sure, and Monica Lewinsky should've washed her fuckin' dress and Ralph Nader should've pulled his head out of his ass and Elian Gonzales should've stayed in Miami and Gore should've campaigned with Clinton who should've kept his dick in his pants and Palm Beach, Duval and Gadsen should've designed ballots that didn't cost us 15,000 votes and Judge Dickhead should've counted our 800 dimpled chads and Katherine Harris should've thought twice about purging 20,000 voters from the rolls.

(then)

There's a lot of things that should've been different.

KLAIN

You think they would have stopped the recount if George W. Bush had asked for it?

He looks Whouley right in the eye. Whouley shakes his head, smiles, boards the plane.

As Klain starts up the boarding steps he sees Bakers' Limo arrive and Baker get out. He stares at the legendary James Baker III as he approaches the Republican jet.

Spotting Klain, Baker stops. He nods to his recount foe.

Klain nods back. A moment. Then:

KLAIN (CONT'D)

So...did the best man win, then?

BAKER

You bet.

KLAIN

You're sure?

BAKER

Sure as you are about your man.

KLAIN

...I hope you're right, Mr. Secretary.

They hold each other's gaze.

BAKER

You have a safe trip home, Mr. Klain.

(CONTINUED)

203 CONTINUED:

203

As they move toward their respective planes we HEAR:

GEORGE W. BUSH V.O.
 "Good evening, my fellow Americans.
 I appreciate so very much the
 opportunity to speak with you
 tonight."

204 EXT. DOWNTOWN TALLAHASSEE - DAY

204

The now-empty streets of Tallahassee are littered with trash
 and protest signs. City workers clean up the debris.

GEORGE W. BUSH V.O.
 "I have a lot to be thankful for
 tonight. I'm thankful for America
 and thankful that we were able to
 resolve our electoral differences
 in a peaceful way."

205 INT. LATIN CLASS - FLORIDA STATE UNIV. - TALLAHASSEE - DAY 205

Mac is back in his Latin class, conjugating verbs.

GEORGE W. BUSH V.O.
 "I want to thank all the thousands
 of volunteers..."

206 INT. FLORIDA LEGISLATURE - TALLAHASSEE - DAY

206

Katherine Harris is getting a standing ovation from the
 Florida Legislature. She humbly acknowledges the applause.

GEORGE W. BUSH V.O.
 "...and campaign workers who worked
 so hard on my behalf."

207 EXT. WOODS - DAY

207

James Baker clutches his rifle as he walks through the woods.

GEORGE W. BUSH V.O.
 "I am proud to have Dick Cheney by
 my side, and America will be proud
 to have him as our next Vice
 President."

208 INT. PATTON BOGGS - WASHINGTON DC - DAY

208

Ben Ginsberg is in his law office reading the Wall Street
 Journal with the headline: "**Joe Allbaugh to head FEMA**"

(CONTINUED)

208 CONTINUED:

208

GEORGE W. BUSH V.O.

"The President of the United States is the president of every single American, of every race and every background."

209 INT. JOE TURNER'S HOUSE - JACKSONVILLE, FL - DAY 209

Joe Turner, the African-American man who was turned away at the polls watches Bush on his TV.

GEORGE W. BUSH

"Whether you voted for me or not, I will do my best to serve your interests and I will work to earn your respect."

210 EXT. O'MELVNEY & MYERS - WASHINGTON DC - DAY 210

Klain and Jeremy Bash sit in a boardroom at their law firm, Warren Christopher runs the meeting. Klain seems distant.

In V.O. is Al Gore's concession speech (actual):

AL GORE V.O.

"Just moments ago, I spoke with George W. Bush and congratulated him on becoming the 43rd President of the United States, and I promised him that I wouldn't call him back this time."

211 INT. MITCHELL BERGER'S BEDROOM - FT. LAUDERDALE - MORNING 211

Mitchell Berger is in bed reading the paper. The headline reads - "**Katherine Harris announces bid for Congress.**"

AL GORE V.O.

"I know that many of my supporters are disappointed. I am too. But our disappointment must be overcome by our love of country."

212 INT. MICHAEL WHOULEY'S OFFICE - WASHINGTON DC - DAY 212

Whouley is in his office studying a giant U.S. map on the wall that is divided into red and blue states.

AL GORE V.O.

"This is America and we put country before party. We will stand together behind our new president."

213 EXT. CONSTITUTION AVE - WASHINGTON DC - TWILIGHT 213

Klain drives his family down Constitution Avenue, his three kids fight in the backseat, Monica tries to separate them.

AL GORE V.O.
 "As for the battle that ends
 tonight, I do believe as my father
 once said..."

Klain seems distant, the pain from this event far from gone.

AL GORE V.O. (CONT'D)
 "...that no matter how hard the
 loss, defeat might serve as well as
 victory to shape the soul and let
 the glory out."

Monica eyes him, worried, she wonders when her husband will finally come home.

214 EXT. WASHINGTON DC - TWILIGHT 214

Flying over the city of Washington DC, we see the Capitol, the Library of Congress, and finally...the White House.

The two men that this brutal battle was fought over finish their speeches in unison:

GEORGE W. BUSH V.O.
 Thank you very much and God
 bless America.

AL GORE V.O.
 Thank you and good night, and
 God bless America.

215 EXT. SUPREME COURT OF THE UNITED STATES - TWILIGHT 215

We fly down to the steps of the Supreme Court of the United States. Under the dark gray sky, the white marble has lost a touch of its former glory.

Written over the courthouse is:

"Although we may never know with complete certainty the identity of the winner of this year's presidential election, the identity of the loser is perfectly clear. It is the nation's confidence in the judge as an impartial guardian of the rule of law."

- Supreme Court Justice John Paul Stevens
 in his dissent to Bush v. Gore

FADE TO BLACK.

THE END