

THE SPECIAL PROGRAM

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Based on the book "ANGLER" by
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1 **INT. WASHINGTON - SECRET SERVICE COMMAND POST - MORNING** 1 *

A cramped windowless office. Unassuming. Could be anywhere.
TWO SECRET SERVICE AGENTS drink coffee and watch CNN on a
small television. The twin towers. Burning.

 NEWSCASTER (V.O.)
The second plane appears to have
been a commercial airliner, we do
not have confirmation yet but...

 AGENT ONE
Jesus Fucking Christ.

 AGENT TWO
Hand me the sugar.

Because they're disturbed by what's on the screen but not
particularly agitated. After all, it's in New York.

That's when a third guy, AGENT SCOTT, blows through the door *
and rips open a metal cabinet, two more agents behind him. *

 AGENT SCOTT
SECURE ANGLER. UNIDENTIFIED
INBOUND AIRCRAFT. WE ARE A TARGET.

He tosses them submachine guns as they tear out of the room.

2 **EXT. WHITE HOUSE - MORNING** 2

Through a window we see those five agents RUNNING, at which
point it becomes clear that the cramped windowless office was
inside the White House.

 HEIDEN (V.O.)
We've got the call. They're just
about ready to go.

3 **INT. WHITE HOUSE - OFFICE OF THE VICE PRESIDENT - MORNING** 3

RICHARD B. CHENEY scrutinizes the image on the television.
SCOOTER LIBBY, CONDOLEEZA RICE and others circle his desk as
executive assistant DEBBIE HEIDEN enters and picks up
Cheney's desk phone.

 CHENEY
Who's on?

 HEIDEN (INTO PHONE)
I have the Vice President, which
departments are on the conference?

LIBBY
(to an AIDE)
See if the President's wheels up.

HEIDEN
State, DOD, FBI, Clarke's in the
Sit Room. *

That's when the five Secret Service agents burst into the
room and push through the group.

AGENT SCOTT
Sir, we need to move you.

Cheney nods, and turns back to Heiden.

CHENEY
Make sure FAA and-- *

AGENT SCOTT
NOW! *

...as he SLAMS his hand on the desk. Then he and another
agent grab Cheney by his arms and the back off his belt. *

4 INT. WHITE HOUSE - CORRIDOR - MORNING 4

AGENT TWO
EXCUSE US.

AGENT ONE
MOVE!

Staffers scurry out of the way. Cheney's feet barely touch
the ground as the agents sprint him through the halls. *

AGENT SCOTT
There's an unresponsive plane
headed toward us.

5 EXT. WHITE HOUSE GATE - MORNING 5

A mob of running STAFFERS and screaming GUARDS.

GUARD
RUN! LADIES, TAKE OFF YOUR HEELS
AND RUN!

6 INT. WHITE HOUSE - BUNKER - MORNING 6 *

The Presidential Emergency Operations Center. Cheney's at a large table, with Rice, Libby, NORM MINETA. Mineta, MIKE FENZEL, STEVE HADLEY, JOSH BOLTON, a MILITARY AIDE are all on phones. At least three conversations are happening at once. *

HADLEY FENZEL
A helicopter just hit the Pentagon. There's been a bombing at the Capitol. *

RICE MINETA
On the building or on the grounds? It wasn't a helicopter. It was a plane. Another plane. *

CHENEY
Activate the COG Plan. Evacuate the Speaker of the House, and the President Pro Tem of the Senate.

Rice nods and picks up a phone.

MINETA RICE (INTO PHONE)
We have two more -- three more planes failing to respond. This is the National Security Advisor, I'd like to activate the Continuity of Government Plan. *

CHENEY (CONT'D)
Make sure there's a fighter escort on Air Force One. *

It's bedlam. Except for Cheney -- focused, calm. In charge. *

7 INT. AIR FORCE ONE - MORNING 7

GEORGE W. BUSH projects a different energy. He's fucking screaming at ANDY CARD.

BUSH
Turn the plane around!

CARD
Mr. President, we can't go to Washington if there's-- *

BUSH
Send the goddamn pilot in here! *

8

INT. WHITE HOUSE - BUNKER - MORNING

8

*

Cheney's the still point in the chaotic room. He's glued to the two screens in front of him -- a choppy image of RICHARD CLARKE in the Situation Room, and CNN.

*

CLARKE (ON SCREEN)

MINETA

*

...The Pentagon has been hit, I need a response from-- no,
the White House has NOT been I need a confirmation on the--
hit. The Capitol has NOT-- what are the flight numbers??
I'm sorry-- what?

*

*

*

*

CHENEY

Get Clarke on a hard line.

The Military Aide, on a phone, whips around to Cheney.

*

MILITARY AIDE

*

We have an aircraft approaching
Washington, nonresponsive. Command
is unable to reach Air Force One.
Combat Air Patrol is up.
Requesting permission to engage the
aircraft.

*

*

*

*

*

*

*

It's less than a beat before--

*

CHENEY

*

Yes.

*

MILITARY AIDE (INTO PHONE)

*

Permission to engage. Yes,
granted. The Vice President.

*

*

*

MINETA

MILITARY AIDE (INTO PHONE)

*

We've got another two flights
failing to respond.

*

*

*

Yes. We have a weapons free
command.

MILITARY AIDE (CONT'D)

*

(to Cheney)

*

Aircraft is 60 miles out, confirmed
as hijacked. Engage?

*

*

CHENEY

*

Yes.

*

There's one more hint of hesitation from the Aide, and it's
met with a hint of irritation from Cheney:

*

*

CHENEY (CONT'D)

*

Take it out.

*

MILITARY AIDE (INTO PHONE)

*

Engage the aircraft.

*

For the first time since we've entered the bunker there's SILENCE. The Vice President's just ordered the Air Force to fire on a planeload of Americans. Rice looks at Libby, catching his eye before he makes a note on his pad. Josh Bolton leans in.

BOLTON
Maybe we should tell the President about that order.

9 INT. AIR FORCE ONE/BUNKER - INTERCUT - MOMENTS LATER 9

Bush paces as much as the phone cord allows.

CHENEY
Air cover's gone up, the Air Force is requesting permission to shoot down planes presumed hijacked and hostile. We've got one approaching DC right now.

BUSH
Commercial?

CHENEY
Yessir.

BUSH
You gonna try and make contact first? Talk 'em down?

Cheney musters his patience.

CHENEY
Certainly. But if we don't have a choice...

Cheney's guiding him toward the decision -- it's important that he get there, particularly since Cheney's already given the order. Bush chews his cheek for a second.

BUSH
Yeah, I'll sign up to that.

Cheney nods to the Military Aide, confirming the order that Cheney already gave. It's a subtlety that does not escape Rice and Bolton.

BUSH (CONT'D)
Listen to me. I'm coming back.

CHENEY

Sir, Offut Air Base has great communications, it's secure as hell, at this point you cannot come back here.

LIBBY

(holding a phone)
Clarke.

CHENEY

Mr. President, I need to call you back.

BUSH

Yeah.

Bush hangs up the phone and turns to Card. Pensive.

BUSH (CONT'D)

I just authorized them to shoot down a hijacked aircraft.

Bush looks at his staff. Sharing the weight of the moment.

10 **INT. BUNKER - MOMENTS LATER**

10

Cheney's not sharing the weight of anything, he's making a list of flights with Norm Mineta, who's now on two phones.

CHENEY

American 706 headed for...

MINETA

Memphis. No -- check that, it's United 706.

Cheney turns to Libby.

CHENEY

I need Addington down here.

11 **EXT. WASHINGTON - MEMORIAL BRIDGE - MORNING**

11

We're high above a tide of humans leaving Washington DC on foot. One stops, answers his ringing cellphone.

ADDINGTON

David Addington.

And then he turns, heading upstream through the fleeing crowd. DAVID ADDINGTON, walking back to the White House.

12 INT. WHITE HOUSE - BUNKER - DAY

12

Addington stands by the wall, deferential. Cheney's on the phone. We hear SENATOR NICKELS through the receiver, angry. *

NICKELS (O.S.)

You want to tell me exactly why the executive branch has the right to decide when members of Congress come back to Washington? *

CHENEY (INTO PHONE)

Cause we've got the helicopters, Don. *

Nickels rambles on as Cheney puts a hand over the receiver and leans back to Addington.

CHENEY (CONT'D)

It looks a lot like we're at war with a terrorist organization. Figure out what kind of powers the President's going to need that he doesn't have.

Cheney returns to his call, and Addington to his corner. Now he's scribbling, Addington is. A few thoughts, on a blank piece of paper. This is where it starts. And we fade to the *

TITLE: THE SPECIAL PROGRAM *

13 EXT. WHITE HOUSE - DAY

13

A few days have passed and it's calm now. Eerily. As we get closer, we notice the new fortifications. Surface-to-air missiles on the roof. Concrete barriers. Marines wave cars off, blocks away. Nobody can get near the place. *

NEWSCASTER (V.O.)

The President has asked Congress for the authority to use military force in the pursuit of terrorists responsible for the attacks. *

BUSH (V.O.)

I'm a loving guy. And I'm also someone, however, who's got a job to do, and I intend to do it.

CABLE NEWS TALKING HEAD (V.O.)

We're gonna run around Afghanistan rounding up terrorists? Then what? Flog 'em? Shoot 'em? I don't want 'em here, I tell you that much. *

14 INT. WHITE HOUSE - CORRIDOR - DAY 14 *

JOHN YOO hurries down the hall. As he passes through a doorway to a suite of offices, we see a placard on the wall that reads OFFICE OF THE VICE PRESIDENT.

15 INT. WHITE HOUSE - CHENEY'S OFFICE - DAY 15 *

Cheney's at his desk, with Gonzales, TIM FLANIGAN and *
Addington, when Heiden KNOCKS and opens the door to let in... *

	HEIDEN	*
John Yoo.		*

Heiden closes the door as she exits. Yoo stands, nervous. *
It's his first time meeting the Vice President. There are no *
handshakes, it's straight to business. *

ADDINGTON *
John's from the Office of Legal *
Counsel over at Justice, he's going
to help us with the legal
underpinnings. *

CHENEY
David put together a framework for dealing with the terrorists we capture once we've got boots on the ground. Sort out the legal end, then we'll make it an executive order.

Addington hands Yoo a document. Yoo glances over it.

Y00	*
Military commissions?	*

ADDINGTON *

We're not gonna haul a bunch of
terrorists into federal court.

FLANIGAN
And the court martial system's too cumbersome. This'll give us more flexibility.

*

ADDINGTON *

Powell's putting together an *

interagency group to look into *

this, but it'll take them forever *

to get rolling. We don't have that *

kind of time. *

YOO
I'd like to bring in one of my
colleagues at Justice, so I can get
through it more quickly. Is
that...

Addington looks to Cheney, unsure.

CHENEY
One.

YOO
And do I coordinate with Powell's
group?

CHENEY
This room.

EXT. STATE DEPARTMENT - DAY

Like the White House, the State Department's now heavily
fortified.

PROSPER (PRE-LAP)
Secretary Powell, would you like to
start us off?

16 **INT. STATE DEPARTMENT CONFERENCE ROOM - DAY**

16

A vast conference table, and a lawyer at every seat. COLIN
POWELL's at the head of the table. PIERRE PROSPER watches
him, deferential.

POWELL
We've got troops on their way to
Afghanistan, they're going to start
capturing people and we need to
figure out what exactly we do with
them. Your job will be to--

PROSPER
Hang on, sir, I'm sorry, I'm not
sure everybody knows everybody --
should we go around and do names?

Powell sighs. It's a long table.

17 **INT. DEPARTMENT OF JUSTICE - DAY**

17

John Yoo rushes in. On his end, things are moving fast.

18

INT. DEPARTMENT OF JUSTICE - YOO'S OFFICE - DAY

18

Yoo huddles with PATRICK PHILBIN.

YOO

We want to use something called a
military commission.

*
*

That's when there's a perfunctory KNOCK on the door, and
Attorney General JOHN ASHCROFT lets himself in.

ASHCROFT

You done with the immigration
thing?

YOO

Yes sir, it should be on your desk.

Ashcroft nods. There's a beat. Yoo's reflexively angled the
document in his hand away from Ashcroft. Ashcroft doesn't
notice the paper, but he notices the awkward silence.

ASHCROFT

Okay.

He exits. Philbin caught the move with the document. He
looks at Yoo, puzzled.

YOO

This came from the Vice President's
office. They want to keep the
circle small.

PHILBIN

Smaller than the Attorney General??

*

YOO

When I said we're not telling
anybody, I meant it.

*
*
*

The whole thing makes Philbin nervous. He takes the document
from Yoo and begins to read.

*
*

YOO (CONT'D)

Addington wrote it, we need to find
a way to back it up under the
commander-in-chief powers.

*
*

We're on that document in Philbin's hands. We'll follow it
closely as it reappears in...

19 **INT. WHITE HOUSE - BUSH'S PRIVATE DINING ROOM - DAY** 19

Cheney places the document on the table next to Bush, who's already eating when Cheney arrives. Bush glances at it, but a real read would mean ketchup on the pages, so...

BUSH
What am I looking at?

CHENEY
Military commissions. It's a way to put the terrorists on trial, without getting bogged down in every human rights treaty the UN ever cooked up.

BUSH
Powell and his gang came up with this?

CHENEY
We put it together in-house. Justice cleared it. Seems to hold water.

Bush nods as he skims the first page.

20 **INT. WHITE HOUSE - OUTSIDE THE OVAL - DAY** 20

Cheney hands the document back to Addington. He's about to go when he pauses. Quietly...

CHENEY
The President wants to sign it today. Let's bypass staff review.

*
*

Even Addington looks slightly surprised by this order. But he nods and Cheney moves on. We follow the document to

21 **INT. WHITE HOUSE - TIM FLANIGAN'S OFFICE - DAY** 21

Addington hands it off to Flanigan.

FLANIGAN
Bypass staff review??

ADDINGTON
It must be possible. Right?

*

Addington and Flanigan look flummoxed.

22 **INT. WHITE HOUSE - STAFF SECRETARY'S OFFICE - DAY** 22

Flanigan hands the document to STUART BOWEN. Flanigan's got his game face on now.

FLANIGAN

The big guy's about to head out to Crawford, can you prep this for signature before he goes?

Bowen looks at him like he's insane.

BOWEN

It's a presidential order. It has to be reviewed. *

FLANIGAN

It's been taken care of.

BOWEN

You know how many thousands of documents pass through this office?

FLANIGAN

Stuart--

BOWEN

They all need a chop from Andy Card. Condi. Steve Hadley. *

FLANIGAN

The helicopter's on the lawn.

BOWEN

We don't just print things out and shove them in front of him. His administration reviews it -- that's how he gets the advice he needs. That's how every President in-- *

FLANIGAN

He got the advice he wanted. He would like to sign it. Now.

Bowen's simply appalled.

23 **INT. WHITE HOUSE - OVAL OFFICE - DAY** 23

Bush is talking with an AIDE when Bowen enters, a blue portfolio in his hand, embossed with the presidential seal. Bowen holds the folder open, revealing a more formal presentation of the very same document we've been following.

BUSH
Iftaar? Am I saying that right --
Iftaar?

AIDE
I believe so.

Bush quickly signs the document.

BUSH
Why don't we check before I spend a
month hearing about how I can't
pronounce their holiday.

*

Then he rushes out the door to the waiting Marine One. Bowen
watches him go, sick to his stomach.

24 **INT. DEPARTMENT OF JUSTICE - ASHCROFT'S OFFICE - DAY** 24

Ashcroft's reading at his desk, CNN on in the background.

CNN NEWSCASTER
President Bush signed an order
today allowing for the creation of
special tribunals to try foreign
terrorists.

Ashcroft stares up at the screen. Astonished.

25 **INT. STATE DEPARTMENT - COLIN POWELL'S OFFICE - DAY** 25

Powell's staring at the same CNN broadcast.

CNN NEWSCASTER
These "military commissions," as
the White House is calling them,
will write their own rules and
operate outside the normal channels
of US criminal and military courts.

POWELL
What the fuck just happened???

*

26 **INT. WHITE HOUSE - ROOSEVELT ROOM - DAY** 26 *

A number of lawyers assembled around the long table, startled
to see John Ashcroft shouting at an unflappable Dick Cheney. *

ASHCROFT
I am the President's senior law
enforcement officer.
(MORE)

ASHCROFT (CONT'D)

I oversee terrorism prosecutions.
Not the Pentagon.

CHENEY

John--

ASHCROFT

I'm not handing over suspects to
some... *commission* I've got no say
in! Even if it made legal sense,
which I can't imagine--

CHENEY

It does. We've already spoken to
your people.

ASHCROFT

Who?

Cheney turns and looks down the table to one of the lawyers
seated at the other end. John Yoo. Yoo looks back at
Ashcroft, not pleased that he publicly humiliated his boss,
but not prepared to take it back either. It's an infuriating
moment for John Ashcroft.

ASHCROFT (CONT'D)

I had asked to discuss this with
the President. This meeting was
supposed to be with--

CHENEY

He wasn't available.

Ashcroft looks at him for a moment, and makes a decision. He
walks out of the room, and makes a right, toward the Oval
Office. Cheney shoots a look at Addington -- an order.
Addington rises, following Ashcroft out of the room.

27 INT. WHITE HOUSE - CORRIDOR OUTSIDE OVAL - DAY

27

Addington catches up to Ashcroft.

ADDINGTON

John!

Ashcroft stops.

ASHCROFT

I have a legitimate concern, I plan
to voice it to the President before
we do something we'll regret.

ADDINGTON

Your concern is noted.

ASHCROFT

The President hired me to advise
him when this kind of--

ADDINGTON

Dick Cheney hired you, not the
President. And he did it when
you'd just lost an election to a
dead man. The President was gonna
give your job to Frank Keating.
You want to trade places with him
right now?

Ashcroft's blood is boiling. And he's steps from the Oval.
He could ask for an appointment and get it almost
immediately. But he doesn't. He turns the other way, and
walks out of the White House.

28

INT. WHITE HOUSE - CHENEY'S OFFICE - DAY

28

Cheney's in his office with Libby, CIA director GEORGE TENET,
and NSA director GENERAL MICHAEL HAYDEN.

CHENEY

I want to know what we can do that
we're not already doing.

TENET

The big hole right now is how do we
find terrorists inside the US.

HAYDEN

You want to track some guy in
Pakistan, NSA can tap his phone,
read his email, tell you every time
he makes a bank deposit. He comes
here, we can't look.

LIBBY

Because...

HAYDEN

Nixon used the NSA to spy on his
political enemies. Congress shut
it down.

CHENEY

What recourse do we have?

HAYDEN

The FISA court -- you can apply for
a warrant, and surveil someone
here. But you need probable cause.

TENET

It works when you're after known
suspects. We need to root out the
ones we don't know about.

It's appalling. The burden of responsibility is squarely on
their shoulders, and they're completely hamstrung. Hayden
stands. There's a white board nearby. He grabs a marker and
draws a circle, and scribbles ALL next to it.

HAYDEN

Here's everything you want to be
able to hear, to find a bad actor.

He draws another, intersecting circle, and labels it TECH
POSSIBLE.

HAYDEN (CONT'D)

Here's what we have the
technological power to access.

Now he draws a third circle -- a Venn diagram. He labels
this one LEGAL.

HAYDEN (CONT'D)

Here's what we can do legally.

He colors in the small triangle where the three circles
intersect. It's not much. Cheney stares at it. Displeased.
Then he rises, grabs the eraser, and swipes the third circle
off the board. The word LEGAL is still barely legible. But
mostly gone. He turns to Hayden.

CHENEY

Better?

29

INT. DEPARTMENT OF JUSTICE - ASHCROFT'S OFFICE - EVENING

29

John Yoo's watching the Attorney General read. Ashcroft
looks surly as he tries to decode the document in his hands.
Because he can't quite follow it. And because he hates John
Yoo.

YOO

I think the signature goes on page--

ASHCROFT

I'm still reading.

YOO
Would it help if we talked through
it again?

ASHCROFT
It would help if I could discuss it
with Larry. Or Bybee.

YOO
Unfortunately they're not read in.

ASHCROFT
My deputy isn't read in; and the
head of the OLC isn't read in.
Doesn't strike you as odd?

YOO
I'm happy to answer any--

ASHCROFT
You wrote it, of course it makes
sense to you. I want to know if it
makes sense to anyone else.

YOO
You're only authorizing it for 45
days. It's an emergency measure.

ASHCROFT
Because even the people who came up
with it are uncomfortable with the
idea of the NSA eavesdropping on
Americans in their own homes.

Yoo's prepared to weather this temper tantrum.

YOO
The Vice President would like to
have the President sign it by--

ASHCROFT
I want to read it one more time.
You mind?

Yoo stands for a moment, unsure. Then he exits. Ashcroft
watches him go, filled with disdain. Then he squints at the
document. He can't make heads or tails of the thing.
Defeated, he turns to the last page. And signs his name.

Cheney, Addington, Gonzales, Flanigan, and John Yoo. Seated
around the coffee table. It feels more intimate than formal.

CHENEY

We need to sort out where we put
the terrorists once we've got them -
- they can't go to Sing Sing...

This conversation OVERLAPS, both visually and aurally, with
ANOTHER, on ANOTHER DAY. Same characters. Same room.

CHENEY (CONT'D)

The surveillance program we're
putting in place at the NSA, I want
to make sure we're utilizing it in
concert with FBI and CIA.

And then ANOTHER...

ADDINGTON

How about interrogation.

CHENEY

Yeah, we've got to put together
some guidelines for the guys who
are trying to get information out
of these people...

YOO

And this is gonna be...

CHENEY

Executive order.

We might see shifts in seating, but it's always these men, in
this office, all directing their inquiries at John Yoo, who
scribbles notes for himself as they go. This is where the
real work gets done. This is how.

31 EXT. WHITE HOUSE - MORNING

31 *

It's a blindingly bright morning outside the White House.
The words...

SPRING, 2003

...appear and disappear from the screen. We hear Bush
speaking on a newscast.

BUSH (V.O.)

On my orders, coalition forces have
begun striking selected targets of
military importance to undermine
Saddam Hussein's ability to wage
war.

*

NEWSCASTER (V.O.)

Mr. Bush sought to tamp down expectations of a quick victory by warning that the battles in the days ahead could be longer and more difficult than some predict.

*

32 **INT. WHITE HOUSE - ANDY CARD'S OUTER OFFICE - MORNING** 32

ANDY CARD arrives. His ASSISTANT's at her desk. She nods toward the open door to his office.

ASSISTANT

The Attorney General's in there.

*

That's bad news, and she knows it when she delivers it. Card looks defeated, and his day's just begun.

33 **INT. WHITE HOUSE - ANDY CARD'S OFFICE - CONTINUOUS** 33

Card enters, gamely pretending he doesn't know what's coming.

CARD

Morning!

ASHCROFT

John Yoo? To run my Office of Legal Counsel?? Are you out of your mind??

*

*

CARD

Can we just--

ASHCROFT

They're not rubber stamping executive orders, Andy, a lot of law gets built in that place.

*

CARD

You know what--

ASHCROFT

He's not qualified.

CARD

I know you two have had issues--

ASHCROFT

The man claims he works for me -- he takes all his orders from Dick Cheney.

*

CARD

I'm sure there's--

ASHCROFT

When the Office of Legal Counsel
puts out an opinion, it does so
under the authority of the Attorney
General. He's carrying my gun, I
don't even know who he's shooting
at!

CARD

Why don't I--

ASHCROFT

He's not qualified. That's the
issue. I'll take it to the
President if I have to.

Ashcroft just threw down the gauntlet. Fucking hell.

34 INT. WHITE HOUSE - CHENEY'S OFFICE - DAY

34

Cheney's unmoved. But Card and Addington are frustrated.

ADDINGTON

He's bluffing.

CARD

He said he has some names. People
he thinks are more qualified.

CHENEY

Have John Yoo give us a name. That
oughta simplify matters. Ashcroft
wants to go crying to the
President, fine. He only gets to
play that card once.

35 INT. WASHINGTON RESTAURANT - DAY

35

JACK GOLDSMITH's at a table alone, waiting for someone who's
late. Jack's carrying a few extra pounds, a shock of
untameable hair, and the distracted look of someone who just
lost track of his glasses and will shortly discover they're
on his face. Jack waves as John Yoo rushes in the door.

JACK

I ate the bread. Sorry.

YOO

I'm not gonna be able to stay.

JACK
Is everything okay?

No, is the answer. Yoo's clearly upset. Angry. But he's not getting into it right now.

YOO
I want to recommend you for a job
at the Office of Legal Counsel.

JACK
You serious?

YOO
You'd be okay leaving Defense?

JACK
Leslie and I were talking about
getting out of Washington. But to
come and work with you...

Jack's thrilled. But Yoo shakes his head.

YOO
Bybee's resigning. They need
somebody to run the place.

*

JACK
They're promoting you?

YOO
I'm leaving. I want to recommend
you for head of the OLC.

It's a stunning offer. Life changing. But it doesn't make
any sense to Jack.

JACK
That should be your job.

YOO
The Attorney General's blackballing
me.

It's a massive blow for Yoo, and Jack knows it.

JACK
Ashcroft? Why??

YOO
Cause he's an infant. I don't
know. I can't stay after this.

*

*

JACK
I'm so sorry--

YOO
It's a huge opportunity. You'll be great.

Jack knows... it's like winning the goddamn lottery. *

JACK
If Ashcroft blackballed you, he's not gonna hire some guy you picked.

YOO
It's not Ashcroft's decision.

JACK
It's his department.

YOO
The Vice President's Office asked me for my recommendation. Are you interested? *

JACK
Are you kidding? Of course! *

YOO
I need to ask you a couple things. Did you give money to a guy named Henry Perritt? *

Not the kind of question he was expecting. *

JACK
Yeah, he ran for the House. *

YOO
He's a Democrat. *

JACK
Did you run a background check on me? *

YOO
I'm recommending you to be the final authority on the legality of everything the executive branch does. I gave the Vice President's Office your name 24 hours ago, they now know everything about you, they want to know why you gave \$800 to a Democrat. *

JACK
Because Henry's my friend and after
he asked me he looked like he was
gonna cry.

YOO
Are you a Republican?

JACK
Are you kidding? How long have you
known me??

YOO
I have to ask.

JACK
Yes, I'm a Republican.

YOO
Did you vote for the President?

JACK
Yes!

YOO
Okay.

Yoo's punching something into his Blackberry now.

YOO (CONT'D)
I want you to remember that
everyone in the whole place works
for the President. Ashcroft gets
his balls in a twist when he's not
at the center of every decision,
that's not your problem.

JACK
John, I don't know if I'm qualified to--

YOO
Your phone's gonna ring in a
minute. Get the crumbs off your
shirt and... try and make your hair
go flat.

JACK
What are you--

YOO
I gotta go. Sorry about lunch.
You're gonna be great.

Yoo's out the door, and then there's a WAITER at the table.

WAITER

Did you want to order something?

That's when Jack's phone starts BUZZING on the table. He stares at it.

WAITER (CONT'D)

Sir?

36 INT. DEPARTMENT OF JUSTICE - ASHCROFT'S OFFICE - DAY 36 *

Ayres stands, pissed, as Ashcroft looks over a resume. *

AYRES

Addington already met him. He's John Yoo's best friend. They're ideological clones. *

ASHCROFT

He's sitting out there? Christ.

Ashcroft's so frustrated he could spit. He's been outmaneuvered again, he's not fast enough or wily enough for this game. He stabs a phone line. *

ASHCROFT (INTO PHONE) (CONT'D)

Send him in.

AYRES

It's a no. It has to be. We'll talk to Andy Card.

ASHCROFT

I already went to Andy, to kill the John Yoo idea. I pull that again, I'll look like an idiot. In fact I already look like an idiot. That's what just happened.

There's a tentative KNOCK and the door opens. In walks Jack. Big smile. Warm handshakes for Ayres and then Ashcroft.

JACK

Hello!

ASHCROFT

Come on in.

AYRES

David Ayres, I'm the Attorney General's Chief of Staff.

JACK
Jack Goldsmith. Pleasure.
(and then Ashcroft)
Really an honor to meet you, sir.

It's true, he's thrilled. If he had a tail, it would be wagging, rapidly. God, they hate this guy already.

37 INT. JACK'S HOUSE - KITCHEN - NIGHT

37

Jack races in the door. This apartment on Capitol Hill was perfect for a young couple. Two kids later, it's busting at the seams. *

JACK
Leslie?

Jack's wife LESLIE hurries into the kitchen, carrying a laptop.

LESLIE
Will's asleep and Jack's crashing his trains -- we got four minutes, I want you to look at a couple houses.

JACK
We're not moving, we're staying.

LESLIE
Uh uh. Charlottesville. Quiet life. *

JACK
I'm getting a job offer. Assuming I charmed John Ashcroft, which is a big if, he didn't like the look of me, and he hates John Yoo--

LESLIE
What??

JACK
John recommended me to run the Office of Legal Counsel.

LESLIE
I don't even know what that is.

JACK
It's like the Supreme Court for the President. Twenty lawyers.
(MORE) *

JACK (CONT'D)
I'd be running the whole shop.
It's a game changer, is what it is.

*

He's so excited he can barely contain himself. This is the opposite of what they'd agreed on, but... He really wants it. She begins to cave. He pulls her into a hug, thrilled.

JACK (CONT'D)
Oh god, I love you.

LESLIE
Yeah yeah.

JACK
They have to confirm me, I may not get confirmed.

*

LESLIE
Sure. A girl can dream.

She's kind of devastated, but he's so elated it's infectious. How could she say no?

NEWSCASTER (V.O.)
Nearly six months in Iraq and still no weapons of mass destruction. Meanwhile, the Bush administration's facing a flood of questions about the presumed link between al Qaeda and Saddam Hussein.

*

*

38 INT. MEET THE PRESS - NEWS FOOTAGE

38

A clip of Condoleezza Rice on Meet the Press.

RICE
No one has said there is evidence that Saddam Hussein directed or controlled 9/11, but let's be very clear, he had ties to al Qaeda, he had al Qaeda operatives who had operated out of Baghdad...

*

*

39 INT. DEPARTMENT OF JUSTICE - JACK'S OFFICE - MORNING

39

Jack's unpacking in his new office. Patrick Philbin pokes his head in, tentative.

*

*

PHILBIN
Hey there. Patrick Philbin. Associate Deputy Attorney General. Couple doors down the hall.

*

JACK
Jack Goldsmith. New guy.

PHILBIN
I used to be in the OLC. I was
actually filling in on some of your
stuff while they were lining you up.

*

JACK
Oh yeah?

PHILBIN
Yup. Glad you're here!

Philbin doesn't really have Jack's attention -- Jack's
messing around with the arrangement of things on his shelves.

PHILBIN (CONT'D)
Had any briefings yet?

JACK
No, but I think there's one this
afternoon.

PHILBIN
It's a trip. They put you in a
secure room, some nervous looking
guy from CIA tells you how the
world's gonna end.

Philbin looks pretty nervous himself. Jack's too distracted
with his unpacking to notice. Jack's new assistant CHARLOTTE
arrives in the doorway.

*

*

CHARLOTTE
Alberto Gonzales is on the phone.

JACK
For me? Great!

Philbin has something on his mind, but it'll have to wait.
Charlotte steps out, and after a second, so does Philbin.
Jack gives him a wave, as he pokes a flashing phone line.

*

*

JACK (INTO PHONE) (CONT'D)
This is Goldsmith.

*

*

A few days later. Ashcroft and Ayres look over an opinion as
Jack waits, eager to hear their response. It's his first
official answer on the job, and he's happy with it.

ASHCROFT
Gonzales asked you this?

JACK
Yes sir.

ASHCROFT
And you're concluding Iraqi terrorists
do have Geneva protections? Am I
reading this right? *

JACK
Yes. Iraqi soldiers in Iraq are
lawful combatants.

Ashcroft nods, but looks to Ayres.

AYRES
You realize... that isn't exactly
the President's position.

JACK
Well they couldn't have been sure,
that's why they asked. Right?

Seems obvious to Jack, but there's still an odd silence.

JACK (CONT'D)
Are you uncomfortable with the
decision?

ASHCROFT
No. No. It's just... When John
Yoo was here... He wasn't head of
the OLC like you are, but a lot of
these White House questions seemed
to land on his desk, and... *

AYRES
He was reticent to engage the White
House in debate.

ASHCROFT
We're glad you don't have those
qualms. *

Jack nods. Ashcroft and Ayres stifle a smile. This guy has
no idea what he's getting into. *

42

INT. WHITE HOUSE - GONZALES' OFFICE - DAY

42

*

Jack and Philbin face Gonzales and Addington, who sit in matching wing chairs, copies of Jack's opinion in their hands. Philbin's eyes are on his shoes, the floor, anywhere but Addington. Gonzales is calm, measured. Addington's head is about to explode.

*

GONZALES

I think the thing we're wondering about, Jack, is--

ADDINGTON

They're terrorists. Not frat boys with water balloons.

JACK

Of course.

ADDINGTON

The President has made a decision -- terrorists do not receive Geneva protections--

JACK

Right, but--

ADDINGTON

--you cannot question his decision.

JACK

He made a decision about the Third Geneva Convention -- the situation in Iraq is different.

ADDINGTON

A terrorist blowing up our troops is a terrorist blowing up our troops!

JACK

We're an occupying power in Iraq, that's not Third Geneva, that's Fourth Geneva -- it's the Occupation Convention--

ADDINGTON

If he says Geneva one more time I'm going to lose my mind.

GONZALES

Okay, let's see if we can--

JACK

An al Qaeda terrorist from Yemen
who shows up in Baghdad isn't the
same as an Iraqi combatant in Iraq.

ADDINGTON

The Geneva Conventions are quaint!
They're obsolete! Frame them on
your wall, they are a relic of
another time!

JACK

They're half a century of US
policy!

ADDINGTON

This is not an academic exercise,
do you understand me? There are
Americans wearing uniforms,
thousands of miles from home, they
will die because of your decision.
Is that clear?

(beat)

OLC shapes counterterrorism policy.
That's what you're doing.

Jack's reeling. He's never experienced this kind of attack,
it's disorienting. But that doesn't change the situation.

*
*

JACK

I don't take this lightly. But you
asked me to interpret the Occupation
Convention. And... I did.

*

43

EXT. WHITE HOUSE GATE - DAY

43

Jack and Philbin, leaving the White House.

*

JACK

Hopefully he won't be in the room
next time I deliver an opinion.

PHILBIN

He's always in the room.

JACK

The Vice President's lawyer?

It doesn't make sense. But Philbin just walks on, grim.

*

44 **EXT. CAMP DAVID - DAY**

44 *

A workspace has been set up on the porch outside the Aspen Lodge at Camp David. Cheney's on one phone. Scooter Libby's on another.

LIBBY (INTO PHONE)
No, the Vice President's in an
undisclosed location today, we'll
have to set up a secure link. Okay.

*

Libby hangs up as Addington arrives, fuming. Addington hands Cheney and Libby a document. Cheney's still on the phone.

*

CHENEY (INTO PHONE)
I'm gonna send Scooter to your
office tomorrow, see if we can kill
the House proposal before it gets
any more traction. Yeah.

*

*

*

Cheney hangs up. Libby's been reading the document Addington brought them, and he's chuckling.

*

CHENEY (CONT'D)
What.

*

LIBBY
Looks like David got himself a new
chew toy.

Cheney turns his attention to the document.

CHENEY
This is Goldsmith? On Geneva?

Addington nods. Cheney reads, a look of profound irritation settling over his face.

45 **INT. DEPARTMENT OF JUSTICE - HALLWAY - DAY**

45

A DOJ STAFFER passes Jack.

DOJ STAFFER
You settling in okay?

JACK
Well I'm trying to find the kitchen
and I think I've gone around the
loop twice now.

*

DOJ STAFFER
You gotta take a right at the end.

*

JACK

You're a good man. I've read so much in the past couple weeks I can't see straight.

*

DOJ STAFFER

Yeah, it's dense, this stuff.

*

(lowers his voice)

*

I still don't really understand the Highland Protocol. And Stellar Wind's completely impenetrable.

*

*

You're not the first man to go blind trying to get through it all.

*

*

Jack smiles, polite.

*

46

INT. DEPARTMENT OF JUSTICE - KITCHEN - CONTINUOUS

46

Philbin's getting coffee when Jack enters.

JACK

Patrick, some nice guy whose name I can't remember said I might have trouble understanding a program I think I missed completely. What is Stellar Wind?

*

*

*

Philbin stares at Jack, frozen. The color draining out of his face. Jack's not sure what the problem is.

JACK (CONT'D)

Stellar Wind?

*

PHILBIN

Please stop saying that.

JACK

Okay. Where can I get a copy?

*

Philbin can't even fathom the question, never mind answer it. He turns and walks out of the room. Jack watches him go, trying to figure out what the hell just happened.

*

47

INT. DEPARTMENT OF JUSTICE - PHILBIN'S OFFICE

47

Philbin's whisper yelling into the phone.

PHILBIN (INTO PHONE)

He's the head of the OLC! He's supposed to sign it! I can't keep signing it, I'm not even in the OLC anymore!

*

He stops short when he sees Jack standing in the doorway.

PHILBIN (INTO PHONE) (CONT'D)
I need to call you back.

He hangs up.

JACK
Patrick, is there something the
OLC's doing that I don't know
about?

Philbin looks miserable.

PHILBIN
I'm sorry. I can't answer that
question.

48 **INT. EISENHOWER EXECUTIVE OFFICE BUILDING (EEOB) - ADDINGTON'S
OFFICE - DAY**

Addington click click clicks the combo on a wall safe. He
pulls out a large envelope, and extracts a document stamped
TOP SECRET: STELLAR WIND. He gives a disgusted glance at
Philbin before he addresses Jack. *

ADDINGTON
This is sensitive compartmented
information. You don't discuss it
with anyone other than Philbin and
Ashcroft. Do you understand?

Jack nods.

ADDINGTON (CONT'D)
How closely did you deal with the
National Security Agency when you
were at Defense?

JACK
Not very. I know they do a lot of
our spying. *

ADDINGTON
CIA spies in person. NSA does it
electronically. Any of our enemies
around the world can be monitored
by the NSA. But none of that can
happen inside the U.S. *

JACK
Right.

ADDINGTON

But the 9-11 bombers were living
here. This program allows us to
monitor terrorists domestically.

*
*
*

He hands Jack the Stellar Wind document.

ADDINGTON (CONT'D)

It requires re-authorization every
45 days. You sign it, the Attorney
General signs it, the President
signs it.

*

JACK

Does something change in 45 days?

ADDINGTON

No.

PHILBIN

That's not exactly--

ADDINGTON

You're right, Patrick, we may win
the War on Terror between now and
Christmas, in which case we'll re-
evaluate.

Philbin has more he'd like to say but he thinks better of it.

JACK

This copy's for me?

For Addington, the question is staggering in its innocence.

ADDINGTON

You sit in that chair, you read it
and then you hand it back to me.

Addington's actually going to watch Jack read it. It seems
weird, but a lot of things around here seem weird to Jack.
He's new. Jack begins to read, as Addington glares at
Philbin, still furious that Philbin talked him into this.

*

49

EXT. PENNSYLVANIA AVENUE - DAY

49

*

Jack and Philbin walk out of the EEOB, and down Pennsylvania
Avenue toward the Department of Justice. Silent.

JACK

I'm not supposed to say the name,
right? So if I have a question...
what do I say.

*

PHILBIN

Everyone calls it the Vice
President's Special Program.
Except the Vice President's Office
who calls it the President's
Special Program.

*

JACK

And they just give me a copy every
45 days and I sign it?

*

Philbin lowers his voice, aware they're on the street. It's
not crowded, but still.

PHILBIN

CIA sends you a threat assessment.
They call it The Scary Memo.
You're so freaked out by the time
you've read it you'd let them
wiretap the whole country if they
wanted. Then you sign it.

*

*

JACK

It's bold. No warrants...

*

PHILBIN

Yeah.

JACK

Isn't there some court you go to if
you want to wiretap an American?

*

PHILBIN

The FISA court issues secret
warrants. But this program was
built to function without them.

*

*

Jack nods. Philbin was hoping for more push-back on that,
and isn't getting it. He's not sure how to broach this.

*

PHILBIN (CONT'D)

I can get you the OLC opinion they
based the program on. Look it
over, see what you think.

JACK

I trust you, it's just... bold.

*

Jack's moving on. Philbin wants to say more, but he doesn't.

*

50 **INT. DEPARTMENT OF JUSTICE - JACK'S OFFICE - NIGHT** 50 *

It's been a long day. Jack slips on his coat, ready to leave, when Philbin appears in his doorway.

 PHILBIN

 I got you a copy of the opinion
 that backs up the program. If you *
 want to take a look.

He doesn't. He's exhausted. There are mountains of
paperwork on his desk. But Philbin's worried about this, and *
not taking no for an answer anymore. *

 PHILBIN (CONT'D)

 There are a couple sticky spots in
 the opinion. I was trying to iron
 them out when I was the one who was
 re-authorizing it.

 (beat)

 You should take a look.

Philbin places a document on Jack's desk and leaves. Jack
sighs, takes his coat back off. *

51 **INT. DEPARTMENT OF JUSTICE - PHILBIN'S OFFICE - NIGHT** 51

Jack enters. Appalled.

 JACK

 Sticky spots? *

Philbin shuts the door.

52 **INT. DEPARTMENT OF JUSTICE - PHILBIN'S OFFICE - LATER** 52 *

Jack's trying to get his mind around what he just read.

 JACK *

 That's the baldest declaration of *
 presidential power I've ever seen! *
 Does it... I'm not sure I followed *
 the legal argument. *

 PHILBIN *

 That's because it's problematic. *

 JACK *

 Nobody ever questioned it? *

 PHILBIN

 Like who?

JACK

Like State, like legal over at the NSA--

PHILBIN

They didn't read it. Nobody read it. After 9-11...

JACK

They blew up the Pentagon, they didn't kill all the lawyers. The President couldn't have signed something like that without clearance from 12 different--

PHILBIN

Nobody was allowed to see the opinions.

JACK

Let me get this straight. NSA writes a security program--

PHILBIN

Addington wrote the program.

*

JACK

(beat)

The Vice President's lawyer wrote a national security program? Is that normal?

*

*

PHILBIN

No. I mean, it is now.

JACK

Okay. He asks the Attorney General to have the OLC draft an opinion--

PHILBIN

He asks John Yoo.

*

JACK

(beat)

Did Ashcroft even read it?

*

PHILBIN

Eventually. But it's complicated stuff. He relies on his staff to unpack it for him. And they didn't want the Deputy AG to read it--

JACK

Who's they?

PHILBIN

The Vice President's office.

JACK

...doesn't want the Deputy Attorney General to read an opinion generated by his own department??

PHILBIN

They didn't even want you to read it, and you're the guy who's supposed to certify its legality.

*
*

JACK

They're letting the NSA eavesdrop on Americans--

*
*

PHILBIN

And the FBI and the CIA. No oversight. The courts don't monitor it. Congress doesn't know about it.

*
*

JACK

And nobody knows that it may not hold water. Legally. Except you.

*

PHILBIN

They asked me to do the re-authorization when John Yoo stepped down. And the more I looked into it, the more it seemed like the whole thing never quite made sense in the first place.

Jack stares at him. This is inconceivable.

PHILBIN (CONT'D)

There are a couple other programs I'm worried about. We wrote an opinion on interrogation for the Department of Defense -- what you can do to prisoners when you're trying to get information out of them. It's...

*
*
*
*
*
*
*
*

(beat)

You should take a look.

*

Philbin takes a pile of documents off his desk. Holds it out toward Jack. It's not a small pile.

*
*

53 INT. JACK'S HOUSE - LIVING ROOM - LATE NIGHT

53

Jack's on the couch, reading through the documents Philbin gave him. Or he was, anyhow. Now he's so shocked by what he's read, he's kind of staring into space.

LESLIE
What are you doing?

He didn't even hear her come down the stairs.

JACK
Just playing catch up.

LESLIE
You gonna come to bed?

Not soon.

JACK
Soon.

LESLIE
You okay?

Not really.

JACK
Yeah.

She heads back to bed. Jack looks at his work. What the hell did he get himself into?

*

54 INT. DEPARTMENT OF JUSTICE - HALLWAY - MORNING

54

There's a conference room full of people waiting for Jack and he's on his way in when he runs into Philbin. They step aside for a moment. Jack's not even sure where to begin.

JACK
I read over the interrogation stuff...

*

Jack just shakes his head. It's breathtaking.

PHILBIN
Yeah.

JACK
We authorize torture on a level the country's never seen and we don't let Congress anywhere near it??

There are people passing. They can't really talk about this.

JACK (CONT'D)
What's the protocol for addressing
this kind of thing?

PHILBIN
I don't know. OLC's never
withdrawn an opinion. The protocol
is, you live with it. *

JACK
Then why did you ask me to read it?

PHILBIN
(beat)
I guess I couldn't live with it.

Fuck. Jack doesn't want any of this.

JACK
Let's deal with the surveillance
thing first. Maybe we talk to
somebody at the NSA, see if we can
untangle what they're doing.
Probably makes more sense in
practice than it does on paper. *

PHILBIN
And the interrogation memos?

JACK
(beat)
I don't know.

Jack continues into his meeting. We see his staff waiting
for him. Twenty lawyers. Miles of new work to do.

JACK (CONT'D)
Alright, which one of you's Jed? *

A lawyer raises his hand. *

JACK (CONT'D)
We get anywhere on firearm transfer? *

55 INT. THE CAPITOL - HALLWAYS - DAY

55

Cheney, striding through the halls as Addington briefs him. *

ADDINGTON

The new head of the OLC's developed
an interest in the Special Program.
He says he doesn't understand it.

CHENEY

People only have questions about
things they've read.

It's a rebuke, and Addington knows it. He presses on.

ADDINGTON

He's been poking around at NSA.
He's got their general counsel
coming to meet with him this week.

Cheney looks at Addington, displeased.

ADDINGTON (CONT'D)

He had rock solid credentials.
Aggressive views on presidential
authority. I didn't expect this.

CHENEY

Get him off it.

Addington nods.

*

56

INT. DEPARTMENT OF JUSTICE - COMMAND CENTER - DAY

56

*

Jack and Philbin pass copies of a few different documents to
JOEL BRENNER and VITO POTENZA.

PHILBIN

These are the OLC opinions that
provide the foundation for the
domestic surveillance program. The
first one is October 23rd, 2001--

That's when the door opens and Addington blows in.

ADDINGTON

Morning.

Nobody was expecting him. He wasn't invited.

JACK

Hi. Um... Do you all...
David Addington -- Joel Brenner,
inspector general of the NSA. Vito
Potenza. NSA general counsel.

No handshakes. Addington barrels past the introductions to--

ADDINGTON

What are we doing?

JACK

Vito and Joel asked us if they could take a look at the OLC opinions that back up the, uh, President's Special Program.

ADDINGTON

Why.

POTENZA

Well, Jack and Patrick asked us some questions about how it worked. And as we got talking we realized OLC was assuming that we'd certified the legality of the program. And over at NSA, we assumed OLC'd certified it. Sort of a circular thing.

BRENNER

So we figured we should sit down and... make sure everything tracks.

Beat. Then comes the screaming.

ADDINGTON

This is none of your business!

BRENNER

I don't--

ADDINGTON

The President doesn't want this!

POTENZA

But he's--

ADDINGTON

Give me those!

He's grabbing the papers off the table.

JACK

David. These guys are--

ADDINGTON

YOU ARE OUT OF YOUR LANE.

It's an appalling display for a room like this. We whip to --

57 INT. DEPARTMENT OF JUSTICE - JACK'S OFFICE - DAY

57 *

Jack and Philbin, tearing into the office, closing the door.

JACK
Why would you tell him about the meeting?

PHILBIN
I didn't!

JACK
So who did? Charlotte?

PHILBIN
They know.

JACK
What do they know?

PHILBIN
They know everything. OVP. The Vice President.

JACK
For god's sake, Patrick, he's not actually Darth Vader. What, do you think they bug the place?

It was a joke, but...

PHILBIN
They read the emails.
(beat)
I know a guy at the National Security Council who figured out that the VP's Office gets a blind copy of every email anybody over there sends to their own staff. Cheney set it up with Hadley. Maybe he made the same deal with Ashcroft.

JACK
You think Dick Cheney heard about our meeting, and sent Addington to shut it down??

PHILBIN
How else did Addington find out about it? I didn't tell him. You didn't. I'm sure NSA didn't -- they're spies, they don't talk about anything.

*

*

*

*

Jack's reeling.

*

JACK
He loses his mind when we just want
to have someone read it? What the
hell are they doing?

*

There's a KNOCK at the door.

*

JACK (CONT'D)
What.

In walks JAMES COMEY. Tall. Handsome. Big smile. Teeth
that'll light the room.

*

COMEY
Hey! Jim Comey, just wanted to say
hi.

JACK
Jack Goldsmith. You're Ashcroft's
new Deputy?

*

*

COMEY
That's what they tell me.

PHILBIN
Patrick Philbin. I work for you.

COMEY
Fantastic. Do you work for me too?

JACK
No, I run the OLC. Office of Legal
Counsel.

COMEY
Great. Thinking the big thoughts.

JACK
Yeah, I guess so.

Beat. Comey notices that Philbin and Jack look like death.

COMEY
Everything okay?

JACK
Long day. Take a good look at your
kids.

COMEY
I'll do that.

There's that big smile again, and he exits.

JACK
Is that what I looked like when I
started?

Philbin nods. These guys are in way over their heads.

58 **INT. NATIONAL SECURITY AGENCY - HAYDEN'S OFFICE - DAY** 58 *

Hayden's behind his desk. Brenner and Potenza face their boss, worried. *

BRENNER *
He wouldn't even let us read the *
documents. It's our program. *

Hayden shakes his head, troubled. *

HAYDEN *
Okay. *
(beat) *
Thanks guys. *

The guys are sure this can't be the end of the meeting, but... it appears to be. *

59 **INT. NATIONAL SECURITY AGENCY - HALLWAY - A MINUTE LATER** 59 *

Brenner and Potenza head for the elevator. *

BRENNER *
What the fuck was that? *

POTENZA *
What. *

BRENNER *
Kind of a short conversation, given *
the circumstances. No? *

POTENZA *
What, did you think he was gonna *
call Addington, spank him, and then *
demand we see the opinions? *

BRENNER *
Well what are we gonna do? *

POTENZA *
Joel. We just did it. *

Brenner jabs the elevator button, frustrated.

*

61 INT. DEPARTMENT OF JUSTICE - JACK'S OFFICE - NIGHT

61

*

Jack's at his desk working, late at night, when Philbin appears in the doorway, silent. Jack looks up at him.

*

*

JACK

*

I tried. I don't run the NSA. I
can't...

*

*

Philbin nods.

*

JACK (CONT'D)

*

I'm going over this torture stuff
again. Maybe there's something we
can do there.

*

*

*

*

PHILBIN

*

Like what?

*

JACK

*

I don't know.

*

They both feel horribly powerless. Philbin leaves. Jack turns back to his work. TV news has been playing in the background, and Jack notices Cheney on the screen. An interview. Jack turns up the volume.

*

*

*

*

INTERVIEWER (ON SCREEN)

There's been a lot of talk recently
about the power of the presidency --
and you served in the Ford White
House, when presidential power
reached an absolute low. I'm
curious how that shaped your views.

*

CHENEY (ON SCREEN)

I do have the view that over the
years there had been an erosion of
presidential power, a lot of things
around Watergate and Vietnam did
that. And the President needs to
be effective especially in a
national security area. I do think
now we've been able to restore the
legitimate authority of the
presidency.

*

*

*

Legitimate. Jack almost winces at the word. Is this what he's facing? A wrestling match over presidential power, with a giant who's been at it for decades? It's a much bigger battle than he signed up for.

62 EXT. WASHINGTON STREETS - NIGHT 62

Winter. Jack's car drives the empty streets. *

63 INT. JACK'S HOUSE - KITCHEN - NIGHT 63

It's 1 a.m. when Jack enters. Drops his coat and briefcase.
Leslie comes down the stairs.

JACK
Sorry, I tried to be quiet.

LESLIE
I was awake. Just put him back
down. Is this gonna be every
night? *

JACK
I don't know. Yeah, probably.
There's all this... I can't talk
about any of it.
(beat)
John Yoo wrote some stuff that's...
way out there. I don't know what
the hell to do with it.

LESLIE
Fix it. *

JACK

We don't change old opinions, we write new ones. And this... 20 year-old American kids are on the other side of the planet, doing things my office said were legal. I pull that rug out now...?

*
*
*
*

LESLIE
It's an evolving situation.

JACK

Yeah but it's not just what they're authorizing, it's how they built it. It starts to look like maybe it's part of a campaign that's been going on for a long time, to really change the nature of the presidency. Decades, even.

LESLIE *

Is the grassy knoll gonna come into *

this at some point? *

JACK

Do I sound like a guy under a
bridge?

He kind of does.

LESLIE

Just do what you can do.

JACK

John got me the job. My first move
in office is I start screaming that
everything he did is crazy?

LESLIE

If it's crazy, yeah.

Leslie kisses him on the head. She loves him, but they're
both a wreck. She's got a newborn. She's exhausted too.
She hauls herself back up the stairs. Jack's alone.

64 INT. DEPARTMENT OF JUSTICE - ASHCROFT'S OFFICE - MORNING 64

Ayres, Philbin, Ashcroft, Jack. Jack treads in carefully.

JACK

The March 2003 opinion approves 24
interrogation techniques for the
Department of Defense. I don't
take issue with any of them. But
the opinion itself is a disaster.
It's legally flawed. It's wildly
broader than necessary to support
what's actually being done -- which
means it could be used to justify
much more aggressive
interrogations. And it says
Congress is entirely disabled from
controlling the President.

PHILBIN

And it's a secret opinion.

JACK

I'm revoking it. I'll continue to
support the specific techniques, pull
out the generalizations, and reissue
the opinion.

Silence. They're all concerned.

ASHCROFT
Interfering with military procedure
midstream like this...

JACK
I don't like it either. I'm not an
expert on what our enemies are up
to or what it'll take to stop them.
It's not my job to tell you if a
policy is wise... but it is my job
to tell you if it's legal.

*
*

*
*
*

AYRES
And it's not?

JACK
We've got laws in this country
against torture.

ASHCROFT
It's the President's prerogative to
act aggressively in defense of the
country.

JACK
Sure. If they need to do this, and
we need to authorize it... So be
it. But we should do it carefully.
Defense asked about specific
techniques, that contain elaborate
provisions for the safety of the
detainee. Meanwhile the OLC
opinions are a blank check. You
want to write a blank check on
torture?

*

*
*
*
*

Ashcroft doesn't love any of this. But, reluctantly...

ASHCROFT
Okay. Take it down.

Jack nods, grim. But then there's another thing.

JACK
I hate to push my luck here, but
the memo answers questions posed to
my office by the Department of
Defense. Not by the White House.
For simplicity's sake, I would like
to inform Defense of my plans.
But... no one else.

It's incredibly audacious. Ashcroft's pretty sure this guy's
out of his fucking mind.

ASHCROFT

You're poking a bear. You know
that, right?

He does. Reluctantly, Ashcroft nods his assent.

*

65 INT. DEPARTMENT OF JUSTICE - HALLWAY - MORNING

65

Saturday. Jack's in casual clothing as he walks the stately
halls of the empty building. His three-year-old son JACK
JR.'s at his side, holding his hand, trotting to keep up.

*

*

*

66 INT. DEPARTMENT OF JUSTICE - JACK'S OFFICE - MORNING

66

Jack sits his son in the big desk chair, puts a piece of
printer paper in front of him. Gathers a pile of
highlighters, pens, post-its...

JACK

Blue or yellow?

JACK JR.

Both.

The boy sets to work, peeling sticky notes off the stack.
Jack drops onto the couch, digging into the massive pile of
work that awaits him.

*

67 INT. DEPARTMENT OF JUSTICE - JACK'S OFFICE - AFTERNOON

67

The kid's now asleep on the couch. Jack's in his desk chair.
Philbin enters.

PHILBIN

You been here all day?

JACK

Shh.

He points out the sleeping child. Philbin lowers his voice.

*

PHILBIN

He working for us now?

JACK

This is how we spend quality time
lately. I've got a newborn at
home, I don't remember what his
name is.

*

*

*

PHILBIN

(beat)

We should probably go out to the
NSA again. Talk to somebody on the
operational side.

Jack stares at him, incredulous.

JACK

I'm about to revoke a memo on
prisoner interrogation. You think
I'm going to follow it with a
ritual disemboweling of their
surveillance program?

Philbin looks at the floor, cowed.

PHILBIN

It expires next week. NSA'll send
somebody over with the
authorization for you and Ashcroft
to sign. You do it in Ashcroft's
office, while they watch you.

JACK

Fine.

Philbin leaves. Jack looks at his son. This job is ruining
his life.

68 INT.DEPARTMENT OF JUSTICE - ASHCROFT'S OFFICE - DAYS LATER 68

Jack, Ashcroft, Philbin, and an NSA OFFICIAL. Ashcroft's
multitasking; he's done this many times before and he's busy.
Jack looks increasingly queasy.

NSA OFFICIAL

You've reviewed the threat
assessment memorandum?

JACK

Yes I have.

ASHCROFT

AMY!

NSA OFFICIAL

Initial here please.

Jack does. The Official hands the document to Ashcroft, who
scribbles his initials as well. AMY appears at the door.

ASHCROFT

I had a briefing book right here --
I don't know where it went.

NSA OFFICIAL

(to Jack)

You're now confirming with your
signature that the constitutional
standard of reasonableness has been
met and you certify the
authorization as to form and
legality.

ASHCROFT

Did Ayres make off with it?

AMY

I can ask him.

Jack hesitates for a moment. He's sweating. A wave of
nausea washing over him. He glances up at Philbin, who knows
exactly what he's feeling. He's been trying to warn Jack,
and Jack never really got it, until now.

NSA OFFICIAL

Sir?

Jack signs the document. The Official whips the document out
from under him and places in front of Ashcroft who signs,
distracted. He calls to Amy who's on her way out.

ASHCROFT

I clipped a buck slip to it, but I
didn't write anything on it, so
look for briefing book with a blank
buck slip.

Jack looks like he's gonna throw up. He's never signed his
name to a lie before.

69

INT. DEPARTMENT OF JUSTICE - HALLWAY - MOMENTS LATER

69

Jack and Patrick walk in silence. Jack, shaken. Finally--

JACK

We need to drive back out to the
NSA, figure out what the hell
they're doing.

70 **INT. NATIONAL SECURITY AGENCY - CONFERENCE ROOM - DAY** 70

NSA employee WARREN leads Jack and Philbin into a secure conference room that's loaded with about 50 boxes of files.

WARREN

We printed it out so you could see what we're dealing with. I guess it's all kind of abstract on your end.

Philbin opens a box and starts pulling out files. *

JACK

This is everything since the inception of the surveillance program? *

Warren stares at him for a moment, puzzled by the stupidity of the question.

WARREN

No, this is yesterday.
(off the label on a box)
From 2 to 4.

71 **INT. PHILBIN'S CAR - DAY** 71 *

Philbin pulls out of the NSA parking lot, and onto the Baltimore-Washington Parkway. Jack stares out the window, disturbed by what they learned. *

JACK

Addington made it sound like they were tapping a couple phones. Bin Laden's in-laws in Tampa. *

PHILBIN

It's grown, since they started.

JACK

That's what happens when you build a security program with massive capability and no oversight. Starts to look like the Stasi.

PHILBIN

Maybe we can talk them into getting the FISA court involved. Would that take some of the stink off it? *

JACK

What takes the stink off is going public. If it's a national security imperative, you stand up in the village square, you say "We're doing this, you're not gonna like it, it violates at least two felony statutes, not to mention the Constitution, but we have to, to protect the country." You do it in the dark like this...

(beat)

See if you can sketch out a fix from the FISA angle. I'll put together a proposal for congressional authorization. Maybe we come up with some ideas on how to scale it back.

(beat)

We should get the new guy read in. Comey. See what he thinks.

PHILBIN

Cause you want his opinion or cause you want cover?

JACK

Both.

PHILBIN

You tell Defense about the interrogation opinion yet?

JACK

Not yet. This week. I want to make the transition to the new guidelines as painless as possible.

(beat)

I guess painless is the wrong word.

He yanks a roll of Tums out of his pocket. Pops a couple in his mouth. All of this makes him nauseous. And he's pissed too. Pissed at Philbin. He finally looks at him.

JACK (CONT'D)

Did you know how bad it was, before I got here?

PHILBIN

I didn't know the extent of it.

JACK

But you had a general idea. And you didn't say anything.

Philbin's quiet for a second.

*

PHILBIN
I wanted to be Solicitor General.
Thought I might be good at it.

*

*

JACK
You would.

*

*

PHILBIN
The minute I made Addington read
you into the program... that was
the end of it. They'll make sure I
never get another promotion.

*

*

*

*

*

That lands on Jack, hard. It was a big sacrifice.

*

JACK
Why'd you do it?

*

*

PHILBIN
(beat)
I wasn't sure why I should be
Solicitor General if I'd repeatedly
certified the legality of a
document I believed to be
unconstitutional.

*

*

*

*

*

*

*

72 INT. CNN - NEWS FOOTAGE

72

*

It's Christmas time and behind the NEWSCASTER, holiday
decorations clash with the grim message...

NEWSCASTER
The Department of Homeland Security
declared an Orange Alert today.
Homeland Security Secretary Tom
Ridge warned of possible terrorist
strikes more devastating than the
attacks of September 11, 2001.

*

*

73 INT. WHITE HOUSE - CHENEY'S OFFICE - MORNING

73

That same news broadcast continues on Cheney's office TV.

NEWSCASTER (ON TV)
Attorney General John Ashcroft has
removed himself from a Justice
Department investigation into who
may have revealed the name of a CIA
operative to the media.
(MORE)

NEWSCASTER (ON TV) (CONT'D)
Deputy Attorney General James Comey
has appointed a special prosecutor
to take over the investigation.

Cheney doesn't seem to be listening. He's on the phone.

CHENEY (INTO PHONE)
I want a translation of the al
Zawahiri message. And have
somebody come by to go over the
threat matrix.
(with a glance at the TV)
And I need a backgrounder on James
Comey.

He hangs up as Libby blows into the office.

LIBBY
Fucking Comey. A special
prosecutor??

*

Cheney's on his way out, pretending it's a minor annoyance.

CHENEY
Somebody else Addington'll have to
baby-sit.

But we see his face as he goes. He's as mad as Libby is.

74

EXT. CONSTITUTION AVENUE - MORNING

74

Philbin catches up with Jack, both walking down Constitution
toward the Department of Justice. Jack's mad too.

PHILBIN
Merry Orange Alert.

JACK
Bah humbug.

PHILBIN
You heard about Comey?

JACK
I spoke to Ashcroft yesterday.
Told him the NSA thing's a mess,
and could we have Comey read in, he
said, "Fine, if you can talk
Gonzales and Addington into it."

*

PHILBIN
That's not gonna go over well.

JACK

On the day he assigns a goddamn
special prosecutor to investigate
the White House? No it's not.

*

PHILBIN

On the upside, now there's somebody
at Justice they hate more than you.

*

JACK

Wait 'til they find out about the
interrogation memo I reissued, then
we'll really have a horse race.

They push through the front doors of the building.

78 **EXT. WHITE HOUSE - DAY**

78 *

The grounds crew's taking down Christmas decorations.

TITLE: 200479 **INT. WHITE HOUSE - SITUATION ROOM - DAY**

79 *

The Principals Committee. Rice chairs the meeting. Cheney's
the silent alpha dog. Ashcroft, Tenet, DONALD RUMSFELD,
Powell.

*

*

RICE

... We're certainly relieved
nothing came of the New Year's
threats, but we'll stay at orange
for a few more days, run through
the chatter one more time. Don?

RUMSFELD

Yes. You got numbers coming
around, we'll go through them.

An Aide's handing out a document.

RUMSFELD (CONT'D)

Meanwhile, some kid who must have
been pissed at his commanding
officer slipped a bunch of photos
of a prison in Iraq to Army
Criminal Investigations. Prisoners
getting knocked around, that kind
of thing. We're looking at it.

RICE

Where is it?

RUMSFELD

A prison outside Baghdad.
(looking at his notes)
Abu Ghraib.

POWELL

Is this something to do with the
new interrogation rules?

RUMSFELD

I don't think so. Defense is still
adjusting to the new memo, but I
doubt it's related.

*

Cheney's been silent, but at "new memo" his eyes flicked up.

CHENEY

What new memo?

Rumsfeld looks up, confused. Then surprised, as it becomes
clear Cheney was kept out of the loop on the new
interrogation memo. They're all putting it together --
Ashcroft was involved in pulling a fast one.

RUMSFELD

OLC revised an interrogation
opinion for Defense. Goldsmith.
We'll get you a copy.

Rumsfeld makes like nothing's wrong, and pushes forward.
Ashcroft's working hard to look anywhere but at Dick Cheney.

RUMSFELD (CONT'D)

Let's start with Afghanistan. I
think we caught a break with the
Loya Jirga ratifying the
constitution...

*

We're on Cheney, looking at Ashcroft. He was blindsided. A
man who very much dislikes being blindsided.

80 INT. WHITE HOUSE - CORRIDOR - DAY

80

Addington stalks the hallway.irate.

*

81 INT. WHITE HOUSE - GONZALES' OFFICE - DAY

81

Jack's with Gonzales...

GONZALES

The President wants to keep this
close hold.

...when Addington blows in.

ADDINGTON

Are you out of your mind? You
change the rules for interrogation
in the middle of a war?

JACK

I explained to Defense --

ADDINGTON

People are risking their lives to
find out where the next attack on
YOU is coming from.

*

JACK

There is not a single enumerated
interrogation technique that's off
the table under the revised memo.

ADDINGTON

People who think they might face
criminal prosecution for doing
their jobs... *stop doing their
jobs!* That's why the CIA is the
largest, best funded ineffectual
agency in the history of the world!
How do you think we got here in the
first place?? The CIA, DOD,
they've had decades of lawyers
pulling their teeth out!

*
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*

Gonzales, thinking changing the subject might help...

*

GONZALES

Jack was hoping to read Jim Comey
into the President's Special
Program.

ADDINGTON

Absolutely not.

JACK

I could use a sounding board.

*

ADDINGTON

Comey's extremely busy right now,
investigating the White House.

JACK

I'm sure he can --

ADDINGTON

The President doesn't want the
circle to be any wider.

JACK

The President or the Vice
President?

Before it's out of his mouth, Jack knows that was a mistake.

82 **INT. DOJ - CORRIDOR - DAY**

82 *

Philbin finds Jack, just back from the White House.

PHILBIN

How'd it go?

Before he can answer Comey strides by. Energetic.

COMEY

Hey there.

They wave and watch him go. Jack and Philbin look like utter
hell. Pale. Bedraggled.

JACK

...That'll wear off.

PHILBIN

What did they say?

JACK

What do you think they said?

They enter...

83 **INT. DOJ - JACK'S OFFICE - CONTINUOUS**

83

Philbin's gripped with anxiety about all this.

PHILBIN

Comey's my boss, Jack.

JACK

And yet you're in here a whole lot.

PHILBIN

Eventually he's gonna notice I
spend half my time driving out to
the NSA.

Jack's digging a couple lint-covered aspirin out of his jacket pocket. He notices the pocket's torn.

*

JACK
Goddammit.

PHILBIN
I can't even tell him what I'm working on.

JACK
(yells to Charlotte)
CAN I GET A DIET COKE IN HERE?

PHILBIN
He's gonna think I'm lying, or hiding something from him.

JACK
That's because you are.

PHILBIN
We need to have him read in.

*

JACK
I tried! Addington practically ripped off my face with his teeth.

*

He pops a few aspirin in his mouth, washing them down with a sip of yesterday's coffee from a mug on his disaster of a desk. It's even more disgusting than he'd anticipated.

JACK (CONT'D)
Uch!

Charlotte is there now with the Diet Coke. He tears into the Coke can to wash down the bad coffee. It's a foul combination. He sinks into his chair, defeated. By everything. Philbin places a document on Jack's desk.

*

PHILBIN
Some possible fixes.

*

*

Great. That'll be a big hit.

*

84

INT. WHITE HOUSE - GONZALES' OFFICE - DAY

84

*

Addington stares at Jack, homicidal. Gonzales braces himself for the explosion. They're both holding copies of Philbin's document.

*

*

ADDINGTON
A piece of legislation??

*

*

JACK
Just to shore it up.

*
*

ADDINGTON
It's a secret program!

*
*

JACK
Then you should take a look at
option three -- we utilize the FISA
court, they evaluate secret
evidence, provide secret warrants.

*
*
*
*
*

ADDINGTON
Do you have any idea how slow they
are??

JACK
So rework their procedures.

ADDINGTON
We are one bomb away from getting
rid of that obnoxious court!

GONZALES
David.

JACK
Pick a branch of government -- any
one. I don't care. Just bring in
somebody else!

ADDINGTON
That will destroy the Program's--

JACK
No it won't! This isn't about al
Qaeda, it's about the strength of
the presidency -- and god bless,
but you can't slide an executive
power declaration into every secret
program you create and call it a
national security imperative. It
starts to look a little Kim Jong
Il.

*

Beat. That was ballsy, and Jack already regrets it. It's
the first time he's revealed to Addington that this might be
about a bigger fight.

ADDINGTON

The President does not need anyone's permission to defend this nation from the tens of thousands of individuals who are actively seeking to murder American citizens. It is not his right, it is his responsibility, as articulated by the Constitution, to do whatever is necessary to prevent an attack. And for some inexplicable reason, you are eager to tie his hands.

Jack feels the weight of that, and it's terrible.

JACK

I would desperately like to be wrong. Let's read in the Deputy Attorney General, and have him tell me I am. That'll be the end of it.

Addington finds Jack appalling. But he realizes they're at an impasse, and this could get bigger than he wants it to.

85 INT. DOJ - CORRIDOR - DAY

85

Jack's walking Comey down the hall.

JACK

Hayden's the director of the NSA. He's going to walk you through the program, because when you read it with David Addington staring at you, it can be hard to absorb.

COMEY

Relax! It's not my first classified program.

He flashes a smile at Jack as he pushes into a conference room. Jack watches him, not at all relaxed.

86 INT. DOJ - SECURE CONFERENCE ROOM - DAY

86

Hayden's affable, as he pulls out stacks of paper for the briefing, and of course so is Comey.

HAYDEN

I tell you, I couldn't be happier you're getting a read-in.

COMEY

Oh yeah?

HAYDEN

Now I won't be alone at the table
when John Kerry's elected
President!

COMEY

What table?

HAYDEN

Witness table. Hearings.
Congressional investigation. At
least we'll have each other,
right?!

It was a joke, but it's got daunting implications. Comey's
starting to realize what Jack was so worked up about.

87

INT. DOJ - JACK'S OFFICE - NIGHT

87

Philbin arrives to find Jack rifling through a drawer full of
Atkins bars. They're both anxious.

PHILBIN

He's still with Hayden?

JACK

Hayden left, now he's reading the
opinions that back it up. You want
a bar?

PHILBIN

(they're disgusting)
I really don't.

That's when they notice Comey in the doorway. The smile's
finally lost a few watts.

COMEY

Without a warrant?

Philbin shuts the door.

COMEY (CONT'D)

This is what brought down Nixon.

PHILBIN

Phones, email.

COMEY

The opinions... I mean, I'm sure
they make sense once you unwind
them.

JACK

Then how come they don't want any
lawyers reading them?

Comey shakes his head, mystified.

COMEY

If there's no need for probable
cause, what's the criteria for the
program looking at someone?

PHILBIN

We don't know.

COMEY

We need to know; we need specific
answers. Anybody tells you you're
not authorized to hear what they're
really doing, you send them to me.

JACK

And then what? We've pitched every
fix you can imagine, Addington and
Gonzales won't even consider them.

COMEY

Once we know exactly what they're
doing, we can evaluate. Maybe it
doesn't need to be changed, maybe
it's just that the opinions are a
mess. That's not the end of the
world.

Jack and Philbin trade a look. They've been in this for a
while, they'd be surprised if that was the case. But they'll
try again.

88

INT. NATIONAL SECURITY AGENCY CONFERENCE ROOM - DAY

88

Jack and Philbin are with Warren again. He's speaking
quietly, even though he's in a secure room, in a secure
building. He can't quite believe he's saying this out loud.

WARREN

Before 9-11, we developed a program
called Thin Thread. It analyzed
networks of people.

(MORE)

WARREN (CONT'D)

We know you're a bad guy, we look at who you're emailing, and then we know they might be bad too. We used it to find new suspects, uncover new plots. All over the world. And we did that by analyzing basically every electronic transmission.

JACK

...in the world?

WARREN

We have a really big computer.

That's an understatement.

WARREN (CONT'D)

But we never looked at domestic communication. And if somebody overseas was emailing somebody here, the domestic side was automatically encrypted. We couldn't see the name, the address, nothing.

PHILBIN

So what changed?

WARREN

After 9-11, they realized they needed a way to find the bad guys they didn't know about. Here.

PHILBIN

How did you decide who to look at?

Warren hesitates.

JACK

Comey talked to Hayden -- this is supposed to be the whole story.

WARREN

(beat)

They don't "decide who to look at." It was like we had a valve that shut off all the domestic flow. We opened the valve. And removed the encryption. And then fed it into the program.

(beat)

All of it.

Jack and Philbin can't believe what they're hearing. It's breathtaking.

89 INT. DEPARTMENT OF JUSTICE - JACK'S OFFICE - EVENING

89

Philbin's sitting. Jack's on the phone with Comey. On his feet. Beside himself.

JACK (INTO PHONE)
No, you don't understand -- it's
not that they can look at anyone.
It's that they are looking at
everyone!

COMEY (O.S.)
How is that even possible?

JACK (INTO PHONE)
All of the communication in the
country! And then they keep it --
INDEFINITELY.

PHILBIN
Jack.

Jack looks at Philbin. Philbin silently mouths *You shouldn't talk about it on the phone.*

JACK
I can't hear you, speak up.

Philbin tries again. But Jack's not much of a lip reader.

JACK (INTO PHONE) (CONT'D)
Patrick's mouthing things at me.
(to Philbin)
It's just Comey -- talk out loud!

Patrick doesn't. He grabs a piece of paper and scribbles something. Then he holds it up for Jack.

COMEY (O.S.)
What's his problem. Jack. Jack?

But Jack's silent. Frozen. Starting at the paper in Philbin's hand. It reads **THEY TAP PHONES.**

90 EXT. BENCH - NIGHT

90

Jack and Comey sit on a bench on a deserted street. They feel like fucking idiots.

JACK
Patrick's paranoid.

COMEY
Yeah. But you know what they
say... just cause you're paranoid,
doesn't mean the government's not
tapping your phone, bugging your
office, and reading your email.

It's a joke. But only kind of. Jack, joking too...

JACK
We should come up with a code.

COMEY
Right. Call it the Hydrangea
Initiative.

JACK
We'll meet here on days you've got
a flower in your lapel.

Comey smiles. But then the fun drains out of the moment.
Because underneath it all, they're genuinely horrified.

COMEY
Everybody?

Jack nods.

JACK
At first it just sounded weird. A
national security program written
by Cheney's lawyer, the OLC
opinions are a mess, they don't
want anybody to read it... It
looked like a gross violation of
protocol. But now... they're way
outside the law. On a massive
scale.

Fuck. Comey was hoping he wouldn't have to take this on.
And it's just getting bigger.

EXT. CENTRAL INTELLIGENCE AGENCY - NIGHT - ESTABLISHING

91 **INT. CIA - SCOTT MULLER'S OFFICE - NIGHT**

91

Comey shakes hands with SCOTT MULLER, CIA General Counsel.

COMEY

Sorry to be dropping by so late.

He's about to sit, when he realizes something.

COMEY (CONT'D)

Do you have a secure conference
room we can sit in?

Scott smiles at the newbie.

SCOTT MULLER

The paranoia passes, few weeks.

Comey nods. But he's not gonna sit down. Weary, Scott rises.

92

INT. CIA - SECURE CONFERENCE ROOM - LATER

92

Scott's been listening for a while, with growing concern.

SCOTT MULLER

They can't be sifting through all
the electronic communication in the
country.

But Comey's look says they are.

SCOTT MULLER (CONT'D)

So every time anybody follows one
of these leads, they're violating
the 4th amendment?

COMEY

And possibly the 1st. And the 5th.

SCOTT MULLER

Christ.

COMEY

Unless we're missing something.
I'd be happy to hear we've analyzed
this all wrong.

Scott shakes his head.

SCOTT MULLER

I had doubts about it from the get
go.

COMEY

And you... did you say anything?

SCOTT MULLER
I wasn't sure how to-- I mean, the
VP's office is...

He was too scared. And he's embarrassed to admit it.

SCOTT MULLER (CONT'D)
You talk to anyone at the FBI about
this?

COMEY
Not yet.

Scott picks up a phone on the table.

SCOTT MULLER (INTO PHONE)
Hey, it's Scott over at CIA. Yeah,
Jim Comey's gonna need to sit down
with somebody over there--

COMEY
With the Director.

SCOTT MULLER (INTO PHONE)
With the Director. As soon as
possible.

93 INT. FBI - OUTER OFFICE/DIRECTOR'S OFFICE - NIGHT

93

Comey enters ROBERT MUELLER's office. Muller and Mueller have unfortunately similar names, but Robert Mueller's the Director the goddamn FBI, and we'll know it because Comey's visibly deferential as he shakes Mueller's hand and settles in a chair across from his imposing desk, and also because when an assistant shuts the door we'll see a plaque on it that says ROBERT MUELLER. DIRECTOR. FEDERAL BUREAU OF INVESTIGATION. Comey's taking this all the way up the chain.

94 INT. DOJ - ASHCROFT'S OFFICE - DAY

94

Comey and Ashcroft.

COMEY
Goldsmith and Philbin turned the
program inside out, at this point
they understand it better than the
Director of the NSA does. I spoke
to the Director of the FBI--

ASHCROFT
You talked to Bob Mueller?

COMEY

And the General Counsel of the CIA.
It's the biggest mess any of us
have ever seen. And it's got some
constitutional implications that
are... deeply disturbing.

*

Ashcroft shakes his head. It's daunting, the whole thing.

ASHCROFT

The program expires when?

COMEY

In a week. If the White House
agrees to make some changes, we can
try and fix it. If not... I'm
recommending you do not re-certify.

Ashcroft's overwhelmed by the ramifications of that advice.

95

EXT. DOJ - COURTYARD - DAY

95

Comey finds Jack walking across the courtyard, past staffers
sitting at outdoor tables with Starbucks cups.

COMEY

Jack.

Jack stops, and Comey catches up.

COMEY (CONT'D)

The, uh... Hydrangea Initiative?

*

Jack smiles. Nods.

*

COMEY (CONT'D)

Make a list. If they don't agree
to every change, Ashcroft's not
gonna sign it.

*

Jack can't believe what he's hearing.

COMEY (CONT'D)

He's speaking at a conference this
afternoon. Have something on his
desk by the time he gets back.

Comey leaves. Jack's flooded with relief. It's almost
inconceivable. He actually won. Things are looking up.

That's when the shit really hits the fan.

96

INT. GREEN ROOM - AFTERNOON

96

Ashcroft's reviewing his speech when he feels a sharp pain in the upper right side of his abdomen. His aide, MARK, is nearby, glued to his Blackberry.

ASHCROFT

Mark, get me some water.

Mark checks out a table that's got soda, Odwalla...

MARK

Mango Tango? Mo' Beta?

ASHCROFT

Water.

MARK

Copy that.

Mark heads out to investigate. Ashcroft's sucking slow breaths. He's in real pain.

97

INT. HALLWAY/GREEN ROOM - MOMENTS LATER

97

Mark ambles down the hall with a female INTERN, each carrying a few water bottles. Mark's working the Department of Justice angle.

MARK

When I got the job, I started telling people I worked for the Justice League of America.

INTERN

Really?

MARK

Nobody questions it.

INTERN

You're lying.

MARK

I'm not, people do not know the difference.

The intern's not laughing though, because they just entered the green room and she spotted the Attorney General of the United States flat on his back on the floor. Dropping the bottles and running in--

MARK (CONT'D)
Holy shit.

98 EXT. WASHINGTON STREETS - AFTERNOON 98

An ambulance SCREAMING through the streets. Police escort.

99 INT. WHITE HOUSE - LIBBY'S OFFICE - AFTERNOON 99

Cheney's on the video screen, scrutinizing a speech draft as Libby and a terrified SPEECHWRITER take notes. Cheney's in an undisclosed location (his home in Wyoming). He's speaking at the upcoming Gridiron Dinner, and this poor schmuck got tasked with writing the jokes. Demonstrating one...

SPEECHWRITER
"I felt a tightness in my chest. I
started gasping for air and
breathing irregularly. Then I
realized... it's called laughing."

Crickets.

SPEECHWRITER (CONT'D)
Cause a bunch of reporters'll do
skits before you go up. So it's
like maybe you laughed at one of
them. But you didn't know what it
was. Cause you don't laugh.

The guy's pretty sure he's about to be the Admiral that Darth Vader suffocates to death with a glance.

CHENEY (ON SCREEN)
I followed it. I just wasn't sure
it was funny.

LIBBY
This thing about duck hunting with
Scalia's a little close to the
bone.

SPEECHWRITER
I can take it out.

CHENEY (ON SCREEN)
Leave it.

Libby's AIDE KNOCKS and walks in a note.

AIDE
Excuse me, gentlemen.

She holds it up to the video camera so only Cheney can see.
Cheney reads it. Shakes his head.

CHENEY (ON SCREEN)
Scooter.

She hands the note to Libby.

100 INT. DOJ - LOBBY - DAY

100

Ayres, Goldsmith, Comey huddle in the cavernous lobby.

AYRES
Severe gallstone pancreatitis.
They rushed him to the ICU.
They're trying to figure out if
they should operate.

*

COMEY
What happens now?

AYRES
When the Attorney General's
disabled, his Deputy becomes Acting
Attorney General.

Jack looks at Comey.

JACK
You're the Attorney General now.

Comey hadn't thought of that until Ayres said it. It takes
him a second.

AYRES
You should probably put that in
writing. Copy the White House.

Jack nods. Ayres leaves. Comey stops Jack. Quiet...

*

COMEY
We're gonna have a problem with
the, uh... Hydrangea Initiative.

*

*

This time it's not a joke.

*

COMEY (CONT'D)
Ashcroft said he wasn't gonna sign.
But he didn't write it down. He
didn't tell anybody but me. The
thing's gonna expire in a week. If
he's still incapacitated...

*

*

*

*

They share a look. Now they're really fucked.

101 **EXT. AIR FORCE TWO - DAY**

101

Addington and Gonzales rush up the stairs to the Vice President's plane.

102 **INT. AIR FORCE TWO - CHENEY'S OFFICE - DAY**

102

Cheney's at the desk in his Air Force Two office as Addington and Gonzales reluctantly bring him and Libby up to speed.

CHENEY

What kind of problem?

GONZALES

Goldsmith's not 100% convinced it's all legal.

*

Addington's not delighted he was that bald about it.

ADDINGTON

He wants Congress holding his hand, is what it comes down to.

CHENEY

Wasn't he supposed to be an advocate of a strong presidency?

ADDINGTON

Apparently when push comes to shove, he's all about the legislature.

CHENEY

And you told him no?

ADDINGTON

Sure. But now, with Ashcroft...

Cheney is not pleased. With the situation. With his staff.

CHENEY

I want a memo from Justice that says John Yoo's opinions covered the program.

GONZALES

Based on Goldsmith's analysis or--

CHENEY

I don't want a new opinion -- I want it clear, in writing, that the prior opinions had concluded the program was legal. We don't need to rehash old work.

Addington and Gonzales head for the door.

CHENEY (CONT'D)

David. I hear this guy's name more than I want to.

*

103 INT. DOJ - JACK'S OFFICE - NIGHT

103

Comey, Goldsmith, Philbin in a sea of paper, dotted with take-out trash. They've been at it for hours. Bleary eyed.

*

JACK

We can't give him the memo he's asking for. There's no way.

*

*

*

Comey just noticed there's a CD playing in Jack's office.

*

COMEY

Can we kill the music? My head's pounding.

*

*

*

Jack glances at Philbin, embarrassed. Comey realizes...

*

COMEY (CONT'D)

You're worried they bugged the office.

*

*

*

JACK

It's stupid. I can turn it off.

*

*

COMEY

Leave it on.

*

*

He thinks they're crazy, but unfortunately he's not sure.

*

PHILBIN

What's he gonna say when you tell him no memo?

*

*

*

COMEY

What's he gonna say when I tell him I'm not signing the reauthorization?

*

*

*

Jack never imagined Comey would take it this far.

*

JACK
You're really not signing it?

COMEY
I told Ashcroft not to, how am I
supposed to sign it myself?

JACK
I thought it was supposed to be a
threat. You don't sign it, it shuts
down. This is the eyes and ears of
the counterterrorism program. It's
how we spot the next attack.

COMEY
What exactly is the alternative?

JACK
I want to rein it in, or build in
some oversight. Not shut it down.

COMEY
You got a fix you're keeping under
your hat? That they haven't
already rejected? Cause now's the
time!

PHILBIN
They'll cave. They have to. It's
too important. They'll make the
changes.

Comey and Jack look at him, hoping he's right. Pissed at
each other. At themselves. They can't believe they're in
this fucking mess. It's all gotten way out of control.

104 INT. JACK'S HOUSE - JACK JR.'S ROOM - NIGHT

104

Leslie comes into her three-year-old's room to find her
husband sitting on the floor, staring at his sleeping son in
the tiny bed. She sits on the floor next to him.

JACK
He's bigger.

LESLIE
He eats. All the time.

This is what they can talk about. They never see each other.
He can't talk about what's actually going on in his life.

JACK
Am I missing his whole childhood?

LESLIE
A bunch of it, yeah.

JACK
I didn't want to be this kind of
father.

Beat.

JACK (CONT'D)
I'm afraid I'm about to do
something stupid. And dangerous.

LESLIE
Then don't do it.

JACK
I think I have to. Maybe it's not
dangerous, maybe it's just an ugly,
extremely high stakes game of
chicken.

LESLIE
Are you winning or losing?

JACK
I don't know. Either way I'm gonna
make a lot of people angry.

LESLIE
So they fire you. It's okay.

JACK
They can't fire me. It'll look
bad.

LESLIE
Then what can they do?

JACK
They ruin people. Reputations.
They'll ruin my whole career.

It's true. And he's terrified. They both are. She takes
his hand.

105 INT. WHITE HOUSE - CORRIDOR - DAY

105

It's Saturday. Goldsmith and Philbin walk the empty halls.

106 INT. WHITE HOUSE - GONZALES' OFFICE - DAY

106

Jack and Philbin just stated their position, and there's a silence as Gonzales and Addington try to digest the information. They simply can't fucking believe it.

ADDINGTON

You're not recertifying the program.

*

JACK

Not unless we're able to make some changes.

*

ADDINGTON

Are you out of your mind??

*

*

GONZALES

Okay, let's take a minute and--

*

But Addington just explodes.

ADDINGTON

There will be bodies in the streets!

GONZALES

David.

ADDINGTON

If you rule this way, the blood of the 100,000 people who die in the next attack will be on your hands!

JACK

I understand that. I wish I didn't. If the President wants to overrule me and act...

*

He's trying to find the right word, and it's delicate, because it's quite an accusation.

JACK (CONT'D)

...extra-legally... That is his prerogative.

Addington's simply astonished. This is the most reckless act he's ever seen.

*

107 EXT. WASHINGTON STREETS - NIGHT

107

The Vice President's motorcade glides through the city.

108 **INT. CHENEY'S LIMO - NIGHT**

108

Gonzales rides with Cheney to the Gridiron Dinner.

GONZALES

Justice says they can't recertify
unless we make some amendments.

The light in Cheney's eyes disappears.

GONZALES (CONT'D)

I can take you through it, much of
the Program will remain intact--

Cheney fixes Gonzales with a look.

CHENEY

The Program was designed by a
wartime President to protect a
vulnerable nation from imminent
attack. The Constitution grants
the President that authority. We
are not changing the Program.

109 **INT. GRIDIRON DINNER - NIGHT**

109

Cheney on-stage, in white-tie and tails. A packed house.

CHENEY

At one point during your skits, I
had a little scare. I felt a
tightness in my chest. I started
gasping for air and breathing
irregularly. Then I realized it's
called laughing.

The whole place breaks up. He's killing it. Pitch perfect.

CHENEY (CONT'D)

Lots of familiar faces here
tonight. I always feel a genuine
bond whenever I see Senator
Clinton. She's the only person
who's the center of more conspiracy
theories than I am.

110 **INT. JACK'S HOUSE - KITCHEN - DAWN**

110

Jack's on the phone.

GONZALES (O.S.)
Jack, it's Al. I wondered if we
could sit down for a few minutes.

JACK (INTO PHONE)
I'm sorry, sir, I don't think
there's much I can do at this
point.

GONZALES (O.S.)
Hey, come on.

INTERCUT WITH:

111 **INT. GONZALES' HOUSE - LIVING ROOM - DAWN** 111

Gonzales is working it, hard. This is incredibly stressful
for him too. He was supposed to be handling this.

GONZALES (INTO PHONE)
Just you and me. No Addington. I
know he can be tough to talk to.
Let's just have a conversation.

112 **INT. WHITE HOUSE - GONZALES' OFFICE - DAY** 112

Gonzales sits with Jack.

*

GONZALES
Give us a 30 day bridge. So we can
get past the reauthorization on
Thursday. Get Ashcroft back on his
feet.

JACK
Ashcroft shares our concerns.

GONZALES
Then he'll say so the minute he
comes back. You've signed it
before.

*
*

JACK
I wasn't sure before. I hadn't
fully unravelled it. And now I
have, and I'm telling you, you've
got half the government illegally
surveilling the American people.

*
*
*
*
*
*

GONZALES
It's 30 days, Jack. You owe it to
the President.

*
*
*

This is brutal. Al's such a nice guy. And he invoked the President, which makes it a lot harder.

113 **EXT. WHITE HOUSE - MORNING** 113

Addington's waiting when the Vice President's motorcade pulls up and Cheney steps out. Addington shakes his head no. *

114 **INT. WHITE HOUSE - CHENEY'S OFFICE - DAY** 114

Cheney drops his coat, briefcase. Pissed. Card, Addington, and Gonzales await instruction. *

CHENEY

I want the head of every agency
that touches the program in a room.
CIA, NSA, FBI. See if we can't
clear up who runs the store around
here. *

115 **INT. WHITE HOUSE - ANDY CARD'S OFFICE - DAY** 115

Cheney, Card, Addington, Gonzales, joined by the directors of the CIA, FBI, NSA -- Tenet, Robert Mueller, Hayden. This is the meeting before the meeting. Cheney cuts to the chase. *

CHENEY

The new Deputy Attorney General got
handed the keys to the car when
Ashcroft went into the hospital.
Apparently he feels the need to
take it out for a spin and run
something over. It's obviously not
an option. If the Department of
Justice won't cooperate, the
President may have to reauthorize
the program without their blessing. *

Cheney's expecting nods, and gets them from Hayden and Tenet. *

MUELLER

I could have a problem with that.

Cheney fixes his gaze on Mueller, not unlike a man who spotted a fly that managed to slip in the screen door. Mueller's a tough guy, but even he finds that gaze unnerving.

116 **INT. WHITE HOUSE - OUTSIDE CARD'S OFFICE - DAY** 116

The DOJ team waits - Comey, Goldsmith, Philbin. So tense they can't speak. Card opens his door.

CARD
Come on in, guys.

*
*

117 **INT. WHITE HOUSE - ANDY CARD'S OFFICE - DAY** 117

The big dogs arrayed around a table for maximum impact. Cheney at the head. Comey next to him. Mueller, who dared question the plan, at the far end, out of Comey's eye-shot.

*

CHENEY
This program is vital. Turning it off would leave us blind. It is a profound mistake.

HAYDEN
It's the only real hope we have of discovering sleeper agents before they act.

COMEY
I understand that.

CHENEY
You couldn't possibly. You're risking thousands of lives. How can you reverse course on something this important after all this time?

Cheney's incredulous. The intimidation factor is crushing.

*

COMEY
The program has to operate within the law.

CHENEY
It does -- as the Attorney General has confirmed, with his signature, twenty times.

COMEY
We know a lot more about it than we did before. General Ashcroft and I reached this decision together. Right before he fell ill.

*

An uncomfortable pause. Comey's aware the timing looks bad.

COMEY (CONT'D)

I accept for purposes of this discussion that it's as valuable as you say it is. That only makes this more painful. But it doesn't change the analysis.

CHENEY

How is that possible?

COMEY

If I can't find a lawful basis for something, you telling me you really really need to do it doesn't help me.

CHENEY

Well, others see it differently.

He's talking about Addington, and Comey knows it.

COMEY

That analysis is flawed. In fact facially flawed. No lawyer reading that could reasonably rely on it.

ADDINGTON

I'm a lawyer and I did.

COMEY

No good lawyer.

That sucks the air out of the room. Addington's standing by the wall. He takes a step forward.

ADDINGTON

We have a Congressional resolution that authorizes the President to wage war on al Qaeda. The Constitution empowers the President to do what is necessary in an emergency to save the country. That's the whole conversation.

*

Jack's been hugging the wall, hoping Comey would prevail. But now Addington's on his turf. So right there in front of the big guys, he steps in.

JACK

It isn't, actually -- we can't jettison the Fourth Amendment and three criminal statutes.

(MORE)

JACK (CONT'D)

Particularly when there's an extant court, whose sole purpose is to provide warrants--

ADDINGTON

We're talking about ticking bombs, we don't have time for FISA.

JACK

If the FISA process is too slow, change it. We can't run a program of this magnitude with no oversight. The towers aren't burning. Two years in, it's our job to consider a system prone to abuses.

ADDINGTON

We're getting terrorist threat information right now that is more frightening than at any time since 9/11. Nothing has slowed down.

JACK

Then the President is free to act extra-legally. Roosevelt did it, Lincoln --

ADDINGTON

Honestly...

JACK

State of emergency. Lincoln raised armies, suspended habeas corpus -- extra-legally. But he informed Congress.

ADDINGTON

Roosevelt and Lincoln didn't face anything like the Congressional restrictions on President Bush.

JACK

Right -- and that's what we're really talking about. But we should avoid confusing a state of emergency with an aggressive program to expand presidential power for its own sake.

*
*

ADDINGTON

For its own sake??

JACK

If it's not about that, if the program is a legitimate response to an immediate crisis... *tell Congress.*

ADDINGTON

We can't tell 535 individuals the intricacies of our counterterrorism practices -- we might as well publish them in the New York Times!

JACK

So change the program!

CHENEY

We're not changing the program.

It's quiet. And final. Everyone in the room thinks Jack just made some great points. But nobody thinks that will change anything. Cheney spoke. And that's the end of it.

118 **EXT. WHITE HOUSE GATE - DAY**

118

Comey, Philbin, and Jack storm out of the White House and up the drive. After a beat Comey stops.

COMEY

I was clear, right? I told the man he was breaking the law. And that he was asking me to break the law.

JACK

Yes.

COMEY

And he told me to do it anyway. That's what happened.

*

Jack nods. Comey barrels on. He was worried before. Scared. Now he's just pissed off.

*

119 **INT. WHITE HOUSE - CHENEY'S OFFICE - NIGHT**

119

Cheney, Card, Gonzales. Cheney digs through a pile on his desk, dealing with other matters, but Card won't let it drop.

CARD

We need to tell the President. We've got a day before the thing expires.

CHENEY
We're handling it.

CARD
He knows it's under discussion.
Doesn't he? He knows they have a
problem.

CHENEY
Andy, your job is to keep things
off his plate.

CARD
He doesn't know?

CHENEY
You want to march into the Oval and
tell him there's a palace coup at
the Department of Justice? I
prefer to handle it.

Cheney returns to his paperwork, confident that he's handling
it. Card doesn't look so sure. But the conversation's over.

120 **EXT. CONSTITUTION AVENUE - MORNING**

120

TITLE: WEDNESDAY

Philbin's on the corner when Jack comes down the street on
his way to the office. They walk in silence for a beat.

PHILBIN
What if we're wrong.

JACK
You think we are?

PHILBIN
No. But, maybe it doesn't matter.

JACK
Maybe we're legalistic, pin-headed
little fucks who are compromising
the safety of the nation?

PHILBIN
Yeah.

JACK
It's entirely possible.

PHILBIN
We could give it another 45 days.

Jack finally stops.

*

JACK
Do you or do you not think the
President is subject to the rule of
law?

Philbin's silent. Yes, is the answer.

*

JACK (CONT'D)
Yeah, me too.

Philbin starts walking toward the building. Jack's not
walking with him. Philbin notices.

*

*

PHILBIN
You coming?

*

*

Jack's taking big slow breaths. Trying to get his heart rate
to slow down. The stress it getting to him.

*

*

PHILBIN (CONT'D)
You okay?

*

*

Jack nods.

*

JACK
This happens lately. It just takes
a minute to... catch my breath.

*

*

*

Philbin's worried about him. So is Jack, but he's covering.
He presses on, toward the DOJ building.

*

*

121 INT. WHITE HOUSE - LOBBY - MORNING

121

Comey enters the White House, there for the President's Daily
Briefing. He passes Hayden and Mueller huddled together,
speaking in hushed tones, silencing when anyone comes near.
They look worried. Comey's a wreck. He's about to take this
thing over the edge of the cliff. He continues on into the--

*

122 INT. WHITE HOUSE - CORRIDOR OUTSIDE OVAL - CONTINUOUS

122

Comey spots FRAN TOWNSEND, a friend who works for Rice.
She's waiting for the Briefing too.

FRAN
I didn't read the position paper
you sent -- do you really care or
were you copying me to be polite?

*

*

COMEY

I was being polite. I need to ask you something.

He glances over his shoulder to see if this corner's private enough. It'll have to do.

COMEY (CONT'D)

I'm gonna say a phrase and I want you to tell me if you recognize it. Stellar Wind. Surveillance...

FRAN

Is this the Vice President's thing?

He nods.

FRAN (CONT'D)

I've heard whispers, but I don't know what it is. And I'm pretty sure I shouldn't have this conversation.

COMEY

You're the President's counterterrorism advisor.

FRAN

I can't have this conversation.

COMEY

I need you to find out if your boss recognizes that name.

*

FRAN

Condi's not gonna tell me about a--

COMEY

I just need to know if she's read in.

Fran doesn't want to get into this, but Comey looks panicked. And he's not a guy who panics.

DOWN THE HALL

Cheney walks with Card toward the Oval, passing Hayden and Mueller, and then Comey and Townsend. Everyone abruptly hushes as Cheney and Card pass.

CARD

We have Caesar's conspirators in every corner. You still want to handle this without the President?

123 INT. WHITE HOUSE - OVAL OFFICE - MORNING

123

End of the Briefing.

BRIEFER

...there have been statements already from the five British citizens we released yesterday from Guantanamo -- fairly, uh, detailed accounts of alleged mistreatment. We should expect some blowback.

CHENEY

My office will put together a response.

CARD

Are we considering any adjustments?

BUSH

At Gitmo?

Card was reluctant to even raise it, so he doesn't nod so much as half-shrug.

CHENEY

We respond. Doesn't mean we change policy. It's a prison, no one's surprised to hear they had a bad experience.

Card considers questioning this, but thinks better of it.

BUSH

S'that it? Alright. Skedaddle.

The crowd disperses. Comey glances back, wondering if anyone is going to say anything. No. He exits.

CHENEY

Andy.

Card was leaving, but now he hangs back. He and Cheney are the only ones left with Bush. Bush is at his desk, looking at a letter he read earlier.

BUSH

Jenna wants to come out on the campaign trail with me. She wrote a letter. Isn't that something?

He's moved. A hint of tears in his eyes. Cheney musters a moment of patience for an emotional display he considers out of place in this office. And then re-directs the president back toward business. Offhand. Casual.

*
*
*
*

CHENEY

Sir, the Terrorist Surveillance Program expires today. All of a sudden, the Deputy Attorney General's got a bug up his rear about it. He'd like to make some changes.

BUSH

Do we support that idea?

*

Cheney shakes his head no.

*

BUSH (CONT'D)

Why'd he wait till the day the thing expires to pipe up?

Card looks to Cheney, expecting him to mention they've been complaining about this for months, but Cheney's silent.

BUSH (CONT'D)

People don't think. You notice that? Have Al work it out with Ashcroft.

Cheney nods and turns to leave. Bush is going through papers on his desk. Card's worried enough to jump in.

*

CARD

They have some concerns that may be hard to skirt.

*

BUSH

It's just the one guy or a whole bunch?

CARD

It's more than one.

BUSH

So sit down with the congressional leadership, let 'em know Justice is getting hinky and we don't like it.

CHENEY

We don't really need congressional approval to--

BUSH

They know, don't they? Didn't we
brief the leadership on this thing?

Cheney nods.

BUSH (CONT'D)

I'm going to Columbus--

CARD

Cleveland.

BUSH

Whatever. Another goddamn stump
speech. Sit with the leadership.
Send 'em my regrets.

*

Bush is out the door. Card looks at Cheney, who didn't
particularly drive home the gravity of the situation.

CARD

Does he know Ashcroft's in the
hospital?

(beat)

How exactly does Al work it out
with him?

Cheney breezes past Card.

CHENEY

You wanted him to know. Now he
knows.

124

INT. WHITE HOUSE - GONZALES' OFFICE - MOMENTS LATER

124

Cheney's in the doorway, Card on his heels. They find
Gonzales at his desk.

CHENEY

Organize a meeting of the Gang of
Eight in Andy's office this
afternoon. Actually make it the
Sit Room. Call it an Emergency
Meeting. No staff. No notes.

And Cheney's gone. Gonzales looks at Andy.

CARD

We appear to be covering our asses.

125 INT. DOJ - COMEY'S OFFICE - DAY

125

Jack and Philbin were summoned. Comey's getting ready to leave.

COMEY

Cheney called a meeting with the Gang of Eight. To talk about the Program.

*

JACK

(beat)

Did we just win a round?

Comey's reticent to gloat, but yeah, it looks like they did.

COMEY

I'm on my way over there, you want to go through the bullet with me?

*

That's when COMEY'S AIDE enters.

COMEY'S AIDE

Sorry. I called the White House to say you were coming, they said you don't have to.

COMEY

...I don't mind.

COMEY'S AIDE

Yeah... it's okay.

The Aide's trying to figure out how to put this with people here.

COMEY

What exactly did they say?

COMEY'S AIDE

They don't want you at the meeting.

It hangs there. This wasn't a win. They were outmaneuvered.

126 EXT. WASHINGTON STREET - DAY

126

*

Comey, Philbin, and Jack are on the street, irate. And they feel like morons about it, but they're afraid to discuss this indoors.

*

*

*

COMEY

What if I just show up anyway?

*

*

PHILBIN

You can't crash a meeting at the White House -- you're not on the list, they won't let you near the building.

JACK

Well, maybe once they hear about it, they'll step in.

PHILBIN

The Gang of Eight?

JACK

They're the ranking members of the House and Senate. And the ranking members of the intelligence committees. They're not gonna sit on their hands.

PHILBIN

That's exactly what they're gonna do. Half of them were briefed on it when it started -- they had to appropriate the funds to run it. They came up with the 45 day rule.

COMEY

And they never checked to see how it was going?

PHILBIN

That's the beauty of how Cheney built it. He makes them think they're supervising, but he has it all executed in the executive branch. So they only know what he tells them.

(beat)

He's better at this than we are.

It's true. They're all furious. And powerless.

127

INT. WHITE HOUSE - SITUATION ROOM - DAY

127

Cheney. Hayden. Gonzales. Cheney watches carefully as General Hayden reviews the basics of the program with the Gang of Eight, including NANCY PELOSI, JAY ROCKEFELLER, TOM DASCHLE. Hayden's following Cheney's script.

HAYDEN

I give you my word as an officer,
we do not collect one photon or
electron more than is absolutely
necessary.

*

PELOSI

Well, if Justice can't get behind
it, I think we need to reconsider
seeking legislative authority.

*

*

CHENEY

I don't see how that's gonna work.

*

*

ROCKEFELLER

At least we should brief the rest
of the Intelligence Committee.

*

Cheney gives him a look that suggests that's a nonstarter.

ROCKEFELLER (CONT'D)

I sent you a letter a few months
ago, I think I was clear I was
uncomfortable with the direction
this was moving.

*

*

*

*

*

CHENEY

I read it.

*

*

That wasn't a response so much as a dismissal.

*

DASCHLE

Dick, you're marginalizing
Congress, you can't be surprised
Justice is up in arms.

CHENEY

Congress leaks. It was true when I
was a member, it's true now. This
is too important. And too fragile.
The enemy's hard enough to find
without us sharing our methodology.
We aren't doing this for our
entertainment. We're talking about
calls to al Qaeda -- if you're on
the phone with Aunt Sadie in Paris,
we're not really interested.

*

HAYDEN

I think it's safe to say, had this
program been in place in 2001, we
would have detected the 9-11
terrorists before they acted.

*

CHENEY

We need this. The idea that we
would close our ears because one
deputy wants to show his tail
feathers in his first week on the
job...

*
*
*
*
*

It does sound appalling.

*

128

INT. WHITE HOUSE - ANDY CARD'S OFFICE - AFTERNOON

128

Bush pokes his head in Card's door.

CARD

How was Cleveland?

*

BUSH

Who the fuck knows. You sort it
out with Justice?

CARD

They're not budging.

BUSH

Where the hell is Ashcroft?

Card hesitates. He knows Cheney didn't want him getting Bush
into the details of this. But...

*
*

CARD

Sir, he's in the hospital, he's
recovering from emergency surgery
on his gall bladder.

*

BUSH

Why am I just hearing about all
this?

*

CARD

It was more or less news to me too
as of yesterday.

BUSH

Well call the damn hospital and
sort it out.

Bush storms out. Pissed.

129

INT. WHITE HOUSE - OVAL OFFICE - AFTERNOON

129

A few minutes later. Bush is at his desk when Card and
Gonzales enter. Embarrassed.

*

CARD

Sorry... Ashcroft's security detail
wouldn't put the call through.

GONZALES

Apparently his wife said no calls.

Bush is supremely annoyed. He picks up his own damn phone.

BUSH (INTO PHONE)

Get me John Ashcroft, please. He's
at...

CARD

GW.

BUSH (INTO PHONE)

GW Hospital.

Bush waits, looking at Card and Gonzales like they're fucking
idiots.

BUSH (INTO PHONE) (CONT'D)

Hey there, it's the President. Can
I get John on the phone for a
minute? No problem, I'll wait.

(mutters)

*No rush. Leader of the goddamn
free--*

(phone)

Hey John! You feeling okay? We're
sending flowers, I hope they don't
make you sneeze. Al and Andy are
going ten rounds with your guys on
this surveillance thing, they're
gonna come down, get your two
cents. That's great.

Bush hangs up. Gives them a look, like, was that so hard?

130

INT. JACK'S HOUSE - KITCHEN - NIGHT

130

Jack's having dinner with Leslie and the baby. A rare event,
he's home in time for dinner. The toddler makes an
appearance, in footy pajamas.

JACK

Uh uh. Get back in bed, Little
Man.

JACK JR.

I have a pee.

LESLIE
You don't, you just peed.

JACK
Up. Go.

He shuffles back upstairs, as Jack's phone rings. Jack looks at Leslie, apologetic.

LESLIE
It was too good to be true.

JACK (INTO PHONE)
Hello.

He listens for a second. Then rises abruptly.

131 **INT. COMEY'S CAR - NIGHT**

131

Comey's in the car with his Security Detail. He's reading in the back seat when he gets the call.

COMEY (INTO PHONE)
This is Comey.

*

He listens, incredulous. Then, to his driver DOUG...

*

COMEY (CONT'D)
Doug, we gotta turn around and get to GW Hospital right now.

DOUG
Fireworks?

COMEY
Yeah I think so.

Doug hits the SIREN.

132 **EXT. CONSTITUTION AVENUE - NIGHT**

132

Doug slaps a flashing LIGHT onto the roof, slams on the brakes, and makes a SCREECHING u-turn on Constitution Avenue.

133 **INT. JACK'S CAR - NIGHT**

133

Jack's driving, he's not Deputy AG, he drives his own crappy car, he's just a guy who works at DOJ, he's not even supposed to be here, and when he pulls up in front of GW Hospital there's no goddamn parking space.

*

JACK
Fucking hell.

Screw it -- he double parks.

134 **EXT. GW HOSPITAL - NIGHT** 134

Jack jumps out of the car and runs into the hospital.

135 **INT. GW HOSPITAL LOBBY/STAIRWELL - NIGHT** 135

Comey's jabbing the elevator button. Takes forever. Forget it -- he finds a stairwell, takes the steps two at a time, his Security Detail running behind him.

136 **INT. WHITE HOUSE - CHENEY'S OFFICE - NIGHT** 136

Cheney's packing up for the night when Libby enters, confused.

LIBBY
Andy and Al are going to the hospital to see Ashcroft? I thought he turned over his authority to Comey.

CHENEY
If he wants it back, he can take it back.

LIBBY
The guy's in ICU. We sure this is a good idea?

Cheney looks at him, inscrutable, and heads out. *

137 **INT. HOSPITAL - HALLWAY OUTSIDE ASHCROFT'S ROOM - NIGHT** 137 *

The hallway's quiet; it's been emptied for Ashcroft. There's an FBI command post set up down the hall. FBI agents, hospital security, police. Jack's standing, waiting, when Philbin races in -- like they all did, running to a fire. He stops in front of Jack.

138 **INT. HOSPITAL - ASHCROFT'S ROOM - NIGHT** 138

Dark. Comey, speaking in hushed tones with JANET ASHCROFT, the AG's wife. *

COMEY
Has he been awake?

*
*

JANET
In and out.
(crosses to the bed)
Honey, Jim Comey's here. John.
Open your eyes.

Ashcroft's eyes slip open. Unfocused.

*

COMEY
Hi sir, it's Jim Comey. It's good
to see you.

*

ASHCROFT
Mm hm.

*

COMEY
Sir, do you know that Mr. Card and
Mr. Gonzales are coming here?

Beat.

ASHCROFT
To the house?

COMEY
To the hospital.
(beat)
Sir, do you know you're in the
hospital?

There's a horrible silence where Ashcroft stares at Comey,
blank. The Attorney General has no idea where he is.

139 **INT. HOSPITAL - HALLWAY OUTSIDE ASHCROFT'S ROOM - NIGHT** 139

Goldsmith and Philbin are waiting when Comey comes out. He
shakes his head. Then he pulls out his phone and dials.

INTERCUT WITH:

140 **INT. RESTAURANT - NIGHT** 140

Mueller's out to dinner with his WIFE and DAUGHTER when his
cellphone RINGS.

DAUGHTER
I don't like that place.

WIFE

On Connecticut?

DAUGHTER

It has a weird smell.

MUELLER (INTO PHONE)

Hello?

COMEY

Bob, it's Jim Comey. Andy Card and Al Gonzales are on their way to the Attorney General's hospital -- they're going to try to get him to sign the re-authorization. He's non compos mentis, I don't know what they think they're doing.

*

Mueller stands, headed for the door.

MUELLER (INTO PHONE)

Give me the head of his FBI detail.

Comey pivots to an FBI AGENT and hands him his phone.

MUELLER (CONT'D)

This is Mueller. Mr. Comey's going to be in the Attorney General's room until I get there. Under no circumstances is Mr. Comey to be removed from that room -- are we clear?

*

*

141

INT. VICE PRESIDENT'S RESIDENCE - DINING ROOM - NIGHT

141

Cheney and his wife LYNNE are having dinner.

LYNNE

There's a dedication of something on Memorial Day. The World War II Memorial maybe? Is that you?

*

CHENEY

I think it's just him, but talk to Debbie.

LYNNE

I did, she said you hadn't decided yet.

CHENEY

There you go.

LYNNE

And John Ashcroft's in the hospital, did I hear that right?

CHENEY

Mm hm. Gall bladder.

LYNNE

Should we send a basket or something?

Beat.

CHENEY

I don't know if he can eat.

142

INT. ASHCROFT'S HOSPITAL ROOM - NIGHT

142

Comey's in a chair by the bed, quietly speaking to Ashcroft, Jack and Philbin behind him. Janet's on the other side, holding her husband's arm. TWO FBI AGENTS stand by the door.

*
*
*

COMEY

Sir, they're bringing the authorization for the NSA surveillance program. You did not want to sign that document when we discussed it, and I want to make sure you don't sign it today. Do you understand me?

Ashcroft's looking at him. It's not clear anyone's home. That's when there's a KNOCK at the door. Card and Gonzales enter. Gonzales carries an envelope.

GONZALES

Hi there. How are you, General?

ASHCROFT

Not well.

GONZALES

I'm so sorry to hear that. We hate to bother you, but the President's Special Program is expiring. We met with the Gang of Eight this afternoon. They really would like the program to carry on. So if you'd be willing to... renew the authorization...

Silence. Ashcroft, from some inexplicable source of energy in a body that seems near dead, raises himself up.

ASHCROFT

You have no business coming here.

CARD

Sir, we're--

ASHCROFT

You asked to tap a handful of suspects, and now... It's a monster. No monitoring. No accountability. I never should have certified it in the first place.

*
*

GONZALES

General, we don't--

ASHCROFT

You drew the circle so tight I couldn't get the advice I needed. You know you did that.

He's looking right at Gonzales now.

ASHCROFT (CONT'D)

I know things now that I should have known before you ever asked for my signature. And if it were up to me, I would never approve it. But that doesn't matter, because I'm not the attorney general.
(pointing to Comey)
He's the attorney general.

He sinks back onto the bed. Exhausted. Gonzales and Card stand for a moment, and then walk out, without a glance at the DOJ guys.

Janet Ashcroft is proper woman. So she doesn't tell them to go fuck themselves on the way out the door. But she does the closest thing she can. She sticks her tongue out at them.

143

INT. HOSPITAL - HALLWAY OUTSIDE ASHCROFT'S ROOM - NIGHT

143

Comey and Jack are outside Ashcroft's room. Shaken.

COMEY

Jesus Christ.

JACK

They're a bunch of thugs. I kept thinking this was about different interpretations of the Constitution, or different visions of the presidency -- it's not, it's just fucking lawless.

*

Mueller arrives.

COMEY

They were gonna shove a pen in his hand and have him make a mark on a piece of paper. Six days ago he stated it was not legal.

*

*

*

MUELLER

But he didn't sign?

Jack shakes his head no.

COMEY

You need to go in there and see what condition he's in. We're all gonna be testifying about this one.

MUELLER

Is he alright?

JACK

(beat)

It's not clear he's gonna make it.

Mueller enters Ashcroft's room. Comey's phone BUZZES. He steps away.

COMEY (INTO PHONE)

Hello.

CARD (O.S.)

It's Andy Card, I want you at the White House right now. You're really screwing us here.

*

COMEY

Absolutely not.

CARD (O.S.)

I'm not asking, Jim.

COMEY

Are you kidding me? After what I just saw?

(MORE)

COMEY (CONT'D)

There's no way I'm getting in a room with you without a witness. Like the Solicitor General.

CARD (O.S.)

Oh for Christ's sake--

*

Comey hangs up on him. He leans against the wall for a minute, shaking out his hands. Because he's trembling.

*

144

INT. HOSPITAL - ASHCROFT'S ROOM - NIGHT

144

Mueller's in a chair, close to Ashcroft's bed. The confrontation took a lot out of Ashcroft, and he didn't have much to spare.

ASHCROFT

Bob, I'm struggling.

Mueller takes his hand, silent for a moment.

MUELLER

In every man's life there comes a time when the good Lord tests him. You passed your test tonight.

146

INT. DOJ - CONFERENCE ROOM - NIGHT

146

*

It's late. A lot of people are already here, milling around. In their jeans -- they all rushed in from home. Many have no idea what's going on. Goldsmith, Philbin, Ayres wait, quiet. Finally Comey arrives and silence falls over the room.

*

COMEY

We're at an impasse with the White House, some of you know why, some of you don't have the clearance. In our judgment, the president is outside the bounds of his lawful authority. We've advised the White House of that, and they are unmoved. Andy Card and Al Gonzales just showed up at the hospital and tried to take advantage of a very sick man...

*

He trails off, so angry he can barely speak.

COMEY (CONT'D)

This is a nation of laws. Not men. If they continue in this direction... I can't stay.

(MORE)

COMEY (CONT'D)

None of you should feel pressured
by that information. You're
serving your country in these
offices. But if this continues, I
can't be part of it.

There's a silence. These people are party loyalists. Bush
loyalists. They don't want this. *

JACK

That's true for me as well.

PHILBIN

And me.

And then some more nods. One of the staffers looks around
the room, astonished. And pulls out his Blackberry.

147 **INT. WHITE HOUSE - STAFF SECRETARY'S OFFICE - NIGHT** 147

BLEEP. Staff Secretary BRETT KAVANAUGH just got a text
message. He reads it. Holy shit.

148 **INT. WHITE HOUSE - ANDY CARD'S OFFICE - NIGHT** 148

Kavanaugh taps on the open door.

KAVANAUGH

What the fuck's going on at
Justice?

CARD

(snaps)

It's classified. Shut my door.

KAVANAUGH

A couple dozen people over there
are sitting around talking about
quitting. Is that classified too? *

149 **INT. WHITE HOUSE - ANDY CARD'S OFFICE - NIGHT** 149

Card and Gonzales are on the speakerphone.

CARD

Mass resignations at the Department
of Justice.

INTERCUT WITH:

150 **INT. VICE PRESIDENT'S RESIDENCE - LIBRARY - NIGHT** 150

CARD (O.S.)

It might be time to fold here. We
can bring in Congress, or the FISA
court. Somebody.

Card's losing his composure. Cheney's not, though he's
certainly losing his patience.

CHENEY (INTO PHONE)

An emotional event is happening.
Fearless leader threatens to
resign. Troops follow him into the
breach. It's the middle of the
night. We don't shape policy
around emotional events.

*

CARD

Sir, I gotta be honest with you, we
might shape it around half the
Justice Department resigning.

CHENEY (INTO PHONE)

It's a power grab. They're trying
to back us into a corner. Nobody's
handed anyone a letter. You really
think the entire leadership of the
Department of Justice wants to
quit? They have children, and
mortgages.

*

*

*

*

*

Card looks at Gonzales. It does seem implausible.

CHENEY (INTO PHONE) (CONT'D)

Sit down with Comey. And reduce
the emotional temperature.

151 **INT. WHITE HOUSE - OUTSIDE CARD'S OFFICE - NIGHT** 151

Card finds Comey and Solicitor General TED OLSON. Andy's
calmer now. He looks at Comey.

*

*

CARD

Can we talk just you and me?

*

*

COMEY

I want the Solicitor General in
there.

*

*

*

CARD

What do you think I'm gonna do?

*

*

COMEY

You just tried to put a pen in the
hand of a barely conscious man, I
have no idea what you're capable of
doing.

It's devastating. Andy can't believe he did it himself.

CARD

Five minutes. Ted can stay right
here.

Comey doesn't trust him for a minute, but Card seems
genuinely contrite. And ashamed.

152

INT. WHITE HOUSE - ANDY CARD'S OFFICE - NIGHT

152

Comey and Card.

CARD

This got way out of hand. And I
feel like shit about it. But I
hear a bunch of people are talking
about resigning. I don't think
gunpoint's the best way to get
things done around here.

COMEY

Absolutely. Nobody should try to
get their way by threatening
resignation. If they're not
comfortable, they should resign.

This isn't going the way Andy wanted it to.

CARD

We're talking about a procedural
difference of opinion.

COMEY

Really? *He has failed to take care
that the laws were faithfully
executed, when he knew of unlawful
activities including the electronic
surveillance of private citizens.*
You know what that is?

CARD

I don't.

COMEY

Articles of Impeachment. Richard
Milhous Nixon.

Yeah, Andy's not getting anywhere.

153 **INT. JACK'S HOUSE - FOYER - NIGHT**

153

It's late. Jack opens the front door and then stops.
Staring at the door. Upset. Leslie enters.

LESLIE
You just getting home?

JACK
This was open.

LESLIE
What?

JACK
The door was unlocked.

LESLIE
Oh. I must have--

JACK
You need to lock the door. Do you
understand me? The door needs to
be locked, all the time. With you
and the kids here? Alone?

LESLIE
Okay!

She looks at his face as he stalks past her into the house.
He sounds crazy. Scared.

154 **INT. WHITE HOUSE - GONZALES' OFFICE - NIGHT**

154

Card enters and looks at Gonzales.

*

CARD
I think it's safe to say I failed
to "reduce the emotional
temperature."

GONZALES
It expires in the morning.

CARD
I'm aware of that.

GONZALES
Maybe we should go to the
President.

Card looks at him like he's a fucking moron.

CARD
The President's asleep.

FADE TO:

TITLE: THURSDAY

155 **INT. WHITE HOUSE - OVAL OFFICE - MORNING**

155

The President's Daily Briefing. Comey's among the briefers gathered on the couches.

BRIEFER
Four commuter trains. Ten explosions. There's speculation it could be a group with ties to al Qaeda, but we're skeptical. We've got a call set up with you and President Aznar.

CHENEY
They'll want our advice on domestic terrorist detection. They were under-prepared.

*

Cheney doesn't so much as glance at Comey, but that was for his benefit, and Comey knows it.

*

BUSH
Get on the call with me.

Cheney nods. Bush rises, and the group disperses. Cheney, Addington, Card and Gonzales stay behind.

CHENEY
Mr. President...

Cheney nods to Addington to take the floor.

ADDINGTON
We were not able to make any progress with the Justice Department. At this point we believe you should simply re-certify the program without them. You have the authority to do it on your own.

Bush looks to Gonzales.

BUSH

You think that's a good idea?

Gonzales is extremely reticent to contradict Cheney and Addington, particularly with them in the room. Nonetheless, after some uncomfortable shifting in his chair...

*
*
*

GONZALES

David's right, we don't want anything to interfere with the program, but... I'm not sure it's prudent to proceed without the Department of Justice.

Card's sure Gonzales' protest wasn't strong enough to make an impression. He's also terrified to cross Cheney, but he's really worried. Tentative...

*
*
*

CARD

It could be dicey politically. It starts to look like an executive power grab.

*
*

Cheney glares daggers at both of them.

CHENEY

It's a secret program. It won't look like anything.

CARD

Enough people know.

BUSH

What does Karen think?

ADDINGTON

She's not up to speed on this.

BUSH

Karl?

CHENEY

They're not read into the program. They don't know it exists.

BUSH

So all the advice I can get is in this room.

Bush says it with that half smirk of his, but he's not particularly amused by the notion.

CHENEY

Thanks guys.

Their signal to leave. Cheney remains in his chair. Andy Card hesitates for a moment - he knows Cheney's about to have the last word. But there's nothing he can do. He leaves.

CHENEY (CONT'D)
It's a political hit, internally.
We take ten of those a day.

*

Bush still looks concerned.

CHENEY (CONT'D)
Four commuter trains just blew up.
The world is no safer than it was
two years ago, we don't let down
our guard one inch. This is a
national security question. And
you're the chief law enforcement
officer of the United States and
the Commander-in-chief of the Armed
Services. National security law is
what you say it is.

*

*

Bush is unsure. But he's always relied on this man to
interpret the law for him. To navigate the waters.
Following anyone else's advice... he simply can't imagine
doing it. Off Bush, searching Cheney's steadfast face...

*

*

*

*

156

INT. WHITE HOUSE - CORRIDOR OUTSIDE OVAL - DAY

156

Card's waiting when Cheney strides out of the Oval.

CHENEY
He'll sign it.

CARD
Did you tell him about the
resignations?

CHENEY
It didn't come up.

Card's bowled over by that admission.

CARD
We should tell him about the
resignations.

Cheney's had about enough shit from Andy Card.

CHENEY
You made it clear you had concerns.
The President'll do what he wants.

*

157 INT. EEOB - ADDINGTON'S OFFICE - DAY

157

Gonzales is with Addington when Cheney blows in.

CHENEY

Rewrite the Presidential directive.
Delete Ashcroft's signature line.
No, actually don't delete it,
replace his name.
(thinks for a second)
Put Al's name on there.

*

Al looks up, confused to be pulled into the proceedings.

CHENEY (CONT'D)

And add some language that reminds
us all that nobody -- not Justice,
or Congress -- constrains the
President's power as Commander-in-
Chief.

Cheney's out the door. Addington's typing furiously. Al looks increasingly uncomfortable, as he puts together the implications of Cheney's instructions.

GONZALES

I'm not in the chain of authority
that defines criminal law. David.
Anybody who follows this thing
could be looking at prosecution
without better backing than that.

David's ignoring him. Typing.

GONZALES (CONT'D)

We don't want to create a situation
where a bunch of high-ranking
Administration officials who
planned and authorized this program
are engaged in a criminal
conspiracy.

ADDINGTON

We're all going to be hauled up
before congressional committees and
grand juries. And you know what?
I'm not gonna get a lawyer. My
conscience is clear.

He slams the print button.

158 INT. WHITE HOUSE - OVAL OFFICE - DAY 158

Bush is on the phone when his ASSISTANT enters and places a document in front of him.

BUSH (INTO PHONE)
How long have I been saying this
isn't just an American problem?
It's a contagion thing. Maybe it
was the Basque, but the idea for a
large scale coordinated attack?
That comes from al Qaeda.

Bush signs it, right beside another signature line that says ALBERTO GONZALES.

*

159 INT. WHITE HOUSE - OUTER OFFICE - CONTINUOUS 159

The assistant hands the signed document to David Addington.

160 INT. DOJ - COMEY'S OFFICE - DAY 160

Comey's typing. Jack's standing by his desk, incredulous.

JACK
Gonzales signed it?

Comey nods. Jack was surprised to hear that even Bush had signed it. But Gonzales??

JACK (CONT'D)
He's not... The White House counsel
doesn't have the authority to
legitimize a presidential order.

COMEY
Nope.

JACK
What does that even mean?

COMEY
It means they're just making shit
up. And I'm resigning.

*

*

161 INT. WHITE HOUSE - ANDY CARD'S OFFICE - DAY 161

Bob Mueller faces Card, deadly serious.

MUELLER

These are the guys you hired to say no to the President. They said no.

CARD

David is confident, as is the Vice President, that--

MUELLER

You can't make an end run around the Justice Department when the Acting Attorney General's told you the Program has no foundation in law. I run a law enforcement agency. You think I can let the FBI take part in a program that Justice says is illegal?

CARD

That's an opinion.

MUELLER

Andy, do you have any idea what's about to happen?

Card's starting to fray now, and spits out -

CARD

I am acting on the President's orders! As you should be!

Silence. Mueller comes to a very sad realization.

162 **EXT. WHITE HOUSE - DAY**

162

Mueller walks out of the White House. We hear his voice.

MUELLER (V.O.)

Dear Mr. President.

And then another voice.

COMEY (V.O.)

At my confirmation hearing, I was asked what I would do if I concluded that a course of action was fundamentally wrong.

163 INT. DOJ - CONFERENCE ROOM - DAY

163

As the V.O. continues, Comey, Ayres, Goldsmith, Philbin, and the rest of the top echelon of the Department of Justice gather.

COMEY (V.O.)
Over the last few weeks I have
encountered such an apocalyptic
situation where I and the
Department of Justice--

MUELLER (V.O.)
The Federal Bureau of Investigation--

JACK (V.O.)
With a heavy heart and undiminished
love of my country--

MUELLER (V.O.)
Resign.

PHILBIN (V.O.)
Resign.

COMEY (V.O.)
Effective immediately.

As the voice over ends, Comey addresses the group, grim.

COMEY
We need to put together a document
for the White House. Exactly what
we think happened in the last two
weeks. Let's be comprehensive.
(beat)
I wrote a letter. I'll give it to
the President in the morning.

There's a silence. And then one of the other lawyers pulls a letter out of his jacket pocket, and places it on the table in front of him. And then another. And another. Jack. Philbin. Ayres. Comey looks around the room. There are easily ten resignation letters on the table. He can't believe it.

AYRES
If it's possible, I'm gonna ask you
to wait a day or two, until
Ashcroft's stronger. He's gonna
want to resign with you.

It's stunning. None of them -- even the ones who wrote the letters -- expected this number of resignations. Comey looks at Jack. What the hell have they wrought?

164 **INT. DOJ - JACK'S OFFICE - NIGHT**

164

Late that night. Comey finds Jack staring at the portrait on his wall. Elliot Richardson, peering down at Jack.

JACK

Elliot Richardson. He was Nixon's AG. Served five months before he quit. That was the Saturday Night Massacre. Two guys at Justice resigning. It ended the Nixon presidency. What the hell's gonna happen when 18 people quit?

Comey can't bring himself to answer.

165 **EXT. GONZALES' HOUSE - NIGHT**

165 *

Jack and Philbin ring the doorbell. Al answers in his pajamas and a robe.

GONZALES

You want to come in?

Jack shakes his head. Philbin hands Gonzales a large envelope.

JACK

Justice put this together -- it's a blow by blow of how all this went down. So there's a record.

Gonzales manages a sad smile.

GONZALES

Don't worry Jack. It'll all work out. Tomorrow's another day.

Jack looks at him like he's fucking insane.

JACK

I'm quite sure it's not gonna work out. I think the whole executive branch is gonna melt down.

Gonzales clutches the envelope. Jack and Philbin walk away.

TITLE: FRIDAY

166

INT. WHITE HOUSE - LOBBY - MORNING

166

Jack and Philbin. Waiting. There's some shifting of weight. Checking of watches. The things men do when the world appears to be ending and there's not a thing they can do.

JACK

The upside is... we leave, maybe I don't have a heart attack.

PHILBIN

You planning one?

JACK

My chest feels like there's a rock on it all the time.

PHILBIN

I think I have an ulcer.

JACK

Yeah. I go through a lot of Tums.

PHILBIN

Does it help?

JACK

No.

(beat)

I never would have done it.

PHILBIN

What.

JACK

Any of this. If you hadn't done all that digging. Figured out what was really going on.

It's a thank you, and it means a lot to Philbin.

PHILBIN

I think I ruined your career.

JACK

That you did, sir. That you did.

*

They both smile. Almost. Gallows humor.

*

167 **INT. WHITE HOUSE - CORRIDOR OUTSIDE THE OVAL - MORNING** 167

Comey, Mueller, stand stock still as the other intelligence brass mill around, chatting, waiting for the President's Daily Briefing to start. Comey and Mueller are pretty sure it's the last time they'll see the inside of this building.

168 **EXT. WHITE HOUSE - PORTICO - DAY** 168

Condi walks Bush down the portico toward the Oval.

RICE

Fran Townsend came to me yesterday.
Have you spoken to Jim Comey?

*
*

BUSH

I heard about it. They'll sort it out.

*
*

RICE

Are you sure? Somebody's giving me a message about a compartmented program, third hand, I don't like the sound of that. Do you?

Bush eyes her, unsure.

RICE (CONT'D)

Comey's a reasonable guy. You need to make sure you're really hearing these folks out.

169 **INT. WHITE HOUSE - OVAL OFFICE - LATER** 169

Comey does his best to focus on the President, but he can't help but glance at Cheney. Cheney studiously ignores him.

BRIEFER

It was found on a jihadist website with links to Saudi al Qaeda. Encouraging their people to attack us by attacking our allies. Britain. Spain.

*

BUSH

The trains in Madrid? You told me yesterday it was the Basque.

BRIEFER

We don't know. At this point it's just... something to consider.

Bush likes clarity. He fucking hates "just something to consider."

BUSH
Alright, that's it.

As they scatter, almost an afterthought...

BUSH (CONT'D)
Hey Jim, hang back a minute.

Comey, almost out the door, returns and follows Bush toward the private dining room. Cheney moves to follow.

BUSH (CONT'D)
I'm good, Dick, thanks.

Cheney watches them go. Displeased he's not in the room.

170 **INT. WHITE HOUSE - BUSH'S PRIVATE DINING ROOM - DAY** 170

Bush sits, and nods Comey toward a chair.

BUSH
You look like hell. We wearing you out?

COMEY
A little bit, sir, you are.

BUSH
Let me lift the burden from your shoulders. I've been inside out this NSA stuff. Bottom line is, I decide what the law is for the executive branch.

COMEY
That is absolutely true, sir. But I decide what the Department of Justice can certify, and despite my best efforts I simply cannot.

Bush shakes his head.

BUSH
I really wish you weren't raising it at the last minute. The day before a deadline, how are we supposed to deal with your problem?

*
*

Comey can barely comprehend what he's hearing.

COMEY

The day before? Sir, if you've been told that... you have been very poorly served by your advisers.

*
*

Now Bush is confused.

COMEY (CONT'D)

We've been telling them we have a huge problem for months.

*

BUSH

Alright -- just certify it. Give me six weeks, if we don't have it fixed, we'll shut it down.

COMEY

I can't do that. You say what the law is in the executive branch, I understand that. But sir, I put my hand on a bible and swore to defend the Constitution. If I don't believe I'm doing that... I'm sorry, I can't stay.

*

BUSH

What do you mean? You're resigning??

Comey's silent. Bush never expected anything like this.

*

COMEY

It's probably not my place to say this, but I want to be sure you know what's going on, and it's not clear to me you're getting complete information. The Director of the FBI is going to resign today as well. And the head of the Office of Legal Counsel. And I believe the Attorney General.

*

BUSH

(beat)

What???

George W. Bush is totally fucking gobsmacked.

Bush's assistant pretends not to hear the voices inside the Oval. One low and calm, the other fucking pissed off.

Andy Card enters and stops, startled to hear raised voices.
The assistant rises. The door is ajar. She clicks it shut.

172 **INT. WHITE HOUSE - OVAL OFFICE - DAY**

172

It's just Bush and Cheney now.

BUSH

The Attorney General?? Director of
the Goddamn FBI??

CHENEY

Sir--

BUSH

This guy's got 15, 20 people about
to resign from the government! You
didn't want to mention it??

CHENEY

I didn't think an interdepartmental
wrestling match should shape the
course of our national security.

*

BUSH

That is not a man who's trying to
bigfoot us -- he says it's not
legal! Full stop!

*

CHENEY

We disagree.

BUSH

It is not just us, my friend! What
the hell good does it do if we
can't put this stuff on a
foundation that will outlast us??

CHENEY

I made a commitment when I joined
your ticket that I would help you
to restore the strength of the
Presidency.

BUSH

You don't need to sell me on the
Presidency.

CHENEY

It's exactly this kind of political
infighting that erodes it.

That's when Bush really loses his shit.

BUSH
THIS IS NOT INFIGHTING -- THIS IS A
BLOODBATH.

CHENEY
Sir--

BUSH
I AM RUNNING FOR RE-ELECTION. THIS
WILL BE THE END OF MY PRESIDENCY.
YOU DON'T WANT TO PLAY POLITICS?
YOU'RE DRIVING MY ADMINISTRATION
OFF A CLIFF.

Beat.

CHENEY
You have my apologies. If you're
not comfortable with the decision,
I'm happy to move in another dir--

BUSH
You bet your ass we're moving in
another direction. And allow me to
be clear. You don't EVER blindside
me like this again.

Cheney stands silent. Bush yells to his assistant.

BUSH (CONT'D)
Get the director of the FBI in here.

ASSISTANT (O.S.)
Yes sir.

He looks up and sees Cheney's still standing there.

BUSH
That's it.

It takes him a second to accept. Cheney's been dismissed.

173 **INT. WHITE HOUSE - LOBBY - DAY**

173

Comey, Jack and Philbin waiting for Mueller. Finally he
emerges from the Oval. He almost can't believe it himself.

MUELLER
He's rolling it back. Fix what you
can fix. Whatever you can't, we
stop doing.
(beat)
Back to work, gentlemen.

Mueller walks on. Goldsmith, Comey, and Philbin are silent, not feeling satisfaction so much as relief. Three guys from Justice, who almost burned the house down. *

COMEY *

That's what we wanted. Right? We
didn't actually want to bring down
the presidency. *

He looks at Jack. There's just a moment of hesitation.
Because Jack's not really sure. *

JACK *

That's all we wanted. *

Addington passes, on his way into Cheney's office. We can
see into the office -- Dick Cheney at his desk, his
expression dark. His eyes flick up as Addington enters. He
spots Comey, Jack, and Philbin down the long hall. *

For a moment, we see Cheney zero in on Jack, filled with
contempt. Libby's by the desk. He follows Cheney's eyeline,
and sees Jack, frozen in the Vice President's furious gaze.
Libby closes the door. *

ON A BLACK SCREEN, text crawls:

*Bush authorized Justice to fix Operation Stellar Wind. Some
parts were revised. Some were deemed illegal, and never
performed again. **

*It was the first time in American history that subordinates
forced a wartime president to withdraw a military command. **

*Comey and Goldsmith then revised what came to be known as The
Torture Memos. Once the torture program was curtailed,
Goldsmith resigned. Comey left soon after. **

*NSA domestic surveillance continues today, but under the
supervision of Congress, the FISA court, and three Inspectors
General. **

*Cheney's relationship with Bush never recovered. His
influence in the second term, by his own account, was gravely
diminished. **

FADE TO BLACK.

THE END