

THE UNTOUCHABLES

by

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STORY DEPARTMENT

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THE UNTOUCHABLES

FADE IN:

A CRAWLSHEET

1930. Prohibition has transformed Chicago into a City at War. Rival gangs compete for control of the city's billion dollar empire of illegal alcohol, enforcing their will with the hand grenade and tommy gun. It is the time of the Ganglords. It is the time of Al Capone.

1 INT. CAPONE'S OFFICE - DAY

1

A sumptuous walnut-paneled office. A bookkeeper (Payne) seated at a desk takes a large ledger from a pile and opens it and begins to write. We HEAR the door open, and a conversation between two men in the next room. The bookkeeper bent over a ledger, chewing his pencil, looks up briefly, then down to his ledger, begins to write.

A BUTLER walks past PAYNE, goes to the bookcase, and takes down a small wooden crate which he carries out of the room.

CAMERA FOLLOWS him out of the room, back into the room from which he has come.

We HEAR the conversation of the two men become louder.

REPORTER #1 (V.O.)

... an article which, I believe, appeared in a newspaper, which asked why...

The butler walks through a beautiful Louis XV sitting room, he comes up to AL CAPONE, dressed in a beautiful grey suit, who is sitting talking with a reporter.

REPORTER #1 (V.O.)

(continuing)

... since you are, or it would seem that you are, in effect, the Mayor of Chicago, you have not simply been appointed to that position.

Capone laughs.

He takes out the crate, which has been presented to him, lifts the top, and takes from a bed of straw, an ancient bottle of cognac. He nods to the butler who has brought it, who, through the conversation, opens the bottle, and pours two glasses.

(CONTINUED)

CAPONE

Well, you know, I'll tell ya: it's touching. Like a lot of things in life. We laugh because it's funny and we laugh because it's true. Some people say, Reformers here say, 'put that man in jail, what does he think he's doing?' What I hope that I'm doing, and here's where your paper's got a point is: I'm responding to the Will of the people. And some get upset and they talk Disrespect for law. But law is nothing other than a reflection of the people's will. And in this case, in the case of prohibition, it's a bad law, for it does not reflect the People's will.

REPORTER #3

It has been written that the best way to do away with a bad law is to enforce it. Is Prohibition being enforced?

CAPONE

No. I'm not telling tales out of school, when I tell you 'not really.' Why? People are going to drink. You know it, I know it. And all I do is act on that. And all this talk of 'bootlegging...' what is bootlegging? On the boat, it's bootlegging, on Lake Shore Drive, it's Hospitality. I'm just a businessman.

REPORTER #3

And what of the reputation that you control your business by violence? That those who don't purchase your products are dealt with violently?

CAPONE

(smiles)

I grew up in a tough neighborhood. We used to say, 'you can get farther with a kind word and a gun than you can with just a kind word.'

He and the Reporter laugh.

(CONTINUED)

1 CONTINUED: (2)

1

CAPONE

(continuing)

And in that neighborhood it might have been true. And sometimes a reputation follows you. There is violence in Chicago, but not by me, and not by anyone that I employ. And I'll tell you why: 'cause it's not good business.

The butler presents two snifters to the two men.

2 EXT. SPEAKEASY/CITY STREET - DAY

2

A Building Facade, a door, a sign next to it reads: "HAUSMAN'S LAUNDRY."

A little girl holding a beer pail comes INTO THE FRAME. She crosses the street and enters speakeasy.

3 INT. SPEAKEASY - DAY - ANGLE INS

3

A run of the mill neighborhood speakeasy. A man with a briefcase, an Italian in a bowtie (FRANK NITTI), is at the bar. The little girl with the beer pail enters. She trips over Nitti's briefcase. He helps her up.

LITTLE GIRL

Sorry Mister.

NITTI

That's Okay, honey. Are you alright?

The girl walks down the bar to where the bartender is having a conversation with a customer (the Bow tie driver).

BARTENDER

That green beer you're peddling just aint any good. I'm not buying any.

BOW TIE DRIVER

I think you just made a very important decision. We won't be back.

He leaves.

3

CONTINUED

3

The bartender comes over to Nitti, who has set his briefcase on the bar. Nitti points at the tap, the bartender nods, starts to pour him a beer.

LITTLE GIRL

Mister...

BARTENDER

I'll be with you in a second,
Sweetie.

The bartender finishes drawing the beer. Nitti takes it, nods, and puts a nickel on the bar. The bartender walks back down the bar to the little girl. He takes her beer pail off the bar and starts filling it.

BARTENDER

(continuing)

... and how is everyone at your
house today?

LITTLE GIRL

... they're fine.

(CONTINUED)

3 CONTINUED:

3

BARTENDER

... your Momma well?

LITTLE GIRL

... she has a little cold.

Nitti downs his beer quickly and walks out of the speakeasy.

BARTENDER

She does, huh?

LITTLE GIRL

But she'll be all right.

4 EXT. SPEAKEASY - DAY - ANGLE

4

Nitti coming out of the speakeasy. As he walks to the curb, a large roadster dashes up the street and screams to a stop.

5 INT. SPEAKEASY - DAY

5

The bartender giving the full beer pail to the little girl.

LITTLE GIRL

Thank you.

BARTENDER

That's alright, Sweetie, and you tell your Momma...

THE LITTLE GIRL, STARTING OUT THE DOOR WITH THE BEER PAIL, SEES THE BRIEFCASE ON THE BAR. PICKS IT UP AND STARTS TO RUN TOWARD THE DOOR, CALLING:

LITTLE GIRL

Mister, you forgot your br...

THE SPEAKEASY EXPLODES. SMOKE AND FALLING DEBRIS FILL THE SCREEN.

5A EXT. SPEAKEASY/STREET - DAY

5A

THE SMOKE SLOWLY CLEARS TO REVEAL THE WHOLE OF THE SPEAKEASY GONE AND A CHICAGO STREET OUTSIDE AS NITTI WALKS TOWARD A CAR. HE GETS IN AND SPEEDS AWAY.

6-
20 OMITTED

6-
20 *

21 INT. NESS' HOUSE/KITCHEN - ANGLE INS - DAY 21

A large kitchen tear-a-sheet calendar, reads "Sunday, September 14th, 1930.." A woman's hand tears off the left of the calendar, so that it now reads Monday.

- 14 EXT. ANGLE 14
The policeman, his suspicions aroused as two Fire trucks pull out of Fire station on their way to the burning speakeasy.
- 15 ANGLE 15
The policeman's hand goes slowly to his holster. He surreptitiously draws his revolver, and lowers it to his side.
- 16 EXT. STREET NEAR FIRE STATION/INT. CAR - DAY 16
The policeman's hands come in the window. Beat.
- 17 ANGLE INS 17
The hand of Nitti goes into his lapel pocket, it comes out with a card.
- 18 ANGLE 18
Nitti handing the card to the motorcycle cop who looks at it. Beat.
The motorcycle cop, he salutes, hands back the card. The driver puts it on the dashboard.
- 19 EXT. STREET NEAR FIRE STATION - DAY 19
The car driving away, the motorcycle cop walking back to his cycle.
- 20 ANGLE INS 20
The card lying on the dashboard of the car. It reads: "To whom it may concern. Please extend to the bearer, Mr. Frank Nitti, all possible courtesy and consideration. Signed: Wm. Thompson, Mayor, City of Chicago."
- 21 INT. NESS' HOUSE/KITCHEN - ANGLE INS - DAY 21
A large kitchen tear-a-sheet calendar, reads "Sunday, September 14th, 1930." A woman's hand tears off the left of the calendar, so that it now reads Monday.

22 ANGLE

22

CATHERINE NESS, a pretty woman in her late twenties, in the kitchen of a modest home, preparing food on a counter. She has some sliced carrots, and she takes the calendar leaf and wraps the carrots in them. She puts a sandwich wrapped in wax paper, a candy bar, and the carrots into a small paper bag. She hesitates, takes out the carrots, sweeps them off the calendar leaf, takes a pencil from the counter behind her, writes something on the calendar leaf, re-wraps the carrots, puts them back in the paper bag, starts out of the kitchen.

CAMERA FOLLOWS her through the dining room, into a small study. The hall and the study are filled with half-unpacked cardboard boxes -- it is obvious these people are in the process of moving in. Seated at a rolltop desk, in tie and shirtsleeves, is ELLIOT NESS, a man in his early thirties.

He is sipping from a cup of coffee, and making notes in one of a group of files which lie before him on the desk. There is a newspaper open on the desk before him, a large picture on the front page. Ness gestures at the picture. His wife looks at the picture.

CATHERINE

(of picture, nods slowly)

Yes. I heard it on the radio.

23 INT. NESS' HOUSE/STUDY - DAY

23

The pictures. Front page of the newspaper. On the left, a smiling ten-year-old girl, the girl WE SAW earlier with the beer pail. On the right, a photo of the outside of the bombed tavern. Headline reads: "Ten-year-old girl slain as beer war continues."

24 ANGLE

24

Ness looking at the newspaper. Sighs.

CATHERINE

I know. But now it's time to go to work.

(she smiles)

Go make a good first impression.

She hands him the lunch she has prepared.

He stands. Puts the lunch on the desk. Smiles. Kisses her. Looks at her.

(CONTINUED)

24 CONTINUED:

24

CATHERINE

(continuing)

I love you, too.

She looks at her watch, goes to a coatrack, holds his jacket for him. He puts it on.

CATHERINE

(continuing)

Now, shoo!

He nods. "Yes, yes, I'm going."

He picks up a briefcase from the floor. Puts the files on his desk into it. He puts his lunch into it. He looks over his desk to see if there is something he has forgotten.

He reaches back and picks up the framed photograph.

25 ANGLE INS

25

The frame. On the left, a photograph of Ness and his wife sailing. On the right, a posed group of the two of them and an eight-year-old girl.

26 ANGLE

26

Ness putting the frame into his briefcase, starts for the door. As he gets to the door of the study, he hesitates, goes back to a small safe which stands next to the roll-top desk. He opens the desk and takes out a large cigar box.

27 ANGLE INS

27

He opens the box, takes out a Colt .45 automatic pistol, and a box of shells.

28 ANGLE

28

Ness, holding the pistol, checks to see it is unloaded, drops it and the box of shells in the briefcase, closes the briefcase, kicks closed the safe, starts for the door.

28A OMITTED

28A *

28B

-OMITTED

28B

29 INT. POLICE HEADQUARTERS/ OUTER AREA - DAY 29

A blank blackboard. A hand ENTERS THE FRAME and writes large on the blackboard: "Elliot Ness."

30 ANGLE

30

The conference room at police headquarters, five or six reporters, several photographers, MIKE (The Chief of Police), in uniform, who is finishing writing Ness' name on the board. Ness stands to the side of the blackboard. The Chief turns to address the reporters.

MIKE

... a special Agent of The Treasury Department...

(beat)

... Mr. Ness...?

NESS

At the request of the City of Chicago, the Federal Government, specifically the Department of the Treasury, has inaugurated a special program to deal with the flow of illegal liquor and the violence which it creates.

REPORTER #4

And of what does this program consist...?

NESS

I, and other agents of the Treasury, will be working in conjunction with the Chicago Police, and other enforcement bodies to...

REPORTER #2

... isn't this just another 'Showpiece Program' to...

REPORTER #4

How do you feel about Prohibition, Mr. Ness...?

NESS

It's not just a showpiece, and I'll tell you exactly how I feel about prohibition: it is the Law of the Land.

(CONTINUED)

REPORTER #2

You consider yourself a Crusader,
Mr. Ness...? Is that it...?

Ness smiles, shrugs. "I see there's not much I can do
here..."

MIKE

I think that's all, boys...

He starts ushering Ness out of the office. CAMERA FOL-
LWS, as he moves through the room, flashbulbs pop. A
reporter buttonholes him.

SCOOP

So what are your real plans; what
have you got coming up?

NESS

(smiles)

You'll have to read about it in
the paper...

The reporter pulls him aside.

SCOOP

(in a whisper)

Listen, lemme ride along with
you, give you a big play... good
for you and me both...

NESS

(smiles)

Can't help you.

Ness pushes through the crowd, toward a set of double
glass doors with a uniformed policeman standing guard
in front of him. He moves through the doors, CAMERA FOL-
LWS. A FAT PENSIONER COP, wearing no gun, nods at him
and moves out of his way. He HEARS his name called
from behind. "Mr. Ness..." He turns.

A well-turned-out policeman around thirty, in a dashing
uniform pushes through the crowd, and approaches Ness,
the man speaks.

LIEUTENANT ALDERSON

Mr. Ness...? Lieutenant Alderson.
The Flying Squad. Are you ready
to meet the men...?

(CONTINUED)

31 CONTINUED:

31

NESS

Well, yes, I am.

Alderson holds open the glass doors, Ness steps through, followed by the CAMERA.

32 INT. POLICE HEADQUARTERS/READYROOM - DAY

32

We are in the Readyroom, the walls lined with armaments. Thirty of the Flying Squad, tough, fit, immaculate Chicago policemen in riding boots and jodphurs, "Chicago's Finest," come to attention as the Lieutenant and Ness enter.

REVERSE ANGLE

Ness and Alderson. Ness impressed.

LIEUTENANT ALDERSON

(sotto, with pride)

They are the best we have.

(to the men, with
a "command voice")

At ease.

33 INT. POLICE HEADQUARTERS/READYROOM - DAY - ANGLE INS

33

A large desk. The files from Ness' briefcase spread neatly open on them.

A list: "Coast Guard, Indiana State Police, Department of Customs Methods. Summation." A pencil check next to all but "Summation." A hand ENTERS THE FRAME and checks it off.

34 ANGLE

34

Ness and the group of police.

NESS

I have one more thing to say: I know that many of you take a drink. What you've done before today is not my concern. But now we must be pure, and I want you to stop. It's not a question of whether or not it's a 'harmless drink.' It very well may be, but it's against the Law. And, as we are going to enforce the law, we must do first by example.

(CONTINUED)

LIEUTENANT ALDERSON

Are there any questions...?

NESS

The Department of the Treasury has had a man undercover here for some time. We have received word from this informant that a very large shipment of Canadian whiskey has arrived in Chicago. So I hope that you have signed on for some action, 'cause you're going to get it. Lieutenant Alderson...?

Ness sits. Alderson WALKS TO THE BLACKBOARD, PICKS UP A POINTER.

LIEUTENANT ALDERSON

Preseuski, you will drive for Mister Ness. We will have Squad A in Attack, B in Reserve, and C on the Perimeter, and may I see those leaders, please?

Squad Leaders come up to the front of the room.

LIEUTENANT ALDERSON

(continuing)

Mr. Ness, as you know, our major problem has been gaining entry to a fortified position without sacrificing the Element of surprsie. Your feelings on that, sir...?

Ness and Lieutenant Alderson standing by the side of a Snowplow. Ness reading from a list.

NESS

... a red pinetree marked on the cases of liquor.

LIEUTENANT ALDERSON

Yes, sir. I have it.

NESS

The "Treasury" man is in a grey suit, with a red bandana. He is not to be arrested.

LIEUTENANT ALDERSON

... in a grey suit, and a red bandana.

(CONTINUED)

35

CONTINUED:

35

Ness nods, satisfied. He folds the list and puts it in his pocket. He starts to walk around the truck, speaks to the Lieutenant, who follows him. CAMERA PANS as they walk around the truck TO REVEAL 15 of "The Flying Squad" sitting in the back.

NESS

I think that's it. Your people ready?

LIEUTENANT ALDERSON

Yes, they are.

Ness nods. He checks his watch.

NESS

Tell 'em to smoke 'em if they've got 'em.

Ness walks on to his car, which is parked some twenty feet away, he gets in the car.

36

EXT. WAREHOUSE/INT. NESS' CAR - NIGHT

36

Patrolman Preseuski, Ness' driver, sitting, watching. Ness gets in the car.

NESS

How we doing...?

Preseuski nods in the direction he is watching.

36A

EXT. WAREHOUSE ALLEY - NIGHT

36A

Ness POV of truck and snowplow.

37

EXT. WAREHOUSE/INT. NESS' CAR - NIGHT

37

Preseuski checks his watch. Beat. Ness reaches into the back seat, takes his briefcase, takes out his paper lunch bag and opens it.

NESS

(to Preseuski)
Part of a sandwich?

PRESEUSKI

No, thank you, sir.

NESS

Nervous?

(CONTINUED)

37 CONTINUED:

37

PRESEUSKI

No, sir.

Ness is unwrapping his lunch.

NESS

Been with the unit long?

PRESEUSKI

A short while.

NESS

Then I suppose we all want to do well.

PRESEUSKI

(earnestly)

Yes, sir.

Ness unwraps the part of his lunch wrapped in the calendar page. He laughs.

NESS

Ha!

(he holds it up)

Message from my wife.

38 ANGLE POV

38

The calendar sheet. Mrs. Ness has written on it: "I am very proud of you."

39 ANGLE

39

The two men.

NESS

You married?

PRESEUSKI

Yes, sir. I am.

NESS

Nice to be married. Isn't it?

Ness folds the note and puts it in his jacket pocket. Preseuski suddenly grows alert, Ness notices. Preseuski nods at the rearview mirror. Ness looks at the mirror.

40 ANGLE POV - THE MIRROR

40

The warehouse behind them. A man standing furtively peering around the corner at them.

- 41 ANGLE 41
Ness and Preseuski watching the mirror.
- 42 EXT. WAREHOUSE ALLEY - NIGHT 42
Ness and Preseuski getting out of the car.
- 43 ANGLE 43
Ness and Preseuski walking around the warehouse. CAMERA
FOLLOWS. They turn the corner, CAMERA FOLLOWS.
- 44 ANGLE 44
Ness, Preseuski, and the man (the reporter from the
earlier City Hall sequence), talking.
- SCOOP
(talking fast)
Listen! I can do a lot for you.
I can do a lot for what you're
trying to do. I get the Big
Scoop and you make a big splash.
Get yourself some support. What
do you say? Let's be real...
(pause)
What do you say? What do you
say...? You want to do some
good, you want to spread the
word...? Let me help you...
- 45 INT. WAREHOUSE - NIGHT 45
The Treasury Agent in the grey suit with the red bandana
coming out of a partitioned office area. CAMERA FOLLOWS
him past many wooden cases marked with a Red Pine Tree.
He says good night to several workingmen. He puts on his
hat and goes through a small door set in the large ware-
house door.
- 46 EXT. WAREHOUSE - NIGHT 46
The Treasury Agent coming out of the door, lights a
cigarette and walks off.
- 47 ANGLE 47
Across the street, Ness, looking on at the bandana man
in the b.g.

(CONTINUED)

47 CONTINUED:

47

Ness moves back behind the building to his massed forces,
CAMERA FOLLOWS. Ness mounts to the shotgun seat of the
snowplow.

NESS

Let's do some good.

48 EXT. WAREHOUSE ALLEY - NIGHT

48

The snowplow raising.

49 ANGLE

49

The snowplow, followed by the troop carrier full of the
Chicago Flying Squad, coming quickly around the corner.

50 INT. WAREHOUSE - NIGHT

50

One of the workingmen, playing cards, looks up, startled.

51 ANGLE

51

The snowplow splintering the door.

52 ANGLE

52

The troops of the Flying Squad drop to the floor and
spread out. Some policemen guard the door blocking
escape. Ness and the Flying Squad walk over to the
pine tree crates.

NESS

Federal Officers, and you're under
arrest for violations of the
Volstead Act.

He reaches back to Preseuski, who hands him an axe.
Ness smashes open the crate.

NESS

(continuing; to
reporter)

Well, if you want to take a picture,
take it now...

Scoop comes forward with his camera.

53

ANGLE INS

53

The open crate. Ness' hand brushing aside the packing excelsior. He digs around in the crate. He digs a bit more frantically. His hands come up with a handful of Japanese parasol, as he pulls it out of the crate it pops open.

54

ANGLE

54

Ness, stunned, holding the parasol, a flashbulb pops.

NESS

(of the reporter)

Get him out of here. I mean now.

LIEUTENANT ALDERSON

Tear the place apart.

55

EXT. MICHIGAN AVE. NEAR BRIDGE/INT. NESS' CAR - NIGHT

55

Preseuski is driving. Ness, in the passenger's seat, is confused and angry. The bridge over the Chicago River is just going up, stopping traffic. The car stops. Ness and Preseuski sit there, brought to a halt. Beat.

NESS

We'll get them next time, eh...?

Pause.

PRESEUSKI

... sir...?

Pause.

NESS

I think I'll walk from here.

Beat.

Ness gets out of the car.

56

EXT. MICHIGAN AVE. NEAR BRIDGE - NIGHT

56

Ness getting out of the car.

57

EXT. MICHIGAN AVE. NEAR BRIDGE - NIGHT

57

A bundle of newspapers thump onto the sidewalk.

(CONTINUED)

57

CONTINUED:

57

Ness, just outside the car, watching the papers being loaded. Beat. He shrugs, as if to say, "Well, let's get it over with." He walks over to the newsstand where there is a pile of papers. He throws a nickel on the ledge and walks away with a paper.

58

EXT. MICHIGAN AVE. BRIDGE/STAIRS - NIGHT

58

Ness walks down the stairs to the lower level of the bridge which is lowering down.

59

EXT. MICHIGAN AVENUE BRIDGE - NIGHT

59

Ness walking, carrying the paper. He walks onto the Michigan Avenue Bridge across the Chicago River. Holds up the front page to read it.

60

ANGLE POV - INS - THE FRONT PAGE

60

On the left a cartoon of Ness dressed as a knight in armor, carrying a lance, straddling a snowplow. He is intent on skewering Al Capone, who holds a glass of beer. The caption is, "Let's Do Some Good!!!" The POV MOVES TO the picture on the right, which is a photo of Ness, the snowplow behind him, having just broken open the crate. He is holding a small paper Japanese parasol. The photo caption reads, "Crusader Cop Busts Out."

61

ANGLE

61

Ness holding the paper. He reads a bit more, he folds the paper and puts it in his jacket pocket. He is a bit shaken. He takes out a pack of cigarettes. He pats himself down for matches, he finally locates some. He finally locates a book of matches in his lapel pocket. As he reaches for it, he feels something in the pocket. Beat.

62

ANGLE INS

62

Ness' hand comes out of the pocket with a book of matches and a folded piece of paper. He unfolds it slowly. It is the note from his wife which reads, "I am very proud of you."

63

ANGLE

63

Ness reading the note. Beat. He shakes his head.

(CONTINUED)

63

CONTINUED:

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He takes the newspaper out of his pocket, crumbles it and throws it into the river. He continues to lean on the railing. Behind him we HEAR a gruff male voice: "What do you think you're doing?" Ness half turns his body slowly.

64

ANGLE POV

64

A large Irish cop (MALONE) speaking to Ness.

MALONE

You want to throw your garbage, throw it in the goddamn trash basket.

65

ANGLE

65

Ness and Malone.

Beat.

NESS

Don't you have more important things to do?

MALONE

Yeah, but I'm not doing them right now. We understand each other...?

Ness nods, turns so that he is fully facing the cop. Starts lighting his cigarette. Malone, suddenly very alert, holds him at arms length with his nightstick.

MALONE

(continuing)

Okay, Pal. Why the Mohaska?

Pause. Ness does not understand.

MALONE

(continuing)

Why are you packin' the gun?

NESS

I'm a Treasury Officer.

Beat.

MALONE

Alright.

He lowers his nightstick. He starts to walk on.

(CONTINUED)

65

CONTINUED:

65

MALONE

(continuing)

You remember what we talked
about, now...

66

ANGLE

66

Malone walking across the bridge, Ness watching him.
Beat. Ness throws his cigarette in the river and walks
after him. He catches up to him and they walk together.

NESS

Wait a second, wait a second. What
the hell kind of police do you have
in this goddamned City? What do
they teach you? You just turned
your back on an armed man!

MALONE

You're a Treasury Officer.

NESS

How do you know that? I just
told you I was...

MALONE

Who could claim to be that who
wasn't?

Malone starts to walk on.

NESS

What's your name and unit...?

Malone turns around, gestures to his insignia.

MALONE

It's right here. You got a beef,
what is it...?

NESS

How did you know I had a gun?

MALONE

Whaddaya want, a free lesson in
Police Work?

(smiles. He looks
at Ness)

You okay, pal?

NESS

(beat)

I, uh, I had a rough day on the
job.

(CONTINUED)

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CONTINUED:

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66

MALONE

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You going home now?

NESS

(nods)

I was about to.

MALONE

(smiles again)

Well, then you just fulfilled the
first rule of Law Enforcement:Make sure when your shift is over,
you go home alive.

(beat)

Here endeth the lesson.

Taking a small chain with a key and a medallion out of
his pocket, Malone starts to walk his beat again. As
he does so, he fiddles with the chain.

67

ANGLE

67

Ness, alone on the bridge, watching Malone walk off.

68

OMITTED

68

69

INT. LEXINGTON HOTEL/CORRIDOR - DAY

69

A butler carrying a breakfast tray with the morning paper
upon it, walks up a marble staircase and turns into the
hall and through the lavishly appointed salon we saw Al
Capone in earlier. He stops before a door and discreetly
knocks. Suddenly, VIOLET LAKE, a platinum blonde, runs
up behind him, snatches the paper off the tray and starts
leafing through it.

Walter Payne comes up behind her, pulls the paper out of
her hand, neatly folds it and places it back on the tray.

PAYNE

Are you crazy?

That's Al's paper.

VIOLET

That's all anyone ever thinks
about here... is Al... Al... Al.
I was just looking at my ad.
I have a career too you know.

PAYNE

I know. I know.

(CONTINUED)

69 CONTINUED

69

Payne hustles Violet back down the hall as the butler opens the door and enters Capone's bedroom.

70 INT. LEXINGTON HOTEL/CAPONE'S SUITE - DAY

70

CAMERA FOLLOWS him, he sets the tray down on a bed. Large hands of the bed's occupant pick up the paper. The front page is the picture of Ness. The man laughs, puts the paper aside. Underneath it is a cantaloupe in which is stuck a small parasol. The man laughs again.

Al Capone, sitting in bed, laughing, holding the paper, the butler pouring the coffee. *

70A EXT. POLICE HEADQUARTERS - DAY

70A

Ness enters building as people notice he is the one on the front page of their newspapers.

70B

INT. POLICE HEADQUARTERS/ELEVATOR - DAY

STORY DEPARTMENT

70B

Ness goes up elevator with people staring at him.

70C

INT. POLICE HEADQUARTERS/HALLWAY - DAY

70C

Ness walks through hallway receiving the same treatment from police and clerical help. The embarrassment growing.

71

OMITTED

71

72

OMITTED

72

73

INT. POLICE HEADQUARTERS/ OUTER AREA - DAY

73

Ness walking towards his office. CAMERA FOLLOWS him. Ness' attention is drawn to something.

74

ANGLE

74

Ness is looking at a bulletin board on which is the "Crusader Cop" caricature of Ness in the paper. The caption is "The Cavalry Has Arrived" which is written underneath it.

75

INT. POLICE HEADQUARTERS/NESS' OFFICE - DAY

75

We are in the office. Ness has closed the door.

He starts to rise. Preseuski comes over to him. Hands him a sealed memo.

PRESEUSKI

Mr. Ness, they're having a problem with the Organizational Chart for...

Ness nods, moves past the policeman, holding the memo.

NESS

Well, it's going to have to be a problem for somebody else. Not me.

(CONTINUED)

He moves back into the readyroom. MRS. BLACKMER, a young woman, stands up as he enters the room. Ness stops, looks at her. Beat.

MRS. BLACKMER

I came here to thank you.

Beat.

Ness is puzzled.

MRS. BLACKMER

(continuing)

It was my little girl they killed with that bomb.

(beat)

You see, because I know that you have children, too. And this is real to you. That these men cause us tragedy.

(beat; she nods)

And I know you will put a stop to them.

(she nods again)

And now you do that, now...

She shakes his hand, leaves the room, leaving Ness alone for a moment. Ness sighs. Beat. He opens the memo which Preseuski had handed him. He reads. Lieutenant Alderson comes into the room.

LIEUTENANT ALDERSON

Mr. Ness: I think that it's imperative we meet immediately with your undercover man. It is obvious to me there was a leak last night, and...

NESS

We can't meet with him.

Pause.

LIEUTENANT ALDERSON

I...?

Ness gestures to the memo he has been reading.

NESS

It seems that he's dead. It seems that he's in an alley down in East Chicago, and that someone cut his throat.

(beat)

Would you excuse me please...?

(CONTINUED)

75

CONTINUED: (2)

75

Alderson nods. Leaves the office.

NESS

(continuing)

Yes. It would appear there's no
one here but me.

76

OMITTED

76

77

EXT. MALONE'S HOUSE - DAY

77

Ness drives up in front of the house. Stops, takes a sheet
of paper out of his jacket pocket, reads it.

78

ANGLE INS

78

The sheet of paper, it reads "Malone 1634 Racine."

79

ANGLE

79

Ness walks up the walk to the house, a number plate next
to the bell reads "1634," Ness rings the bell.

80

INT. MALONE'S HOUSE/KITCHEN - DAY

80

We HEAR the doorbell ringing. A man, SEEN from the back.
Goes through the kitchen, slowly, approaches the front
door. In the living room, he stops by an upright gramophone,
opens the lid.

81

ANGLE

81

Inside the lid, a very short sawed-off shotgun.

82

ANGLE

82

The man holding the shotgun, slowly opens the door. WE
SEE Ness' face.

83

ANGLE REVERSE

83

Over Ness' shoulder, WE SEE the man is MALONE, the
policeman on the bridge.

MALONE

What do you want?

(CONTINUED)

83 CONTINUED:

83

CAMERA FOLLOWS Ness into Malone's living room.

NESS

I'd like to talk to you.

84 INT. MALONE'S HOUSE/LIVING ROOM - LATER - ANGLE - DAY 84

Tea things on the table, Ness and Malone, who have been talking for some time.

Beat.

Malone smiles.

MALONE

(takes out the chain
with the medallion
and the key on it.
Fidgets with it)

I'm just a poor beat cop. How
can I help you?

NESS

Work with me.

Beat. Malone looks at him.

MALONE

Why should I, though?

NESS

Because you're a good cop.

MALONE

How do you know that?

NESS

You told me.

MALONE

I'm such a good cop, how come
I'm walking a beat. At my age?

NESS

You want to tell me?

MALONE

(archly)

Well, maybe I'm that Whore With
A Heart of Gold. Maybe I'm the
Good Cop in a Bad Town. Is that
what you want to hear?

(CONTINUED)

84

CONTINUED:

84

NESS

I didn't ask you and I don't care.
If you want to stay on the beat,
you do that. If you'd like to
come with me, I need your help.
I'm asking you for help.

Beat. Malone laughs. He walks over to the mantelpiece, on which are placed five or six photographs of men in police uniforms. One is Malone as a young man. One, judging from the age of the photo and the style of uniform, may be his father. Malone looks at the photos. Then back at Ness.

MALONE

Huh. Well. That's the Thing you
Fear. Isn't it...?

Beat.

NESS

I don't understand.

MALONE

Mr. Ness... I wish I met you ten
years and twenty pounds ago. I,
uh... I think it just got more
important to me to stay alive.

(beat)

And that's why I'm walking a
beat. Thank you.

Malone stands. Ness stands.

84A INT. NESS' HOUSE/LIVING ROOM - NIGHT

84A

Ness and family listen to "Amos and Andy" on the radio.
Ness gets up and walks over to the window.

84B OMITTED

84B *

AUG 13 1986

STORY DEPARTMENT

26A.

85 INT. POLICE HEADQUARTERS/NESS' OFFICE - DAY

85

Ness coming back into the office. A dumpy fortyish man in the corner, stands as Ness comes in.

MAN (OSCAR WALLACE)

Mr. Ness...? Oscar Wallace,
Washington Bureau...

NESS

Well, Mr. Wallace, we are glad to have you here. We are a little in the dark, but any ideas that you may have...

(CONTINUED)

85

CONTINUED:

85

WALLACE

Yes, sir, I do: and one I want
to try first is this: he has
not filed a return since 1926...

NESS

A return...?

WALLACE

An income tax return.

NESS

Income tax.

Pause.

WALLACE

Yessir.

Beat.

NESS

What, what do you do at the Bureau?

WALLACE

I'm an accountant.

Pause.

Ness half-sighs, half-laughs, he rubs his forehead.

NESS

An accountant...

WALLACE

Yes, sir, the Bureau has sent me
out here to...

NESS

Would you excuse me, please...?

Ness walks out of his office into the hall, lights a
cigarette, rubs his eyes. He looks up, sees something.

86

ANGLE POV

86

Malone, in civilian clothes, at the other end of the
hall.

87

ANGLE

87

Ness walks over to Malone. Malone stands very close to
him.

(CONTINUED)

87

CONTINUED:

AUG 13 1986

87

MALONE

STORY DEPARTMENT

Come on.

NESS

Where are we going?

MALONE

These walls have ears.

88

INT. CHURCH - DAY

88

Ness and Malone are talking.

MALONE

You said you wanted to know how to get Capone. Do you really want to get him?

(beat)

You see what I'm sayin'? What are you prepared to do?

NESS

Everything within the law.

MALONE

And then what are you prepared to do...?

(pause)

If you Open the Ball on these people, Mr. Ness, you have to be prepared to go all the way.

(pause)

Because they will not stop the fight 'til one of you is dead.

Pause.

NESS

I want to get Capone. I don't know how to get him.

MALONE

You want to get Capone, here's how you get him: He pulls a knife, you pull a gun; he sends one of yours to the hospital, you send one of his to the morgue. That's the Chicago Way. That's how you get Capone. Now: do you want to do that, are you ready to do that...? I'm makin' you a deal. You want this deal?

(CONTINUED)

88

CONTINUED:

AUG 18 1986

88

NESS

STORY DEPARTMENT

I have sworn. To put this man away, with any and all legal means at my disposal. And I will do so.

MALONE

(sighs)

Well, the Lord hates a coward.

Malone, ceremoniously, extends his hand. Ness shakes it.

MALONE

(continuing)

You know what a 'Blood Oath' is?

NESS

Yes.

MALONE

You just took one.

88A

EXT. CITY STREET - DAY

88A

Ness and Malone walk down the street.

MALONE

How do you think that Capone knew about you raid the other night?

NESS

(pause)

Someone on the cops told him.

MALONE

...and welcome to Chicago, mister, 'cause this town stinks like a whorehouse at low tide.

(beat)

Now: the first thing is...who can you trust?

(CONTINUED)

AUG 13 1986

88A

CONTINUED

88A

STORY DEPARTMENT

NESS

I...

MALONE

(interrupting him)

You can trust nobody. The Cops...
nobody. Nobody wants you here.

NESS

Then why are you helping me?

MALONE

'Cause I swore to uphold the law,
and if you believe that I'll tell
you another one. Now: who can
you trust?

NESS

I can trust nobody.

(CONTINUED)

88A

CONTINUED: (2)

AUG 13 1985

88A

MALONE

STORY DEPARTMENT

(nods, satisfied)

That is the sorry truth.

NESS

If we can trust nobody, where do we get help?

MALONE

You're afraid of getting a rotten apple, don't get it out of the barrel, get it off the tree.

89

EXT. SHOOTING RANGE - DAY

89

Young men in Police Academy sweatsuits FIRING or waiting to fire.

The RANGEMASTER barking commands.

Ness and Malone wait.

RANGEMASTER

Finger outta the trigger guard.
Eject those cartridges, lay the revolver on the ledge, pick up your target, and stand back.

The recruits step back from the firing line. The Rangemaster commands the group which has just fired. As he commands, the just-fired targets come forward on pulleys and the recruits pick them up.

RANGEMASTER

(continuing)

Left face and file off. Next group of twelve: Stand ready!

Malone and Ness come up to the Rangemaster.

NESS

Elliot Ness, Treasury. We require a recruit on extended duty. Because of its extreme danger, I don't want any married candidates. This man will be seconded to Treasury.

(Ness produces a document)

We have the full cooperation of...

(CONTINUED)

RECEIVED

AUG 13 1986

89 CONTINUED

89

MALONE

STORY DEPARTMENT

(interrupting him)

Joey, now: who's consistently
the best shot of the class?

(CONTINUED)

89

CONTINUED:

STORY DEPARTMENT

89

The Rangemaster checks his records.

RANGEMASTER

Williamson and Stone.

MALONE

Call 'em out for me. One at a time. Willyya...?

As the Rangemaster crosses to the young recruits, Malone turns to Ness.

MALONE

You're married.

NESS

I know.

RANGEMASTER

Williamson!

One of the young recruits who has just fired responds to the command. He comes over to Ness, etc., carrying his just-shot target. He is a well-built, rather tall, blond young man. He stands at attention. Malone takes the target, looks at it.

90

ANGLE - POV INS - THE TARGET

90

It is one large jagged hole in the ten ring.

91

ANGLE

91

Malone, Ness, Williamson.

NESS

Very impressive.

MALONE

Stand easy, pal. I want to ask you something: Why do you want to join the Force?

(CONTINUED)

RECEIVE

AUG 18 1986

91

CONTINUED

STORY DEPARTMENT

91

The young man is obviously flustered.

WILLIAMSON

Um... um... um...

MALONE

Don't search for the yearbook
answer, tell me: what do you
think...?

WILLIAMSON

I, uh...

MALONE

(not unkindly)

Okay, that's all.

Williamson retreats to the line of recruits.

(CONTINUED)

CONTINUED:

The Rangemaster is, at the same time, barking commands to the next group.

RANGEMASTER

Next group of twelve: advance to the firing line. Lay your revolver and three rounds on the do not load until the command 'LOAD.' Advance.

The next group advances to the firing line. Ness and Malone go over to the Rangemaster.

RANGEMASTER

(calling Stone over)

Stone!

(to Malone)

He's a real prodigy.

Stone, a dark, intense young man, walks over to Ness and Malone.

The Rangemaster points out a young man on the firing line.

MALONE

(continuing)

Why do you want to join the force?

STONE

'To Protect the Property and Citizenry of the City of Chi...'

MALONE

Waste my time with that bullshit...
Where are you from, Stone?

STONE

The South side.

(CONTINUED)

Malone looks at the clipboard with the recruit's name on it.

MALONE

(continuing)

'Stone'... That's your name?
George Stone...? What's your
real name?

STONE

That is my real name, sir.

MALONE

What was it before you changed it?

Beat.

(CONTINUED)

91 CONTINUED: (2)

91

STONE

Guisseppe Petri.

MALONE

Well, that's what I thought...

(to Ness)

That's all we need, get a thieving
wop on the...

STONE

(stunned)

What did you say...?

MALONE

I said that you're a lyin' member
of a no-good race...

STONE

Isa mucha better'n you, you stinkin'
Irish pig...

Malone reaches in his sap pocket, comes out brandishing
his sap.

MALONE

You scut, I'm gonna break your...

Stone picks up his revolver off the shooting ledge and
stands ready to receive Malone's attack. Malone relaxes,
puts back his sap.

MALONE

(continuing)

I like him.

NESS

I like him too.

MALONE

(to Stone)

Son, you just joined the Treasury
Department.

AUG 13 1986

33A.

STORY DEPARTMENT

92

INT. POLICE HEADQUARTERS/NESS' OFFICE - DAY

92

Ness, at his desk. Lieutenant Alderson, finishing reading a report.

LIEUTENANT ALDERSON

... with reports from stake-outs on the north and westside, and surveillances of the major auto routes.

NESS

Thank you, Lieutenant.

Alderson nods, and leaves.

(CONTINUED)

92

CONTINUED:

92

CAMERA PANS IN to show Malone and Stone seated on a bench near the door.

NESS

(continuing)

What do you think?

MALONE

I think there's nothing like vaudeville.

NESS

That's what I think.

MALONE

Are you ready to go to work?

Malone stands.

NESS

Where are we going?

MALONE

On a liquor raid... We need another man...

Wallace enters. Holding papers.

WALLACE

Mr. Ness. The financial disbursement pattern...

Malone reaches down for a riot gun from the rack and hands it to Wallace.

MALONE

(to Wallace)

Come on.

WALLACE

I... uh...

MALONE

You carry a badge?

WALLACE

Yes.

MALONE

(nods)

Carry a gun.

92A INT. POLICE HEADQUARTERS

92A

As Malone exits he speaks to Mike. Malone walks over to Mike.

MIKE

Jimmy?

MALONE

Mike?

MIKE

What are you dressed for,
Halloween?

MALONE

Shut up. I'm working.

MIKE

Where? The circus?

Malone, Ness, Stone and Wallace coming out of Police Headquarters.

The CAMERA PANS with them as they go across the street and down the sidewalk.

NESS

What are we doing here?

MALONE

Liquor raid.

NESS

Here...?

MALONE

Mr. Ness: Everybody knows where the booze is. The problem is not finding it. The problem is: Who wants to cross Capone.

(beat)

If you walk through that door now, you are walking into a world of trouble, and there is no turning back. You understand me...?

NESS

Yes. I do.

CAMERA FOLLOWS all four through the post office to a door which they enter. They continue to a second door. The door has a sign hung on it "Out of Order. Please Go Around."

MALONE

(over his shoulder)

Draw your guns.

Malone takes a fire axe off of the wall and chops into the door by the handle. He reaches inside and opens the door.

AUG 19 1986

35A.

93A

INT. POST OFFICE/BACK ROOM -- DAY STORY DEPARTMENT

93A

CAMERA FOLLOWS the four into a room full of whiskey crates and men taking bottles out of them.

MALONE

(continuing)

Federal Officers. This is a raid.

A very Fat Man comes over to Malone.

(CONTINUED)

RECEIVED

36.

AUG 19 1986

93A

CONTINUED:

93A

FAT MAN

STORY DEPARTMENT

What are you doing here?

MALONE

This stuff is impounded and you're all under arrest.

FAT MAN

(uncertain)

This is no good! You got a warrant?

MALONE

Here's my warrant.

He hits the Fat Man viciously in the stomach.

MALONE

(continuing; to the other men in the warehouse)

How do you think he feels now, better or worse...?

NESS

(to Wallace)

Arrest them.

Wallace and Stone start rounding up the culprits.

MALONE

Well, Mr. Ness, we're in for it now.

94-99

INT. ITALIAN RESTAURANT - NIGHT - INS

94-99

Large cedar box of cigars, box is opened. Hands present it, CAMERA PULLS BACK TO REVEAL Ness, Wallace, Stone and Malone seated in an Italian restaurant after a dinner, plates all over the table.

They accept and light up cigars.

The men laugh. Malone takes out his chain with the medallion and the key on it. Uses the key end to pierce his cigar.

NESS

(of the medallion)

What is that?

MALONE

What is it? What is it...?
I'm with the Heathen. It's my
Callbox Key, and St. Jude.

(CONTINUED)

94-99

CONTINUED

94-99

STONE

St. Jude is the Patron of Lost Causes.

MALONE

And Policemen.

NESS

(reflectively)

The Patron of Policemen.

MALONE

(shrugs)

Everybody needs a friend.

They all nod.

MALONE

(continuing; to Stone)

Lost Causes and Policemen:
which one do you want to be...?

STONE

I want to be a cop.

MALONE

You do.

STONE

Yes.

MALONE

And why?

ALL

(chiming in)

"To protect the property and
citizenry of...?"

100

ANGLE

100

The door to the kitchen opens and the Waiter, carrying a tray on which is a bottle of Grappa and four glasses, enters. Stone turns in his chair and addresses him quickly in Italian.

STONE

(in Italian)

What is that?

WAITER

(in Italian)

What do you think, you got to
put the icing on the cake!

(CONTINUED)

AUG 13 1986

100

CONTINUED

STATION DEPARTMENT

100

STONE

(in Italian)

No, no, please. Just take it
out of here.

The waiter turns to Ness.

WAITER

(in English)

Here she is, Mister. a nice glassa
Grappa, wash the meal down.

NESS

No, I don't think so. Thank you.

WAITER

Then whadda you gonna have to end
the meal?

NESS

Thank you. I think I'd like a cup
of tea.

WAITER

Tea??? Whadda for you drink Tea?

NESS

Because it's the Cup That Cheers...

The waiter shakes his head, offers the Grappa to the
others, who decline.

MALONE

I like you, Mr. Ness. You're
all right.

AUG 19 1986

STORY DEPARTMENT

101 INT. LEXINGTON HOTEL/BANQUET ROOM - NIGHT 101

There are thirty men sitting around a table, eating and drinking, they look up as Capone comes in. One of them is the very Fat Man from the Post Office. George, Payne and Nitti are also present.

102 ANGLE 102

Capone looking at him.

103 ANGLE 103

The other man lowers his eyes.

104 ANGLE 104

Capone shakes his head, as if to say "This is all a great disappointment to me." He then shrugs.

CAPONE

Life goes on.

(CONTINUED)

104 CONTINUED:

104

He gestures and the men go back to eating and drinking. Capone goes and stands behind his chair. He takes a sip of wine. Beat. He sighs, he shrugs.

CAPONE

(continuing)

A man become preeminent, he is expected to have enthusiasms.

(pause)

Enthusiasms.

(pause)

What are mine? What draws my admiration, what is that which give me joy? Baseball.

He picks up a small baseball bat, which has been placed on the table. As he walks around the table.

CAPONE

(continuing)

A man. A man stands alone at the plate. This is the time for what? For individual achievement. There he stands alone. But in the field, what? Part of a team. Looks, throws, catches, hustles, part of the big team. He bats himself the live-long-day, Babe Ruth, Ty Cobb, and so on: if his team don't field... you follow me? What is he? No one. Sunny day, the stands are fulla fans. What does he have to say? I'm goin' out there for myself. But I get nowhere unless the team wins!

The men at the table are nodding as he speaks. Capone's ramblings around the table have left him in back of the large heavyset man, who is nodding and lighting a cigar. Capone raises the baseball bat above his head and brings it down viciously on the head of the very Fat Man.

105 INT. LEXINGTON HOTEL /BANQUET ROOM - NIGHT 105

TOP SHOT.- PULL UP.

The men at the table. Blood splattering the food, the room resounding with the SOUND of the baseball bat hitting flesh.

106 INT. CHILD'S BEDROOM - NESS HOUSE - NIGHT 106

Catherine Ness sitting on the edge of her daughter's bed, holding the hand of the little girl, who is under the covers, just finishing her prayers.

(CONTINUED)

LITTLE GIRL

Amen.

CATHERINE

Amen.

LITTLE GIRL

Goodnight, Mommy.

CATHERINE

(rising)

Goodnight.

LITTLE GIRL

Goodnight, Daddy.

NESS

Goodnight, little girl.

Catherine comes over to Ness, who is standing by the door, they both go out in the hall, closing the door after them.

The hall. They stand there for a second. Ness takes a cigarette out of his shirt, starts down the hall. The following conversation takes place in whispers.

CATHERINE

Where are you going?

NESS

Thought I'd go downstairs, some things to do for tomorrow.

CATHERINE

Well, you had a full day today, didn't you?

NESS

Yes. I certainly did.

CATHERINE

And you've still got some energy left?

NESS

Lots of work to do.

Catherine smiles, takes his hand, nods.

CATHERINE

Why don't you come in and brush my hair?

(CONTINUED)

107 CONTINUED:

107

She leads him toward the bedroom. She shakes her head.

CATHERINE

(continuing)

You 'Detective'...

108 INT. NESS' OFFICE - DAY

108

Wallace sitting at a desk, shirtsleeves, ledgers spread out before him. Ness' clerk comes in with some more ledgers.

WALLACE

Just drop them on the desk.

Ness and Malone enter. Ness smiling, holding a newspaper. Shows it to Wallace.

109 ANGLE POV

109

Another cartoon. This has Ness, still as a crusader, smashing bottles of booze, while Capone looks on. The caption is "Do you mind if I break in."

110 ANGLE

110

Ness, smiling with Wallace.

NESS

(of ledgers)

How are you doing?

WALLACE

It's difficult. Capone's organization, as we know, is incredibly diverse. It owns: Canadian Holding Company Associations, which owns: Green Light Laundry, Midwest Cabs, Jolly Time Playthings...

Ness walks on into his office, nodding "Keep up the good work."

NESS

(over his shoulder)

Aha! I have to get a present for my daughter.

STONE

How old is she, sir?

(CONTINUED)

110 CONTINUED:

110

NESS

Six.

They walk on. Wallace keeps droning on, as he looks at his ledgers.

WALLACE

... Bahama Ship-to-Shore. Miss Lucy Togs... the list is endless... the business is legitimate, and none of it is owned by Al Capone.

Ness stops, turns. Wallace gestures at the ledgers.

WALLACE

(continuing)

We can get him for income tax evasion if we can show that any of the income from the 'organization' business is going to him. Legally he receives no income.

NESS' CLERK

Mr. Ness: you have a visitor.

They turn to the door. The ALDERMAN, a swank and sleek man in his late fifties, comes in. All stop to look at him

Beat.

ALDERMAN

Mr. Ness...?

NESS

I'm Ness.

ALDERMAN

I wonder if we could talk a minute. John O'Shea, Alderman of the...

NESS

Yes, Alderman. I know who you are.

(beat; to his men)

Would you excuse us...?

They get up, exit, leaving the two men alone. Ness closes the door.

NESS

(continuing)

We have several large operations in the works, and we're rather busy, Alderman. What can I do for you?

(CONTINUED)

110 CONTINUED: (2)

110

ALDERMAN

Came up to congratulate you on
a job well done. Share your
good fortune on such a lovely
day.

The Alderman gestures toward the window. Ness looks
toward the window. He looks back at the Alderman,
down at the desk.

111 ANGLE POV

111

On the desk, previously clear, there is now a large
well-padded envelope.

112 ANGLE

112

Ness looking at the envelope.

NESS

And what is that...?

The Alderman shrugs. Beat. He goes to the door and
closes it. He comes back and stands close to Ness.

NESS

(continuing;
of envelope)

What is that?

ALDERMAN

Mr. Ness: you're an educated
man. Let me pay you the
compliment of being blunt.
There is a large, a large and
popular business which you are
causing dismay. Why don't you
cross the street and let things
take their course?

Ness goes to the door, opens it.

NESS

(to his men in
the next room)

Would you come in here, please.

They come back in.

(CONTINUED)

NESS

(continuing)

In Roman times, do you know, when a fellow had been convicted of trying to bribe a public official they cut off his nose and sewed him in a bag with some wild animal, and they threw the bag in the river. This man just handed me this envelope. Mr. Wallace, what would you suppose is inside?

WALLACE

Sir, I'd say, of necessity, it's paper.

NESS

Why do you suppose that?

WALLACE

Because the Alderman did not attempt to hide it when we all came in.

NESS

Why would he bring me paper?

WALLACE

To see if you'd reject his bribe, if you did, then there'd be no evidence he tried to bribe you.

Ness tears open the envelope. It is newsprint, Ness smiles.

NESS

(to Alderman)

You tell your 'master' that we must agree to disagree.

ALDERMAN

You're making a mistake.

NESS

I've made them before. I'm beginning to enjoy it.

ALDERMAN

You fellas are 'Untouchable,' is that the thing? No one can get to you?

NESS

... and you tell Al Capone...

(CONTINUED)

112 CONTINUED: (2)

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112

ALDERMAN STOP RESISTANCE

... Hey, everybody can be gotten to.

NESS

... that I'll see him in Hell.
If you'll excuse me, we have work to do.

He turns his back on the Alderman.

NESS

(continuing)

Good work, Mr. Wallace.

WALLACE

(to Ness)

Thank you, sir -- and I was also thinking, sir, on our next raid. The Winchester 97 riot gun: If we were to carry the Winchester in preference to...

Malone and Ness exchange a look.

113 EXT. NESS' HOUSE - NIGHT

113

Ness, walking. He carries a gift-wrapped package. Nitti is in his car parked across the street.

MAN (NITTI)

... birthday...?

NESS

(smiles)

Yep.

NITTI

Nice to have a family.

NESS

Yes. It is.

NITTI

A man should take care to see that nothing happens to them.

Nitti drives away. Ness stops, pulls out his pistol, and runs to his house.

114 INT. NESS HOUSE - NIGHT

114

Ness, bursting through the door. His wife, in a robe, is sitting listening to the radio. She jumps up, frightened.

NESS

Where's the baby...?

CATHERINE

She's up... what is it... Elliot...?

Ness runs up the stairs. CAMERA FOLLOWS. Top of stairs he looks in on his daughter's room.

115 INT. NESS' HOUSE/DAUGHTER'S ROOM - NIGHT

115

She is sleeping peacefully.

116 INT. NESS' HOUSE HALL/STUDY - NIGHT

116

His wife has come up behind him.

CATHERINE

What is it...?

Ness goes downstairs into the kitchen.

NESS

Pack for the country. For both of you. Right now.

He opens a bench. Finds a shotgun and a box of shells. He goes to the telephone, picks it up.

NESS

(continuing;
into phone)

Dearborn, Two Eight Three One.

He loads the shotgun.

CATHERINE

Elliot, what is it?

NESS

Everything's going to be fine. You just pack.

(into phone)

Gimme Malone. Well, where the hell is he...? Well, give me Wallace, quickly...

117 ANGLE

117

He lays the loaded shotgun across the desk. He puts the
cocked pistol next to it.

118 OMITTED

118

&
119

&
119

120 EXT. NESS' HOUSE - NIGHT

120

Ness coming out of the door, holding the shotgun. A car
pulls up in front of the house. Wallace and a Policeman
get out of the car.

WALLACE

It's all right, Elliot.

Ness gestures back into the house.

NESS

Alright, let's go...

His wife and daughter come out of the house. Ness goes
in and gets their bags, follows them down to the car.
The Policeman starts up to help him.

NESS

(continuing)

Stay there and keep your eye on
the street.

Ness comes down with the bags and starts loading the cab,
as his wife and daughter climb in.

DAUGHTER

Daddy, how long are we going to
be gone for?

NESS

Just a little while.

DAUGHTER

Will you come up and be with us?

NESS

As soon as I can.
(to Wallace)
Where's Malone?

WALLACE

He's on the stakeout, he'll be
right...

(CONINUED)

120 CONTINUED:

120

NESS

(to Cop)

Who is this guy?

WALLACE

One of the men on his list. He's
all right.

NESS

(to Cop)

Drive North. She'll tell you
where to go when you're out of
the City.

COP COUSIN

Yes, Mr. Ness.

NESS

Get that jacket off.

The Cop starts taking off his jacket.

NESS

(continuing)

Anything happens you shoot first,
you understand?

COP COUSIN

Yessir.

Ness takes off his own jacket, puts it on the Cop. Takes
off the Cop's hat and puts his own hat on the Cop's head.
Ness leans inside the car.

121 EXT. NESS' HOUSE/INT. CAR - NIGHT

121

Ness saying goodbye to his family.

DAUGHTER

Daddy, you're going to miss my
birthday.

NESS

Yes, sweetie, I am, but I'll make
it up to you next year. Ah. Ah.
Ah.

He reaches behind him. Hands her birthday present in
through the window.

CATHERINE

Take care of yourself.

NESS

Oh, I'm going to.

122 EXT. NESS' STREET - NIGHT

122

NESS

(to Cop)

Now, go...

The car pulls away from the curb. Starts down the street, Ness and Wallace looking after it. We HEAR screeching tires behind them, they both turn. Wallace draws his gun, Ness levels his shotgun.

The car screeches to a sliding halt halfway down the block, Malone and Stone get out. Hands high, signaling "Don't shoot"... they come jogging down the street, carrying submachine guns.

MALONE

Are they okay?

WALLACE

They're fine. Is the cop okay?

MALONE

He better be -- he's my cousin.

NESS

I want to hurt the man, Malone,
I want to start taking the battle
to him. I want to hurt Capone.

MALONE

Well, then, Merry Christmas,
'cause we've got some news.

MALONE

(continuing;
to Stone)

Tell 'em...

STONE

There is going to be a huge
international shipment coming
through, and...

MALONE

... We got the times and places
and the whole thing.

NESS

How do you come by this
information?

(CONTINUED)

122 - CONTINUED:

122

MALONE

Second rule of policework: The
best way to keep a secret is:
don't tell the boss.

NESS

Let's go.

They swing up onto the car. They drive off.

123
thru
126

OMITTED

123
thru
126

126A EXT. SKY - SOMEWHERE OVER CANADA - NIGHT

126A

Plane flying.

127 INT. FORD TRI-MOTOR - NIGHT

127

CAMERA MOVES down the aisle. Malone and Stone asleep
under the blankets. Ness sleeping.
Wallace, across the aisle from him, reading light on,
working on books. Wallace leans across and nudges him.
Ness turns over.

WALLACE

He's making over three million
dollars a year; he's paid no
taxes, nothing is in his name --
if we can establish any payments
to him at all, we can prosecute
for income tax evasion.

NESS

What?

WALLACE

I said we can prosecute him for
income tax evasion.

(CONTINUED)

NESS

... Try a murderer for not paying
his taxes...

WALLACE

It's better than nothing.

NESS

(beat)

... How do we link him to the
money?

Wallace shakes his head.

WALLACE

I don't know.

NESS

Go back to sleep, Oscar.

Wallace sighs, goes back to his books.

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51.

128
thru
132

OMITTED

STORY DEPARTMENT

128
thru
132

133 EXT. HILL NEAR BRIDGE - DAY

133.

Ness P.O.V. of bridge.

NESS (V.O.)

... a convoy of five to ten trucks
filled with your good Canadian
whiskey.. Who will be met by...?

MALONE (V.O.)

A high level member of the Capone
organization.

NESS (V.O.)

Bringing them full payment for
this shipment in cash. Now:
the meet is to take place just
over the border -- on the American
side: our aim is: to confiscate
the liquor, and the cash, and to
take into custody the Americans
involved. Captain...?

134 EXT. HILL NEAR BRIDGE - DAY

134

CAMERA PANS OFF BRIDGE around to mountain top where WE SEE
Ness, Mountie Captain, Malone, Stone and Wallace mounted on
horses. Behind the Mountie Captain is a group of twenty
Mounties, also on horseback.

MOUNTIE CAPTAIN

We will await your signal on the
American side, when you and your
men are on the road, and have given
the signal, we will engage from the
Canadian side of the railroad bridge.
Thus, surprising them from the rear -
and surprise, as you well know Mr. Ness
is half the battle.

NESS

"Surprise" is half the battle,
many things are half the battle,
"Losing's" half the battle.
Let's think about what is all
the battle - Let's take the
fight to them. Thank you,
Captain.

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STORY DEPARTMENT

134 CONTINUED

134

The Captain salutes. He and his men descend the bank, move down the hill, and across the bridge. They move past a marker on the far side of the bridge. The marker reads "You are entering Canada". Wallace's horse bolts after the Canadian. Ness turns to Stone.

NESS

Mr. Stone. I think Mr. Wallace requires your assistance.

Stone rides down the hill after Wallace.

DISSOLVE TO:

135 EXT. HILL NEAR BRIDGE - DAY - LATER

135

Malone opens a large case and takes out and starts assembling Thompson submachine guns. He slaps a round magazine into one. He sees Stone looking at him.

MALONE

(cheerily)

Load it on Sunday and shoot all week!

He passes the submachine gun to him. He goes deeper in the case and hands each two hand grenades.

WALLACE

What are these for?

MALONE

Better to have it and not need it than to need it and not have it.

136 OMIT

137 EXT. HILL NEAR BRIDGE - DAY

137

Ness and his men above the railroad bridge. Ness checks his watch.

MALONE

(softly)

Take it easy. Take it easy.
It'll happen in time. This is
the job: don't wait for it to
happen, don't even want it to
happen: just watch what does
happen.

NESS

Are you my 'tutor'..?

MALONE

Yes, sir, that I am.

Beat. Stone starts to check his gun.

MALONE

(continuing)

Did you already check it?

STONE

Yes.

MALONE

Then leave it alone. You're a
good cop, Guisseppi -- You're
doing good. You're gonna do
just fine.

(beat)

You cold?

STONE

A little cold, sir.

MALONE

Stamp your feet. It'll keep you
warm.

(shrugs)

You learn something walking a
beat twenty years.

They all resume their watch of the bridge. HOLD.

MALONE

(continuing;

to himself)

Snitches and standing in the rain.

138 EXT. HILL NEAR BRIDGE - LATER - DAY 138

Wallace, cold, his hands under his arms. He takes off his glasses, starts to clean the fog off of them with his handkerchief.

139 ANGLE 139

The four men, watching. The day has cleared up. Beat. Wallace checks his watch.

WALLACE

(giving up)

Mr. Ness... I had an idea about...

Stone raises his hand for silence. They all look over the rise. From the American side, a lone touring car is approaching. The car stops at the bridge. THREE MEN carrying rifles get out, walk over to the bridge, making an inspection.

140 ANGLE 140

The inspection complete, one man stands on the road, draws a large red handkerchief from his overcoat pocket, and waves it, signalling back down the road toward the American side.

141 ANGLE 141

On the rise, Ness and his men watch as another, fancier car drives up to the bridge. Several BODYGUARDS and George a MAN IN A RACCOON COAT get out of this car. George carries a large satchel. We see that the men below hear something. They look toward the Canadian side. They nod. They pull their cars off of the roadbed.

142 ANGLE 142

Ness and his men on the rise, watch as a convoy of three trucks approach the bridge from the Canadian side. Malone talks to the men, whispering.

MALONE

Show me where your spare shells
going to be.

The men pat their pockets.

(CONTINUED)

142 CONTINUED:

142

MALONE

(continuing)

If you got to fire, hold low and squeeze, and PUT YOUR MAN DOWN, 'cause he'd do the same to you.

(to Stone)

Shoot to kill. Did you hear what I said?

STONE

Yessir. I did. Shoot to kill.

MALONE

(nods)

Mr. Ness...?

NESS

On my command we start down the bank. The Canadians will not show until I've flashed the badge, so we should get close enough to the convoy to get the drop on them. The man carrying the satchel is our man, we...

In the distance, a Mountie, in a red coat, starts down the hill on the Canadian side, FIRING his gun in the air. All the men on the railroad bed turn to look at him. They start scrambling for their cars and trucks. They start shooting.

MALONE

Well, hell, you got to die of something.

Malone starts over the rise, SHOOTING, and starts down the hill. Ness follows him, and points to the car of George.

*

NESS

(to his men)

Stop the car.

Malone rises, FIRING.

WALLACE

Federal Officers. Lay down your arms, and...

143 ANGLE

143

Malone, running down the hill, sprays the limousine which is trying to reverse and escape down the railroad track. Two bodyguards come out of the car, FIRING.

144 ANGLE

144

The truck drivers, taking cover behind one of the trucks. Wallace and Stone FIRING at them.

STONE

Surrender! Department of the
Treasury! Lay down your...

One of the Truck Drivers rises and FIRES, hitting Stone who falls.

STONE

(continuing;
under his breath)

... Oh, my God...

Wallace advances into the FIRE, passing Stone, covering him, Wallace, FIRING the Riot Gun from the hip, wades into the Truck Drivers. At point-blank range he FIRES on one, who falls. He turns on the other and finds that his riot gun is empty. He reverses it and swings it like a club, clubbing the other man to the ground. A third truck driver takes off running toward the bridge. Wallace draws his service revolver and FIRES after him. CAMERA FOLLOWS the running truck driver. Mounties approach the bridge from the opposite side of the river.

145 ANGLE

145

Wallace, kneeling, takes aim at the fleeing truck driver, he FIRES.

146 ANGLE

146

The truck driver, hit, falling off the bridge and into the river.

147 ANGLE

147

The limousine. One of the bodyguards dead. Malone and the other exchanging FIRE.

148 ANGLE

148

The rear of the limousine. Ness, creeping around the opposite side from Malone. CAMERA FOLLOWS. Ness yanks open the door and pulls out George. George buttstrokes Ness with a shotgun and runs out of the car and up the hill. Ness falls to the snow.

149 ANGLE

149

The battle rages on the bridge. Ness struggles to his feet, is shot at. He returns FIRE and the bootlegger shooting at him starts to climb the hill to escape. Ness follows.

149A EXT. HILL/CABIN - DAY

149A

CAMERA FOLLOWS Ness up to the small cabin. Ness sneaks round the back of the cabin. Through the back windows, Ness sees a gunman standing in back of the half-open front door. Ness thinks a moment. Takes out his hand grenade. He pulls the pin, heaves it over the roof of the cabin so as to land in front. He picks up a piece of firewood which is stacked on the ground beside him.

150 EXT./INT. CABIN - DAY

150

The gunman crouched by the door. The GRENADE GOES OFF outside. The gunman is thrown to the ground. The chunk of wood is heaved in through the back window, Ness comes in after it.

NESS

You're under arrest, throw down your...

The gunman FIRES at him. Ness returns FIRE. Screaming, the gunman is blasted out through the front door.

NESS

(continuing)

Didn't you hear what I said?

Are you deaf... what is this...

A game...

(pause)

Eh? You 'Master Criminal.' You thug. Eh? Are you done...? Are you done...?

Ness walks up to the body which has fallen on the porch. He looks down at it. FIRING can still be HEARD in the distance.

151 EXT./INT. CABIN - DAY

151

Ness had covered the dead body with his coat. He is sitting on the porch, smoking a cigarette. Malone, Wallace and the Mountie Captain come up the hill. Between them is George Manacled. Wallace carries the satchel. Ness comes around the side of the house, motions them all to go in through the back door of the cabin.

(CONTINUED)

151 CONTINUED:

151

Wallace, George, and the Mountie go in through the back door. Malone comes around the front.

MALONE

Stone's going to be alright.

Ness nods. Looks at the fallen man he has shot.

NESS

I had to kill him.

MALONE

Yeah, he's as dead as Julius Caesar.

(beat)

Would you rather it was you...?

Beat.

NESS

No, I would not.

MALONE

Then you did your duty, go home and sleep well tonight.

Malone takes him inside the cabin. George is in the corner. The Mountie watching him. Wallace is opening the satchel.

*

152 ANGLE INS

152

The satchel. Stacks and stacks of hundred dollar bills.

153 ANGLE

153

The cabin. Malone walks over to George.

*

MALONE

'The things you see when you're out without your gun.'

(beat; to the Man
in the coat)

Long way from the South Side,

George...

(beat)

George.. I'm talking to you...
what did you, come here to open
a shooting gallery...?

*

*

(CONTINUED)

153

CONTINUED

153

Ness goes over to George. Takes out a notebook and pencil.
Hands it to him.

(CONTINUED)

153

CONTINUED:

153

NESS

Well, George , I want you to write
down the names of your superiors.
I want you to write down the name of
your contacts.

*

GEORGE

Why don't you kiss my ass...

*

NESS

Perhaps you didn't hear me...
You've fired on Federal Officers,
you've broken the Law, and you
can be tough in Leavenworth for
thirty years.

MALONE

You're going in for all day,
baby...

NESS

... is that what you want...

Wallace looks up from the satchel.

WALLACE

... Elliot... Get over here.

Ness goes over.

NESS

What?

154 ANGLE INS

154

The last of the money is coming out of the satchel.
Beneath it is a small ledger. Wallace takes it out.

155 ANGLE

155

Wallace and Ness looking at the ledger.

WALLACE

Take a look at this.

They turn the pages.

156 ANGLE INS

156

The headings are "disbursements... town." And, underneath that, headings for different police precincts: headings also read "Payments, Delivery and Dispensation." There is a sheet of letterhead stationery. It is opened.

The letterhead side reads "Walter Payne" and an address in Chicago. On the back is written a column of figures and dates.

157 ANGLE

157

Ness and Wallace. They turn and show the book to George.

NESS

What is this?

(beat)

You got a lot of money changing hands in this book. What is this 'ward', 'police precincts'... you've got a heading 'Circuit Court'... What is this...?

GEORGE

(panicking)

It's nothing, and there's nothing you can make out of it.

Ness draws Wallace and Malone out on the porch. CAMERA FOLLOWS.

NESS

(of the ledger)

Is this what I think it is?

WALLACE

If you can establish that the coded entries indicate payment to Capone, then we can put Capone away.

Ness and Wallace go back inside, followed by Malone.

NESS

(to George)

I want you to tell us which of these entries is Al Capone...

MALONE

You're going to do the whole thing in the joint, babe, lest you help us here.

NESS

I want you to translate this ledger for us.

George

In hell...

MALONE

(furious)

'In hell'? This ain't the First Ward, George. You're muckin' with the 'G,' here, pal, and you're going to hang higher'n Hayman unless you cooperate.

(CONTINUED)

157 CONTINUED:

157

Ness looks, "Well, what do we do?"

WALLACE

This man can finger Al Capone.

(beat)

This man can put Al Capone behind bars.

George

Why don't you guys just fuck off.

Malone nods slightly, turns back to George. Comes very close to him. Slaps him.

MALONE

(slaps him)

Mister hardcase... We have to have that information.

(beat)

I am not fuckin' with you.

Ness steps in as Malone starts to slap the man again.

MALONE

(continuing)

Mr. Ness...?

NESS

... not that way.

MALONE

The hell you say.

He turns back to George.

MALONE

(continuing)

You going to talk?

(beat)

You're gonna talk, pal. You're gonna beg to talk.

157 CONTINUED

157

In frustration, Malone takes the ledger.

MALONE

Somebody's going to talk.

He walks O.S., out onto the porch. WE HEAR him talking.

MALONE (O.S.)

(continuing)

Hey you, on your feet. We need you to translate this book. And you are going to. I won't ask you again.

158 EXT. THE CABIN - DAY

158

Malone has picked up the dead body of the slain boot-legger and is holding him up by the chin, while holding a pistol to the other. Malone shoves the pistol in the dead man's mouth.

MALONE

What's the matter. Can't you talk with a gun in your mouth?
One...two...three...

He fires, as he heaves the body toward the open door.

159 INT. THE CABIN - DAY

159

The GUNSHOT, and the body flying through the door.
Beat. Malone comes in the door.

He takes a step toward George, who is seated on a chair.
The chair falls over, George struggles to his feet.

George
Yes. Yes. Yes... I'll...
yesyesyes I'm going to...

MALONE
(to Wallace)
... Don't let him clean himself
until after he talks. Ask him
what you want to know.

WALLACE
(to George as he
passes him the
notebook)

We need the name of the bookkeeper.
We need a translation of the code,
I want to know...

As Wallace talks, Malone, Ness and the Mountie drift
out to the front porch.

160 EXT. CABIN - DAY

160

The three coming out. Ness lights a cigarette. Beat.

MOUNTIE
I do not approve of your methods.

NESS
Yes, well, you're not from Chicago.

160A EXT. LAKE SHORE DRIVE/AIRPORT - NIGHT

160A

The Tri-motor taxis to a stop.

(CONTINUED)

160A CONTINUED:

160A*

Scoop is there waiting to meet them. "The untouchables" with George get off the plane.

SCOOP

Mr. Ness.- Can't I get a picture of you and your man?

NESS

Yes - but not for publication - just for us.

SCOOP

Anything you say, Mr. Ness.

Scoop starts snapping of his camera - Malone walks over to him and pulls the camera out of his hand.--

MALONE

Don't worry. You'll get your camera back.

Malone's cousin drives up and gets out of his car.

NESS

Is that your cousin?

MALONE

Yeah.

(CONTINUED)

160A CONTINUED

160A *

NESS

(concerned)

What are you doing here?
Is Catherine all right?

MALONE'S COUSIN

She's fine Mr. Ness - We were on
the road when she went into labor,
so I took her to the hospital.

Ness rushes over to cousin's car and jumps inside.

NESS

(to Malone's cousin)

Let's go.

He calls out the window to Malone, Stone and Wallace

*

NESS

Get this guy into custody -
I'll be back on the morning train.

*

*

161 INT. LEXINGTON HOTEL/CAPONE'S LAVISH SITTING ROOM - NIGHT 161

Capone and several advisors having coffee. One man, dressed in his overcoat, holding his hat in his hands, standing beside Capone.

CAPONE

(enraged, stands
screaming)

WHAT!!!!????

OVERCOAT

They got the shipm...

CAPONE

(kicks over the
tea table)

I WANT THE SONOFABITCH DEAD. I
want him dead, I...

OVERCOAT

We're trying to locate...

CAPONE

AM I ALONE IN THE WORLD...?? DID
I ASK YOU WHAT YOU'RE TRYING TO
DO...???

OVERCOAT

No, Al, I...

Capone goes up to Overcoat and hits him in the face.
Pause. He's bleeding profusely. Beat.

CAPONE

(beat; calm)

I want you to get this fuck where
he breathes. I want you to find
this nancy-boy. Elliot Ness. I
want him dead. I want his family
dead. I want his house burnt to
the ground, I want to go there
in the middle of the night and
piss in the ashes.

162 ANGLE - CLOSEUP - OVERCOAT

162

He slowly raises his bloody head. Looks Capone in the
eye, nods his understanding.

163 ANGLE - THE TABLEAU 163

CAPONE

Get Frank Nitti up here, and let's
get this thing done right.

164 INT. D.A.'S OFFICE - NIGHT 164

The ledger, which has been recovered in Canada. A sheet
of paper sticking out of it.

165 ANGLE 165

Wallace, holding the ledger, moves past window, beyond
which is the skyline of Chicago. He moves to a black-
board on which are columns of figures and initials.
District Attorney is seated in the room.

WALLACE

... so what do we have: we have...
(points to blackboard)
... testimony from...

Points toward the back of the room.

166 POV - ANGLE 166

On a cot, George, chained by handcuffs to the cot. Stone
sitting by him.

WALLACE

... we have his testimony that
'A' equals Al Capone.

167 ANGLE 167

Wallace, speaking to the District Attorney.

WALLACE

... we have figures totaling, IN
THIS MONTH ALONE, two hundred
twenty thousand dollars dispersed
to Al Capone and...
(points toward Man)
... his testimony that he delivered
much of the money himself...

The District Attorney takes a sheet of paper out of the
book, holds it up and studies it.

168

POV - ANGLE

168

On the paper are various dates and figures.

There is a SOUND at the DOOR to the office. Stone gets to his feet, gun drawn.

STONE

Who is it?

MISS LEAK

It's me.

Stone motions for the door to be opened, and a young leggy girl enters carrying papers.

MISS LEAK

Sorry to disturb you, but these papers must be signed immediately.

WALLACE

... and... we'll pick him up on his false income-tax return.

DISTRICT ATTORNEY

The man will testify just as you've said...?

WALLACE

Yessir.

Beat.

DISTRICT ATTORNEY

And why should I indict now?

WALLACE

We feel you should indict now because you have the evidence and the testimony. The book is worthless without testimony. We have witnesses ready to testify. And, frankly... frankly, we can't keep him safe forever...

(CONTINUED)

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168

CONTINUED:

168

DISTRICT ATTORNEY

The maximum sentence for tax evasion's only seven years.

WALLACE

You try him on four counts.

DISTRICT ATTORNEY

And this is what Mr. Ness says...?

WALLACE

Yes, sir. It is.

Beat.

DISTRICT ATTORNEY

But if we take Mr. Capone to court for 'not paying his taxes...' and we lose, then we are going to be a laughingstock.

(beat)

Where is Mr. Ness...?

WALLACE

I am instructed to say that he is on a mission of some urgency.

168A OMITTED

168A

169 INT. HOSPITAL ROOM - DAWN

169

In the hospital room. Ness and his wife. She looks at him. Catherine is holding their newborn child.

CATHERINE

And are you being careful?

NESS

Careful as mice.

CATHERINE

And are you making progress?

NESS

'Progress...'? Mrs. Ness, I think your husband just became 'the man who got Al Capone.'

169A INT. POLICE HEADQUARTERS/CORRIDORS - DAY 169A *

Malone walking past offices. Mike stops him. *

MIKE *

Where are you going, Jimmy? *

Beat. Malone impatient. *

MALONE *

Out. *

MIKE *

Out is a good place to go. *

MALONE *

Well thank you, Mike. *

Malone starts to move past the man. *

MIKE *

(leaning in) *

You know sometimes it's a good *

idea to take a day off. Do you *

know what I mean? To relax. Get *

out of town for a while. *

Beat. Malone stops, interested. *

MIKE *

(continuing) *

I just wouldn't take the train. *

Malone's eyes grow wide, shoves past Mike and races down *

the corridor. *

169B INT. UNION STATION - DAY *

Scene to come to include Ness arriving at train station. *

through main concourse entrance *

169C EXT. STREET/INT. CAR - DAY *

Scene to come to include Malone driving to train station. *

170 INT. UNION STATION STEPS - DAY *

Scene to be written to conform to same action from *

hospital steps to train station steps. *

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170

EXT. HOSPITAL STEPS - DAY

STORY DEPARTMENT

170

Malone waits on the steps for Ness. On the street below an ambulance pulls up and TWO DOCTORS get out. They are wearing long white coats. They start walking up the steps toward Malone.

Ness exits the hospital, turns to Malone and offers him a cigar. They both light up. A YOUNG MOTHER pushing a baby carriage comes out of the hospital door next to Ness. Ness looks down at the BABY in the carriage and starts to play with it.

On the street, a car accidentally backs into the ambulance. The DRIVER of the ambulance does nothing. He stares up the staircase at the two doctors approaching Ness and Malone. Malone watches them with increasing suspicion. Half way up the staircase, both doctor's hands dart under their coats.

A few steps behind them, a YOUNG CRIPPLED GIRL on crutches, makes her way slowly up the steps. Malone, sensing a hit, knocks Ness and the woman to the ground. The doctors whip machine guns out from their coats and fire. The glass doors behind Ness and Malone explode. Malone and Ness draw their guns and fire back. One doctor is hit and falls - the other grabs the crippled girl using her body to shield him from Ness and Malone's fire.

The baby carriage, now out of the mother's grasp, starts to roll slowly down the steps. Ness jumps to his feet and races down the steps after it. He fires over the doctor's head so as not to hit the crippled girl.

The doctor ducks, avoiding Ness' volley. Ness rushes past him after the baby carriage. The doctor turns to fire at Ness exposing his side to Malone. Malone takes careful aim. Ness catches up with the baby carriage and stops it from careening out into the street.

The doctor fires at Ness. Malone fires at the doctor. Ness grabs his shoulder and crashes to the pavement. Ness' gun flies out of his hand and scuttles into the gutter.

The driver steps out of the ambulance. The doctor grabs his side, releasing the crippled girl. He falls down the stairs coming to a deadly rest on the sidewalk.

Malone stands up and looks down the hospital stairs. The driver ducks down out of Malone's view. Malone sees Ness lying motionless on the ground next to the baby carriage. Malone runs down the stairs and kneels next to his fallen friend.

(CONTINUED)

170 CONTINUED

STORY DEPARTMENT

170

The driver, quickly moving around the front of the ambulance comes up behind Malone and raises a gun to the back of his neck.

Suddenly, the motionless Ness rolls over brandishing a small revolver and fires it at the driver. The driver slumps to his knees beside Malone and flips over on the sidewalk.

The mother rushes over to the carriage and picks up her baby. The baby smiles at her teary eyed mother as though she just had the best ride of her life.

Malone looks at the dead driver next to him and then back to Ness.

MALONE

I didn't know you carried a second gun.

NESS

You never need it, 'til you need it badly. Here endeth the lesson.

Smiling, Malone helps Ness up and puts his arm around him.

171
thru
174

OMITTED

175 INT. POLICE HEADQUARTERS - HALLWAY - DAY - ANGLE INS

175

A PRESS CARD.

176 ANGLE

176

A POLICEMAN, looking at the press card thrust at him by a NEWS PHOTOGRAPHER. We are outside the double glass doors we saw earlier. CAMERA FOLLOWS the Photographer into a crowd of PHOTOGRAPHERS and REPORTERS, flashbulbs popping. Speaking to the reporters is the District Attorney.

DISTRICT ATTORNEY

... subpoena for Alphonse Capone issued this morning by my office for the crime of Evading and Conspiring to evade Federal Income Tax...

(CONTINUED)

176 CONTINUED

176

REPORTER #4

... what would be the maximum...

DISTRICT ATTORNEY

... convicted on all counts, Mr.
Capone could have up to twenty eight
years in...

177 INT. POLICE HEADQUARTERS/HOLDING ROOM - DAY

177

Stone, George, and Wallace getting ready to leave.

STONE

(to Wallace)

The car's in the alley... when
you ~~get~~ him there: don't answer
the phone. When we're coming...

WALLACE

... yes...

STONE

... we'll call and let it ring
twice, we'll call...

WALLACE

... from the corner... I've got
you...

(CONTINUED)

177 CONTINUED:

177

STONE

... call from the corner, and
anyone else knocks on the door...

WALLACE

(smiles)

'Come out shooting.' I've got it...

STONE

(smiles)

You kind of enjoy the tactical
aspects of law enforcement, is
that it, Oscar?

WALLACE

Oh yes -- Oh yes... Much more
diverting than accounting...

STONE

(smiling)

Okay? We'll see you tonight...

The men come out of the holding room. CAMERA FOLLOWS them
out into the hall. WE CAN SEE the District Attorney
talking to the reporters. Stone and the group turn the
other way. Stone walks them down to a large left ser-
vice elevator, pushes the button.

GEORGE

I'm being good to you, you got
to be good to me...

STONE

We made the deal, we'll stick
to it.

The elevator arrives, operated by a man in a police uniform.
We do not see his face. Miss Leak steps out of the elevator,
smiles at Wallace and heads down the hall for the D.A. Wallace,
leading the manacled George, gets on the elevator.

WALLACE

(sotto to Stone)

Much more diverting than accounting.

Stone smiles.

WALLACE

...down to the basement and no stops.

(CONTINUED)

1/7 CONTINUED: (2)

177

STONE

We'll see you tonight.

Wallace nods. As the elevator door closes we reveal that the Cop/Operator is Nitti in disguise. CAMERA FOLLOWS as Stone walks past the District Attorney and disappears into the cluster of offices.

DISTRICT ATTORNEY

(talking to reporters)

... write an end to the Reign of Lawlessness which has enveloped our City for so long. So that a man can say -- when he sees Terror ... when he sees Coercion... when he sees Crime, he can say 'I will speak up!' For which I must commend the excellent work of Elliot Ness and his squad of... Untouchables.

178 INT. POLICE HEADQUARTERS/ NEAR ELEVATORS

178

Ness and Malone coming off an adjacent elevator. They walk down the hall to the Holding Room.

NESS

Where is Wallace?

CLERK

They just went down the elevator.

Ness and Malone go to the elevator and wait for it to return. Nothing happens. Ness and Malone head for the stairs.

179 INT. ELEVATOR - DAY

179

Wallace, George and Nitti. *

GEORGE *

(frightened)

... keep an eye out at all times,
because I'm telling you, they...

WALLACE

Everything is going to be fine.
Take it easy now...The elevator suddenly stops. Nitti turns and shoots
George in the face, points the gun at Wallace and fires. *

180 OMITTED

180 *

132 INT. POLICE HEADQUARTERS/STAIRS - DAY
Ness and Malone hurrying down the stairs to the basement.

132A EXT. POLICE HEADQUARTERS/ALLEY - DAY
Mike's POV of the alley. Nitti runs away, escaping around the corner. He runs past a dead cop and a dead driver in an unmarked car.

132B OMITTED

132C INT. POLICE HEADQUARTERS/MIKE'S OFFICE
Mike turns and walks away from the window.

133 EXT. POLICE HEADQUARTERS/ALLEY - DAY
Ness and Malone are rounding the corner. They approach the closed elevator door. Ness reaches in and opens the door.

133A ANGLE - NESS' POV - ELEVATOR
George shot in the face is lying in a pool of blood. Wallace is strung up in the elevator with "touchable" written in blood on the wall next to him.

184 ANGLE

134

Malone.

MALONE

You gonna be alright?

*

Ness, feeling the horror, walks away. He gets in a car
and drives off leaving Malone by himself looking down
at the scene of the murder. Mike comes and stands next to
Malone.

*

*

MIKE

It's always a crime when a young guy
goes down in the line, Jimmy. I would
hate to see it happen to a guy I know.

*

*

*

Beat. Malone, impatient, nods.

MIKE

(continuing)

And sometimes it's a good idea not
to get involved.

*

*

Malone, as if he has just thought of something, walks off
after Ness.

*

*

*

*

v

v

v

v

184 CONTINUED

18.

MALONE

It's already done.

NESS

Well I want them moved again.

MALONE

She's in a safe place.

NESS

Safe? Who are you kidding...? They aren't safe until the man is dead.

The District Attorney comes up to them. Hurriedly.

DISTRICT ATTORNEY

Mr. Ness...? Mr. Ness? I need to see you in my office, Mr. Ness. I'm sorry but I need to see you in my office. In ten minutes please.

Ness walks away from him.

Beat.

DISTRICT ATTORNEY

(continuing)

Mr. Ness...?

The District Attorney walks after him. Leaving Malone by himself looking down at the scene of the murder. MIKE comes and stands next to Malone.

MIKE

Um. It was a shame about what happened to your guy.

Beat. Malone, impatient, nods.

Malone nods, starts to move past the man.

MIKE

(continuing)

I would think it's always a crime, when a guy goes down in the line...'

(Beat)

I would do whatever I can to prevent that.

185 INT. LEXINGTON HOTEL - LOBBY - DAY

185

Several bodyguards lounging around. Elliot Ness comes through the revolving doors. CAMERA FOLLOWS him to the desk.

NESS

(to the desk clerk)

Al Capone...

CLERK

We have no Mister Capone
registered h...

(CONTINUED)

185 CONTINUED:

185

Ness grabs him by the tie.

NESS

Get him...

He releases the desk clerk who, stunned, hesitates a second.

NESS

(continuing)

GET HIM!!!

CLERK

... we have no...

The clerk sees something over Ness' shoulders.

186 ANGLE - THE CLERK'S POV

186

Several bodyguards coming down the stairs, followed by Capone and Frank Nitti, who are joking with each other.

187 ANGLE - THE LOBBY

187

Capone and Nitti freeze as they see Ness.

HOLD.

Ness advances slowly toward the Capone group, the bodyguards tighten their group around Capone, a BODYGUARD comes through the group.

BODYGUARD #1

Something you want here...?

NESS

My friend was killed today.

BODYGUARD #1

(playing to the group)

I don't care...!

Ness punches him in the face and the stomach. Bodyguard falls to the floor.

NESS

Now you do...

Ness starts screaming at Capone.

(CONTINUED)

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73.

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STORY DEPARTMENT

187

CONTINUED:

187

NESS

(continuing)

COME ON... COME OUT HERE!!!!
COME OUT HERE, CAPONE, YOU WANT
TO FIGHT, FIGHT HERE...!!! What
are you, 'fraid to come out behind
your men...?

Capone's bodyguards look to him for instructions.

NESS

(continuing)

Are you afraid to stand up for
yourself...? You threaten my
family, you kill...

Capone is being restrained by his bodyguards.

CAPONE

You wanna do it now... you wanna
go to the mat now...?

NESS

You guinea sonofabitch, I'm --

CAPONE

And fuck your family...

188 ANGLE INS

188

Ness' hand starts to go for his gun.

189 ANGLE

189

Malone has come up behind Ness and is restraining him.

190 ANGLE - TIGHT ON MALONE & NESS

190

MALONE

(sotto)

Elliot, not that way!

Beat. Ness thinks. He slowly lowers his gun. Malone
takes his arm. The two back toward the entrance to the
hotel.

CAPONE

(recovering himself)

You fuck. You got nothing.
You're nothing but talk and a
badge.

(CONTINUED)

190

CONTINUED:

190

Malone escorts Ness back out through the doors of the Lexington. Capone screams after him.

CAPONE

(continuing)

I put all my chips on the one number, and it's you! You're here because you got nothin'! You're beat! You got nothin', you got nothin' in court, you don't got the bookkeeper, you got nothin'!!! NOTHIN'!!! IF YOU WERE A MAN YOU WOULD DONE IT NOW: YOU HAVEN'T GOT A THING!

191 INT. NESS' HOME - STUDY - DAY

191

Malone and Stone sitting in the study. Ness is on the phone. He's finishing a conversation with the D.A.

NESS

I understand -

Ness, dejected, hangs up the phone and looks up at Malone and Stone.

NESS

The D.A.'s going to drop the case.

(beat)

He says he can't be unprotected, and...

Beat. Ness sighs. Takes out a cigarette, lights it.

MALONE

What is it that the guy says...?

NESS

He says he won't make a fool out of himself, and he won't go into court without a witness, so tomorrow morning, he is going to announce...

MALONE

He's going to give up?

(CONTINUED)

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191

CONTINUED

191

STONY DEPARTMENT

NESS

He will not go into court without
a witness..

Malone picks up the ledgers.

MALONE

We have Wallace's notes, we have
the ledger.

The TELEPHONE RINGS.

NESS

There, there, there, I think
there is a time you have to cut
your losses, when you're...

(picks up phone.

Into phone)

Hello. Hello. Yes.

(pause)

No, he didn't have a family.

How is everything there.

(pause)

Uh-huh. Uh-huh. I will.

(pause. Sighs)

You give her my love.

He hangs up. Stone picks up the ledger.

STONE

We have: a ledger, listing
payoffs to Chicago City Officials,
and payments to: Al Capone, Frank
Nitti, etcetera.

NESS

I think that's enough for today.

(beat)

We'll meet tomorrow.

Beat. Stone gets up.

STONE

But if we don't...

NESS

Thank you. We'll meet tomorrow.

(CONTINUED)

191-

CONTINUED

191

Beat.

STONE

Yes, sir. I'm going to stick around.

Stone leaves the room.

MALONE

Is that it...?

NESS

I'm sorry...?

MALONE

You heard me -- My question is:
'are we done?'

NESS

Yes. I think we're done.

MALONE

You're sayin' that we sat down
in a game that was above our
head?

NESS

It does appear so. It would
appear so to Mr. Wallace.

MALONE

Well, he's dead...

(beat)

And the D.A.'s going to drop
the case.

NESS

He won't go into court without
a live witness. He won't go
into court without the bookkeeper.

Ness picks up the sheet of paper.

(CONTINUED)

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77.

191 CONTINUED

STONY DEPARTMENT

191

MALONE

What did you wife want?

NESS

She wanted to know if I was alright.

MALONE

It's nice to be married,.eh...?

NESS

She's sitting in bed...and she's looking over paint charts for the kitchen.

(pause;sigh)

Some part of the world still cares what color the kitchen is.

Ness sighs, gets up, grinds out his cigarette.

NESS

(continuing)

Well, sir...

He starts to rise.

NESS

(continuing)

We have fought and lost.

MALONE

Not yet... I have one last card. You go back and stall the D.A.

NESS

Stall him. Stall him with what?

MALONE

Just do it, Elliot. I think I know how to find this guy.

192-
200

OMITTED

192-
200

201 INT. POLICE HEADQUARTERS/READYROOM - DAY 201

Mike and Lieutenant Alderson playing pool as some of the Flying Squad watch.

202 ANGLE 202

Malone steps through a doorway.

MIKE

Cross-the-side, one time...

He shoots, he sinks the shot.

MIKE

(continuing)

... Two ball, down.

Malone walks up to Mike and whispers to him.

MALONE

Hello, Mike... you got a minute... ?

Mike shoots and misses. He turns around, sees Malone.

MIKE

Yeah. I got one now.

(CONTINUED)

202

CONTINUED:

79

202

ALDERSON

Nine ball, straight in...

He shoots, sinks the shot.

MIKE

(half-jocularly)

This is a club for 'cops',
whaddaya doing in a club for
'cops'...

Malone pulls him toward a door. Malone motions him,
again, to come along.

MALONE

Let's step outside.

Malone motions him, again, to come along.

MIKE

(continuing; play-
ing the room)

I got nothing to say to you...

He shrugs, follows Malone out into the alley.

203

EXT. POLICE HEADQUARTERS/ALLEY - DAY

203

MIKE

(dropping his "tone")

What?

MALONE

I just need one more piece of
information.

MIKE

... One more piece of... ? I just
risked my life for you.

MALONE

I need to find that bookkeeper.

MIKE

(incredulous, shakes
his head)

Are you crazy, Bo...

(MORE)

(CONTINUED)

MIKE (CONT'D)

(in a whisper)

... I warned you to get out of town ... if they knew it was me I'm dead...

He starts to move away from Malone. Malone stops him.

MALONE

I need to find that bookkeeper.

MIKE

You're fuckin' nuts, man, an' I tried to save your life... You owe me...

He starts past Malone again. Malone stops him.

MALONE

My people have been killed.

MIKE

Your people? We're your people, Jimmy.

MALONE

You're my people? You run with dagos. Mike? Mike. THEY RUINED THIS TOWN, MIKE! For the last ten years, Mike, I can't eat my food, the shit that's goin' on, and I say I'm a cop...

MIKE

Hey, bullshit, live in this 'charade,' with your soft clothes, and a 'federal stooge...' What's he gonna do... clean up this town... ?

MALONE

(pushes him)

You keep your mouth off it. I need to know where this guy is. And now, or I'm going to rat you out, for all the shit that I know you've done in your life. I'm going to turn you over.

(CONTINUED)

203

CONTINUED

203

MIKE

This is a dead man talking to me.

MALONE

Is it?

Mike grabs Malone's coat and brings it down over his shoulders, pinning his arms down to his side. Mike first punches Malone in the stomach, then in the face, sending him down. Mike turns to walk away and Malone gets up and throws a punch to his back. Malone then spins Mike around and punches him in the stomach. As Mike doubles over, Malone throws his knee into his face sending him to the ground. Mike staggers to his feet, using a trash can to steady himself, which he then swings like a baseball bat into Malone's stomach. As Malone doubles over, Mike kicks him in the face sending him to the ground. As Malone starts to get up on one knee, Mike bends over and mutters something to Malone - as if he's beaten him. Malone, then grabs Mike's tie and throws three fast punches to his face, and then pins him up against the wall. Malone uses Mike's tie like a slip knot choking him.

MALONE

(continuing)

...Let's cut the woofing, pal.
You tell me or you are going
to the hospital or the morgue.
You think I'm bluffing, you stand
up again.

HOLD.

204

INT. STAIRWAY - D.A.'S BUILDING - DAY

204

Ness and the D.A.

NESS

Because you're going to fight
this thing out.

DISTRICT ATTORNEY

Yes, but, again, on what basis?

(he checks his
watch)

I have thirty minutes to get in
the evening papers, and call off
the...

NESS

Don't tell me, sir, don't tell me
about 'making a fool of yourself,'
I have men out there who are
risking something more than that.
And I'm told that we have a lead,
and we are following that lead
at risk to more than our
'reputations' Don't even say...

205 INT. NESS' HOUSE/BACK PORCH - DAY -

205 *

The desk. PHONE RINGING. No one there. RINGS several times. Stone comes by, picks up the phone.

MALONE (V.O.)

Give me Ness.

*
*

STONE

He's not here.

*

206 EXT. STREET/PHONE BOOTH - DAY -

206 *

Malone, talking into the phone.

MALONE

Where is he?

*
*

STONE (V.O.)

I don't know. What's going on?

*
*

MALONE

Tell him I have important news
about Payne. Tell him to meet
me at home as soon as he can get there.

*
*
*

Hangs up. Tries calling Ness at home. Gets no answer.

207 EXT. LEXINGTON HOTEL - DAY -

207 *

Several Reporters and Photographers,
standing outside the marquee. A large
limousine glides to the curb, several TOUGH GUYS get
out, followed by Frank Nitti. The Reporters advance
toward Nitti, the Bodyguards push them back.

*

REPORTER #3

Frank, Frank...

NITTI

You boys know the rules...

(CONTINUED)

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CONTINUED:

STORY DEPARTMENT

207

He looks over his shoulder, he looks back, motions the Bodyguards to push the Reporters back. They do so. Another limousine arrives, more bodyguards get out, followed by Al Capone. The Reporters call to him, "Al... Al..."

NITTI

(continuing)

I said get back.

(to Bodyguards)

Get them back...

REPORTER #3

(calling)

Al... what about this court case..?

Capone, walking into the hotel, stops, looks back at the Reporters.

Beat. To Bodyguards.

CAPONE

Let 'em through...

Nitti and the Bodyguards look to Al to reconsider.

CAPONE

(continuing)

I said let 'em through.

The Reporters come closer to Capone. Beat. Capone nods.

CAPONE

(continuing;

suddenly furious)

I'll tell you something: someone messes with me, I'm going to mess with him. Someone steals from me, I'm going to say 'you stole,' not talk to him for 'spitting on the sidewalk.' Do you understand? Now: I have done nothing to hurt these people, but they're angered at me, so what do they do? To 'doctor up' some 'play,' some 'income tax,' for which they have no case... to annoy me -- To speak to me like 'men'? No. To harass a peaceful man. I pray to God, that if I had a grievance, I would have more self-respect.

Beat. Capone smiles.

(CONTINUED)

207

CONTINUED: (2)

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CAPONE

STORY DEPARTMENT

(continuing)

I'll tell you one more thing:
When you got an all-out prize-
fight, you wait until the fight
is over, one guy is left standing.
'N' that's how you know who won.

Capone nods, goes into the hotel.

208
thru
250

OMITTED

208
thru
250

- 220 INT. RACE TRACK SECURITY OFFICE - DAY 220
- Ness and the Security Chief and Stone watching the crowd in the grandstand through binoculars.
- RACE TRACK ANNOUNCER (V.O.)
... results of the third race are
now official, the winner, 'Crying
Time,' paid...
- The PHONE RINGS, the Security Chief goes to the phone, Ness looks on. The Security Chief nods at Ness..
- 221 INT. TICKET TAKER'S BOOTH - DAY - ANGLE 221
- The Ticket Taker talking on the phone, the picture of Payne above him. The Ticket Taker inclines his head toward the outside of the stadium.
- 222 POV - ANGLE 222
- Walter Payne, nervous, looking around, standing outside of the stadium, looks at his watch, looks at the stadium.
- 223 INT. THE TICKET BOOTH - ANGLE 223
- The man hanging up the phone, looking around nervously.
- 224 ANGLE 224
- Ness and Stone and the Security Chief coming up behind the booth. The Ticket Taker turns to them, nods toward the outside. Ness looks on.
- 225 POV - ANGLE 225
- Payne, still undecided, outside the stadium.
- 226 ANGLE 226
- Ness and Stone and the Security Chief, behind the Ticket Booth, conferring.

SECURITY CHIEF
He came this far he's got to
come in.

NESS
Why doesn't he have a bodyguard?

(CONTINUED)

226 CONTINUED:

226

STONE

(suggesting)

He slipped his leash. The Capone
boys don't know he's here.

RACE TRACK ANNOUNCER (V.O.)

Three minutes to Post Time. The
Fourth Race in Three Minutes...

SECURITY CHIEF

If he wants to bet he's got to
come in now...

NESS

(nods)

I think that we just caught a
break. I'm going to take him
before he gets in the stadium.

SECURITY CHIEF

(starts to
remonstrate)

We should...

NESS

I said right now. Come on.

Ness starts out of the stadium.

227 EXT. STADIUM

227

Walter Payne, glancing nervously at his watch, Ness and
Stone and the Security Guard start to come out through
the turnstile, and fan out into the deserted parking lot.

RACE TRACK ANNOUNCER (V.O.)

Three minutes to Post Time, three
minutes to Post. Remember our
Quinella Betting... (etc.)

228 ANGLE

228

Walter Payne checks his watch again, looks down at his
Racing Form, puts it in his suit coat pocket, starts
across the stretch of concrete toward the turnstile. An
oil delivery truck comes into the area, and starts for
the side of the stadium slowly.

229 ANGLE

229

Down at the end of the parking lot, a car driving
furiously toward the stadium.

- 230 INT. ANGLE 230
It is Malone driving the car, he looks toward the stadium. SEES:
- 231 POV - ANGLE 231
Ness et cetera, advancing on Payne.
- 232 ANGLE 232
The oil delivery truck, CAMERA PANS AROUND TO SHOW the back of the truck. SEVERAL MEN with automatic weapons clinging to the back of the truck. The truck stops by the side of the stadium, the men get down and stand along the back of the truck.
- 233 ANGLE 233
Malone in his car.
- 234 ANGLE POV 234
The man hiding behind the oil truck, Ness, etc., in the B.G.
- 235 ANGLE 235
Malone crashes his car into the oil truck, diving out at the last moment. The truck BURSTS INTO FLAMES.
- 236 ANGLE 236
Malone, torn and bleeding, approaches Ness, yells:
- MALONE
It's a trap, it's a trap, get
clear!!!
- Malone turns and FIRES as the Capone men come around the flames of the oil truck. The GUN BATTLE ERUPTS, leaving the bookkeeper standing in the middle. One of the mob men tries to drag the Bookkeeper to cover. He is shot down. Stone and Ness sprint to the side of the stadium, CAMERA FOLLOWS them as they try to flank the oil truck. They jump over a turnstile, run through the lobby of the stadium, and back out another turnstile. CAMERA FOLLOWS as they come out behind the oil truck, where two of the mob men, faced away from them, are FIRING AUTOMATIC WEAPONS.

(CONTINUED)

236 CONTINUED:

236

STONE

Surrender!

Ness knocks him to the ground, as the two men turn on them, Ness FIRES and drops both of them.

Beat. Silence.

Ness helps Stone to his feet. They advance on the two fallen men who are, indeed, dead. Ness walks to the end of the oil truck. He calls to Malone.

NESS

We're coming around.

MALONE (O.S.)

Come around...

237 ANGLE

237

The front of the oil truck. Ness and Stone coming around the truck. Malone in the f.g. the Bookkeeper between them.

NESS

(to Malone)

Let's get him to safety...

Malone and Stone holster their guns.

STONE

Mr. Payne...?

238 ANGLE

238

Payne, who has been standing in the middle of the battle. He takes a submachine gun from under his arm, pulls the bolt on the submachine gun and starts to level it at Stone and Malone.

239 ANGLE

239

Ness takes aim, his GUN CLICKS on an empty chamber. He draws another pistol from the small of his back, and FIRES, killing Payne.

240 ANGLE

240

Malone, the dead Payne, Ness and Stone. Beat. They advance on the fallen body. They pause above the body. They turn the body over.

241 ANGLE 241
 The fallen Walter Payne.

242 ANGLE 242
 The three Untouchables standing above the body. The men
 look at each other. Malone bends down to the body.

243 ANGLE 243
 Malone kneeling by the body of Payne. Beat. Reaches
 for Payne's moustache, pulls it off. It is an imposter.

244 ANGLE 244
 Malone stands.
 Beat.

NESS

Well.

(pause)

Well.

(pause)

And now we are back where we
 started, aren't we?

MALONE

(beat)

I have a lead. You go back and
 you stall the D.A., I think I
 know how we can find this guy.

STONE

(beat)

I stopped fighting too soon.

NESS

Mr. Stone, yes, you did.

(beat)

If you get in to it, you do not
 stop until one of you's dead.

MALONE

I didn't know you carried a
 second gun.

NESS

You never need it, 'til you need
 it badly. Here endeth the lesson.

Malone and Ness exchange a look. Malone puts his arm
 around Ness. They start back to Ness' car.

245 INT. ELEVATOR - D.A.'S BUILDING - DAY

245

Ness and the D.A.

NESS

Because you're going to fight
this thing out.

DISTRICT ATTORNEY

Yes, but, again, on what basis?
(he checks his
watch)

I have thirty minutes to get in
the evening papers, and call off
the...

NESS

Don't tell me, sir, don't tell me
about 'making a fool of yourself,'
I have men out there who are
risking something more than that.
And I'm told that we have a lead,
and we are following that lead
at risk to more than our
'standing.' Don't stop now...

246 INT. POLICE HEADQUARTERS/READYROOM - DAY

246

Mike and Lieutenant Alderson playing pool as some of the
Flying Squad watch.

247 ANGLE

247

Malone steps through a doorway.

MIKE

Cross-the-side, one time...

He shoots, he sinks the shot.

MIKE

(continuing)

... Two ball, down.

Malone walks up to Mike, who is waiting to shoot. Malone
whispers to him.

MALONE

Hello, Mike... you got a minute... ?

Mike, the Policeman, turns around, sees Malone. Beat.

MALONE

(continuing)

... You got a minute... ?

(CONTINUED)

247 CONTINUED:

247

The shooter shoots again.

ALDERSON

Nine ball, straight in...

He shoots, sinks the shot.

MIKE

(to Malone)

Yeah.

Malone pulls him toward a door.

MALONE

Let's step outside.

MIKE

(half-jocularly)

This is a club, for 'cops,'
whaddaya doing in a bar for
'cops'... ?

Malone motions him, again, to come along.

MIKE

(continuing; play-
ing the room)

I got nothing to say to you...

He shrugs, follows Malone out into the alley.

248 EXT. POLICE HEADQUARTERS/ALLEY - DAY

248

MIKE

(dropping his "tone")

What?

MALONE

I just need one more piece of
information.

MIKE

... One more piece of... ? I just
risked my life for you.

MALONE

I need to find that bookkeeper.

MIKE

(incredulous, shakes
his head)

Are you crazy, Bo...

(MORE)

(CONTINUED)

MIKE (CONT'D)

(in a whisper)

... I warned you away from the
track... if they knew it was me
I'm dead...

He starts to move away from Malone. Malone stops him.

MALONE

I need to find that bookkeeper.

MIKE

You're fuckin' nuts, man, an' I
tried to save your life... You
owe me...

He starts past Malone again. Malone stops him.

MALONE

My people have been killed.

MIKE

Your people? We're your people,
Jimmy.

MALONE

You're my people? You run with
dagos, and then you're my people?
Mike? Mike. THEY RUINED THIS
TOWN, MIKE!

(takes out his badge)

You see this badge? This was my
father's badge, this is my badge.
For the last ten years, Mike, I
can't eat my food, the shit that's
goin' on, and I say I'm a cop...

MIKE

Hey, bullshit, live in this
'charade,' with your soft clothes,
and a 'federal stooge...' What's
he gonna do... clean up this
town... ?

MALONE

(pushes him)

You keep your mouth off it. With
the shit you've done in your time.
Here's my appeal to you. I need
a guy. I need to know where this
guy is. And now, you find him,
and you tell me, or 'for old
time's sake' I'm going to rat
you out.

(MORE)

(CONTINUED)

248 CONTINUED: (2)

248

MALONE (CONT'D)

For all the shit that I
know you've done in your life.
I am going to turn you over...

MIKE

This is a dead man talking to me,
Jimmy.

He takes a step to go past Malone.

MALONE

Is it... ?

Malone stops him. Mike throws a punch at Malone. Malone goes down, gets up, a fistfight ensues. After a while both turn and, bleeding, face each other. Malone still blocks Mike's way. Mike starts toward him. Malone kicks him down again.

MALONE

(continuing)

... Let's cut the woofing, pal.
You tell me what you know, or you
are going to the hospital. You
think I'm bluffing, you stand up
again.

HOLD.

249 INT. POLICE HEADQUARTERS/NESS' OFFICE - NIGHT

249

The desk. PHONE RINGING. No one there. RINGS several times. NESS' CLERK comes by, picks up the phone.

NESS' CLERK

Hello? I'm sorry, Mr. Ness is
not here... I don't know.

250 INT. MALONE'S HOUSE - NIGHT

250

Malone, talking into the phone.

MALONE

Tell him Malone called, tell him
I have some important news about
the 'bookkeeper,' and to contact
me at home. At my home... Yes.
Tell him to get over here. I'll
meet him here. Thank you.

Hangs up. Tries calling Ness at home. Gets no answer.

251 OMITTED

251 *

252 OMITTED

252

253 INT. MALONE'S HOUSE - NIGHT

253

Malone is seated at a table drawing something on the back of a police folder while he rests his bruised jaw on an ice pack. He turns the folder over and places his rosary and money on top of it. There is a half-inch of whisky in the bottom of a water glass. He drains the whisky, picks up the glass and starts out of the room. CAMERA FOLLOWS him into the kitchen. In the kitchen, he takes a half-empty bottle of scotch off the side-board near the sink, and pours himself a stiff drink.

254 ANGLE

254

The front door opening.

255 POV - INTRUDER - ANGLE

255

Moving through the living room. Malone, dressed in a towel, drinking in the kitchen. The POV MOVES closer to the kitchen.

256 ANGLE - KITCHEN

256

Malone puts down his glass, starts back to the bath. Rounding the corner, he confronts the intruder who is a small Italian man carrying a long stiletto (Bowtie driver). Malone picks up a china table lamp, smashes it, rips it out of the wall. He and the Italian circle. He maneuvers the man back toward the open front door. As he does so, he comes close to the gramophone. His hand raises the lid of the gramophone.

257 ANGLE INS

257

THE SAWED-OFF SHOTGUN, his hand closing on it.

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258 ANGLE

STORY DEPARTMENT

258

Malone, his hand on the sawed-off, the Italian still circling.

MALONE

Isn't that just like a wop --
bring a knife to a gunfight.

He produces the shotgun. The Italian, who is in the doorway, starts to back out of the door. Malone walks steadily after him carrying the shotgun.

259 EXT. MALONE'S HOUSE/BACK DOOR - NIGHT

259

Malone coming out of the door. On the stairs is Nitti holding a submachine gun, which is trained on Malone.

260 ANGLE - CLOSEUP

260

The submachine gun is raised.

261 ANGLE - CLOSEUP

261

Malone's face turns toward the gun, his eyes grow wide.

262 INT./EXT. MALONE'S HOUSE - NIGHT

262

Ness and Stone drive up, quickly. They leave the car in front of Malone's house and start up the stairs. Ness stops Stone.

ANGLE POV

The door to Malone's house, open.

263 INT. MALONE'S HOUSE - NIGHT

263

Ness and Stone draw their guns, start up the stairs. CAMERA FOLLOWS. They warily enter the house. Stone indicates to Ness that they glance down.

264 ANGLE POV

264

A TRAIL OF BLOOD.

265 ANGLE

265

CAMERA FOLLOWS Ness and Stone as they advance into the bedroom.

STONE

(in ITALIAN)

Holy Mother of God. What have
they done to you -- ?

266 INT. MALONE'S HOUSE - LIVINGROOM - NIGHT

266

Ness hurrying in, Malone dying, bathed in blood. Ness
sinks to his knees and cradles his head.

V.O. Stone on the phone, screaming for an ambulance.

267 ANGLE

267

Malone is trying to speak, but cannot. He points toward
the bedside table he has been crawling towards. Ness
looks toward the bedside table with the carbon key, a
rosary, and some money lying on top of his police folder. *
Ness picks up the rosary and hands it to Malone. Malone
shakes his head. They lift him to the level of the tables. *
He feebly picks up the folder.

268 ANGLE

268

The three men, Malone holding the folder, trying to
communicate to Ness. Stone crying. *

MALONE

(points at the diagram)

'The Bookkeeper.'

269 ANGLE INS

269 *

Ness P.O.V. of folder. *

NESS

(softly, looking at
the dying Malone)

It's alright... it's alright...

270 EXT. STREET - DAWN

270

A car speeding down the street.

271 INT. NESS' CAR/ EXT. MALONE'S STREET - DAWN 271

Ness and Stone. Ness driving. Stone looks down at the train schedule in his hand.

272 ANGLE POV 272

The schedule, the entry circled reads: "Departs North-western Station 6:04."

273 ANGLE 273

Stone looking up.

NESS

What time is it... ?

Stone looking at his watch.

STONE

We'll never make it!

NESS

What's the next stop?

274-
284 OMITTED

274- *
284

- 279 ANGLE 279
- The invalid and the group, TIGHT, from in front. Two porters helping the man in the wheelchair onto the train.
- 280 ANGLE - TIGHT CLOSEUP 280
- The invalid (Walter Payne, the bookkeeper). Violet leans her face next to him.
- VIOLET
- Don't worry, everything is going to be all right.
- PAN UP to a large clock in station.
- 281 EXT. 22ND STREET BRIDGE - DAY 281
- A large tugboat is passing under the open bridge. The car with Ness and Stone speed up onto the bridge and over the other side before the two halves of the bridge have met, passing through smoke from the tugboat stack.
- 282 INT. TRAIN STATION - DAY 282
- The Brakeman at the end of the train looks down at his watch, signals ahead to the Conductor. The train starts to pull out of the station.
- 283 INT. TRAIN/PAYNE'S COMPARTMENT - DAY 283
- Payne and three bodyguards, one of them the Priest, Violet, looking out of the window of the train.
- 284 EXT. 22ND STREET BRIDGE - DAY 284
- The car with Stone and Ness.

285 EXT. STREET NEAR SUBURBAN STATION/INT. CAR - DAY

285

NESS

The importance of this man cannot
be overstressed. We must take him
alive.

*

*

STONE

Yes sir.

*

286- OMITTED
287

286- *
287

288 INT. TRAIN/PAYNE'S COMPARTMENT - DAY 288

Payne and the bodyguards. One of them hands Payne some sheets of paper.

BODYGUARD

The big fellow needs these sheets finished before we get to Florida.

Payne looks up. .

289 EXT. SUBURBAN STATION/INT. NESS' CAR - DAY 289

Ness speeding through a small residential community, over a bridge, makes a screaming turn, CAMERA FOLLOWS. As they turn we see the train approaching. They race down the hill toward the station.

STONE

This isn't the stop.

NESS

Oh yeah?

*

*

*

*

290 OMITTED 290 *

291 OMITTED 291 *

292 INT. TRAIN/PAYNE'S COMPARTMENT - DAY 292

Payne working on his bookkeeping, the bodyguards looking out of the window.

- 293 INT. TRAIN/ENGINEER'S CAB - DAY 293
The Engineer looks ahead, disturbed.
- 294 EXT. SUBURBAN STATION/ENGINEER'S POV - DAY 294
The station, and beyond it. WE SEE Ness drive the car on the tracks.
- 295 INT. TRAIN/ENGINEER'S CAB - DAY 295
The Engineer slams on the breaks to stop the train and blows his WHISTLE.
- 296 INT. TRAIN/PAYNE'S COMPARTMENT - DAY 296
The train WHISTLE BLOWING, the bodyguards look alerted. One checks his watch, nods his head as if to say, "It's alright."
- 297 EXT. SUBURBAN STATION/TRACK - DAY 297
Ness and Stone jump out of the car as the train plows into it. Ness motions to Stone to swing up onto the train at the start of the passenger cars. Stone does so. Ness runs down the length of the train and swings up onto the end of the passenger cars.
- 298 INT. TRAIN/ DINING CAR - DAY 298
Stone flashing his badge to the Conductor, who points him down the car.
- 299 INT. TRAIN/OBSERVATION CAR - DAY 299
Ness, his gun drawn, at the end of the cars, working his way down the observation car, past rows of seated people who turn to look at him.
- 300 INT. TRAIN/PASSENGER CAR - DAY 300
Stone, proceeding through the passenger car, gun drawn, the one or two riders in the car looking up at him.
- 301 INT. TRAIN/COMPARTMENT CAR - PAYNE'S COMPARTMENT - DAY 301
One of the bodyguards rises, goes over and pulls down the shade, starts to step out into the corridor.

302 INT. TRAIN/OBSERVATION/COMPARTMENT CAR - DAY 302

Ness, finished scanning the first car, goes into the compartment car, FOLLOWED by the CAMERA.

302A INT. TRAIN/COMPARTMENT CAR - DAY 302A

As Ness passes into the first-class compartment car, the door to one of the compartments opens and the bodyguard #1 look out. He glances casually to his right, sees Ness, and FIRES two shots from a shotgun, hitting a BLACK WAITER with a tray who walks into the line of fire.

303 INT. TRAIN/COMPARTMENT CAR - DAY 303

Ness falls back through the door, and is now between the two cars. The train has stopped.

304 INT. TRAIN/COMPARTMENT CAR - PAYNE'S COMPARTMENT - NIGHT 304

The bodyguard in the corridor is shouting back "Get him out..." The Priest bodyguard passes a submachine gun to the man in the corridor.

305 INT. TRAIN/COMPARTMENT CAR - DAY 305

The bodyguard takes the SUBMACHINE GUN and starts SPRAYING the door in the direction Ness has gone. Under cover of this fire the Priest, the other bodyguard, and Payne move out of the corridor in the other direction.

306 INT. TRAIN/COMPARTMENT CAR - DAY 306

Stone, who has ducked into another compartment breathing heavily. Revolver in his hand. Reaches into his coat pocket and takes out another small revolver, checks the loads. Peeks out through the door.

307 ANGLE 307

Stone hears a NOISE around him, turns back to see a young newlywed couple in bed. Stone holds his finger to his lips. He peeks out.

308 ANGLE POV 308

Payne and the bodyguards proceeding up the aisle. They move past Stone. Stone rolls out into the corridor.

309 ANGLE

STORY OF MOVEMENT

309

The corridor, Stone, two guns in his hands. Payne and the two bodyguards beyond him.

STONE

Federal officers....!

The bodyguards turn and FIRE on him. He RETURNS their FIRE. Bodyguard #2 falls through a window, dead. The Priest and Payne run up the aisle.

310 ANGLE

310

Ness, between the cars, sees something to his left.

311 EXT. SUBURBAN STATION - NESS' POV - DAY

311

Payne and the bodyguard run into the train station.

312 INT. TRAIN/COMPARTMENT CAR - DAY

312

Ness moves to run after them, a HAIL OF GUNFIRE comes through the door.

313 ANGLE

313

The bodyguard with the submachine gun watching the door behind which Ness is hiding.

314 ANGLE

314

Ness. Thinking. He lowers himself to the floor and opens the door and is greeted by more GUNFIRE. Beat. he takes off his hat. He opens the door again; raises his hat above the platform.

315 ANGLE

315

The hat comes up, the gunman sprays it with the submachine gun. The man starts to move to the hat. Ness SHOTS the man dead through the hat.

316 EXT. SUBURBAN STATION - DAY

316

Stone standing by the door. Ness runs up to him, nods inside to indicate "They're both inside." Beat. They both go through the door into the waiting room.

317 - INT. SUBURBAN STATION - DAY

317

The Priest bodyguard has Payne around the neck, and he has a gun to his head.

. BODYGUARD

I'm coming out with the Bookkeeper and the bookkeeper and I are driving away. Or else he dies. He dies and you got nothing. You got five seconds to make up your mind.

318 TIGHT - NESS AND STONE

318

Ness, out of the corner of his eye, gives Stone a questioning look. Stone, without looking back, nods imperceptibly.

319 ANGLE

319

The two men, facing the bodyguard and Payne.

BODYGUARD

I am not kidding you. ONE!

- Stone raises his gun and FIRES, and the bodyguard's head disappears in a shower of blood.

320 ANGLE

320

Payne, Ness and Stone.

HOLD

Ness walks down to Payne, who is visibly shaken.

Beat.

He looks down.

321 ANGLE - POV

321

Payne is holding a small revolver on Ness.

322 ANGLE - PAYNE AND NESS

322

PAYNE -

- (softly)

I... I...

(CONTINUED)

322 CONTINUED:

322

NESS

Mr. Payne, as of this instant, you will consider yourself in Federal custody. We have a lot of work to do, as you are going to testify in trial for us. I'm going to save our questions 'til we get to my office.

(beat)

Mister Payne: I think you're doing the right thing, I think you're much safer with us than with Capone. Mister Payne? But we will protect you from them. And see that you come safe to trial.

Beat.

NESS

(continuing)

Mister Payne?... and so it's over for today.

He matter-of-factly holds out his hand for Payne's gun. Payne hands it to him. Ness takes Payne by the arm and starts to lead him out the door.

NESS

(continuing)

I don't think the handcuffs are necessary... do you... ?

Stone is alone in the waiting room. Ness hands Payne to him and points that Stone is to take Payne outside. Stone does so, leaving Ness alone. Ness is starting to shake. He holds up Payne's revolver.

323 POV - ANGLE

323

THE REVOLVER, still cocked. Ness lowers the hammer and lays it on a bench. He sits down.

324 ANGLE

324

Ness, shaking, tries to light a cigarette. He cannot. He buries his head in his hands.

325 OMITTED

325

326 INT. COURTROOM - DAY - ANGLE INS

326

The ledger being handed up to the Judge.

327 ANGLE INS

327

The D.A. handing the ledger to the Judge. Payne on the witness stand.

D.A.

... The two coded entries in this ledger represent cash disbursements to all levels of city officials, members of the police and to Al Capone.

PAYNE

That is correct.

The D.A. looks over his showroom.

328 ANGLE POV

328

Capone, his lawyer, Nitti seated next to Capone. Capone impassive. Violet Lake sitting in the first row.

D.A. (O.S.)

Excuse me?

329 ANGLE

329

The D.A. looking back at Payne.

PAYNE

I said that is correct.

D.A.

And you will decipher these coded entries for us.

PAYNE

I will.

D.A.

You were in charge of disbursements for Mister Capone.

PAYNE

I was.

D.A.

And you personally distributed monies, vast, undeclared monies to Capone.

Beat.

PAYNE

Yes. I did.

(CONTINUED)

329 CONTINUED:

329

D.A.

And would you tell us the
amounts... ?

PAYNE

In a, uh, over a three year period
I personally disbursed monies to
Mr. Capone in excess of one and
one-third million dollars.

D.A.

Thank you.

CAMERA FOLLOWS D.A. across courtroom to prosecution
bench. Ness is seated at the prosecution bench. D.A.
sits next to him.

D.A.

(continuing; to
Ness, sotto)

I don't understand it... What
does Capone have? We're nailing
his coffin on him, and he's
smiling.

The D.A. looks around at Capone.

330 ANGLE - POV

330

A smiling Capone, Nitti, seated next to him, studying
a sheet of paper.

D.A. (V.O.)

What does Capone have in
reserve... ?

Nitti folds the piece of paper and puts it in his lapel
pocket, revealing the flash of a revolver in a shoulder
holster.

331 ANGLE - NESS AND D.A.

331

NESS

That man is wearing a gun in
court... !

332 ANGLE

332

Ness, leaving the room.

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333

ANGLE

STORY DEPARTMENT

333

The courtroom, the spectators and the court entering.
Ness walks over to the Bailiff. The two approach Nitti.

BAILIFF

(to Nitti)

Could we speak to you a minute,
please... ?

Nitti looks to the Defense Attorney, who signals it is
alright. He rises and walks out into the hall with
Ness and the Bailiff.

334

INT. COURTHOUSE/HALLWAY - DAY

334

The three come out of a side door of the court into an
empty corridor.

BAILIFF

(to Nitti)

Get up against it...

NITTI

(resisting)

Hey, who the hell...

Ness takes the gun.

BAILIFF

Okay. Empty all your pockets...
on the table here...all of it.

The Bailiff throws him against the wall and frisks
him.

NITTI

(continuing)

... I've got a license for it.
I'm not under indictment here...

Nitti starts emptying his pockets on a table in the
hallway, matchbooks, change, etc. He finds his license
and holds it up.

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STORY DEPARTMENT

335 ANGLE INS

335

It is the same courtesy card we saw in the opening (Bombing) sequence. ("To whom it may concern, please extend to the bearer," etc.)

336 ANGLE

336

Ness and the Bailiff and Nitti. The Bailiff reading the card. The Bailiff nods, shrugs.

BAILIFF

Give him his gun back.

Nitti starts putting his possessions back in his pockets. Ness sighs deeply.

336

CONTINUED:

STORY DEPARTMENT

336

Takes out a cigarette, pats himself down for a match, cannot find one. Reaches down where Nitti's possessions are on the table, picks up a matchbook, lifts it, tears out a match, lights his cigarette. Beat. Ness stares transfixed at the inside of the matchbook.

337

POV - ANGLE

337

The inside of the matchbook, scrawled in pencil, "1634 Racine."

338

ANGLE

338

Ness holding the matchbook. Looks at Nitti who is still putting his possessions back in his pockets.

NESS

Sixteen Thirty-Four Racine. You know, I had a friend who used to live there...

Beat. Nitti turns, with a smart comment on his lips, then he realizes what Ness has said. He bolts toward the stairs towards the roof with Ness in pursuit, shoots the - Bailiff and runs toward the roof. Ness fires, breaking a wind

339

EXT. ROOF OF THE COURTHOUSE - DAY

339

Ness coming out of the fire door, the vista of Chicago and the lake beyond is seen from the roof of the courthouse. A SHOT is FIRED at Ness.

340

ANGLE

340

Nitti FIRING at Ness. Ness returns the FIRE. The chase takes the two men around the dome of the courthouse. There is arrayed various tools of a crew which is repairing the dome. Nitti FIRES on Ness again. He finds his gun is empty, throws it down, casts about for a means of escape. Ness FIRES at him again. Nitti looks down over the edge of the roof.

341

POV - ANGLE

341

A balcony fifty feet beneath him.

342

ANGLE

342

Nitti looks down over the edge. Looks up. Sees Ness advancing on him.

343	ANGLE	343
	Ness, advancing slowly, getting ready for the kill.	
344	ANGLE	344
	Nitti looks down at his feet.	
345	POV - ANGLE	345
	A block and tackle and hundreds of feet of rope, left by the roofers.	
346	ANGLE	346
	Nitti hooks the tackle into the scaffolding, plays out the line over the side of the building.	
347	ANGLE	347
	Ness advancing, Nitti tests his weight on the tackle, and starts down the rope over the edge of the roof.	
348	ANGLE	348
	Ness raises his pistol, takes careful aim, pulls the trigger. The gun is empty. Ness pats himself down for spare magazines. Finds none.	
349	ANGLE	349
	Nitti going down the rope. The rope is much too short to reach down to the next setback in the building. Beat. Nitti realizes this. He starts to shinny <u>up</u> the rope.	
350	ANGLE	350
	Ness on top of the building, looking down.	
351	POV - ANGLE	351
	Nitti going up the rope. Nitti transfers himself from the rope to the ledge below Ness. As he does so, he loses his grip.	
352	ANGLE	352
	Ness looking down.	

353	ANGLE	353
	Nitti trying to hold on for his life on the bridge. He looks up at Ness.	
354	ANGLE	354
	Ness looking down.	
355	ANGLE - CLOSEUP	355
	Nitti's hands slipping.	
356	ANGLE - CLOSEUP	356
	Nitti silently pleading for his life.	
357	ANGLE	357
	Ness standing above Nitti. HOLD.	
358	ANGLE	358
	Nitti's hands about to slip.	
359	ANGLE	359
	Ness reaches down and hoists Nitti up on the roof. Ness strips Nitti's jacket off him, pats him down for weapons, thrusts him toward the door leading down to the court. CAMERA FOLLOWS them across the roof toward the door leading down to the court. Ness thrusts Nitti toward the door.	

NESS

They're going to burn you, Buddy,
and I'm going to come and see
you burn, you sonofabitch. You
killed my friend.

NITTI

(softly; viciously)
He died like a pig.

Ness puts his hand on Nitti's shoulder. Nitti is still adjusting his tie.

NESS

What did you say?

(CONTINUED)

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111.

359

CONTINUED:

STONE DEPARTMENT

359

NITTI

I said your friend died screaming
like an Irish Pig. Think about
that when I beat the rap.

Nitti starts to walk forward. Ness screams, grabs Nitti
by the collar and belt and runs him to the edge of the
building and throws him off. Ness is still screaming.

360

ANGLE

360

Nitti falling to his death, through the roof of a parked
car below in the alley, Ness standing above him.
HOLD.

361

INT. COURTHOUSE CORRIDOR - DAY

361

The Bailiff, standing where we last saw him. Stone
standing next to him. Ness comes back down the corridor.
Stone is holding Nitti's coat. Draws a folded piece of
paper out of the coat.

STONE

I think you'd better see this.

- Beat. Ness is still in another world.

STONE

(continuing)

You'd better see this.

Ness takes the sheet of paper.

362

ANGLE INS

362

THE SHEET OF PAPER. It is the same jury list which we
have seen before. Next to each juror's name is an
amount. \$5,000.00, \$1,500.00... etc...

363

ANGLE

363

Ness looking at the list.

NESS

What is it?

STONE

It's the jury list. They've been
bribed.

- 364 INT. COURTROOM - DAY 364
- The trial is in session. Ness enters, slides next to the District Attorney, pulls the list out of his lapel pocket and shows it to the District Attorney.
- 365 ANGLE INS 365
- THE PROSECUTION DESK, THE JURY LIST. Ness slides the other jury list, bearing the amount of the bribes, next to it.
- 366 ANGLE 366
- Ness and the District Attorney. The District Attorney looks up. Looks at the jury. Looks back at Ness. Ness nods, "That's right..." The District Attorney clears his throat. Rises.
- DISTRICT ATTORNEY
Your Honor, excuse me. May I
approach the bench?
- The District Attorney picks up the list, walks toward the bench.
- 367 INT. JUDGE'S CHAMBERS - DAY - INS 367
- THE TWO LISTS, the jury list and the list with the amounts of the bribes.
- 368 ANGLE 368
- The Judge holding the lists, sitting in his chair. The District Attorney standing before the desk. Ness standing back by the door.
- Beat.
- The Judge looks up from the list.
- JUDGE
This constitutes no evidence,
it has no provenance, and I'm
not about to...
- NESS
Your Honor. The truth of the
case is that the man Capone is
a killer and he will go free.
(MORE)

(CONTINUED)

368 CONTINUED:

368

NESS (CONT'D)

There is only one way to deal
with such men and that is hunt
them down. I have... I have
forsworn myself, I have... broken
every law that I swore to defend,
I have become what I beheld, and
I am content that I have done
right. Now: THAT MAN MUST BE
STOPPED and you must...

JUDGE

I think I'll be the judge of what
I 'must' do, Mr. Ness...

NESS

(to Prosecutor,
et al)

Would you excuse us?

All leave save Ness and the Judge.

369 INT. THE COURTROOM - DAY - INS

369

THE GAVEL BANGING.

370 ANGLE

370

The courtroom. The Judge banging the gavel, Ness, etc.,
in their assigned seats.

JUDGE

Bailiff.

BAILIFF

Yes, sir?

JUDGE

I want you to go next door to Judge
Hoffman's Court, where they have
just begun to hear a divorce
action. I want you to bring
that jury here, and take this
jury to his Court.

The Prosecutor leans over to Ness.

371 ANGLE

371

Ness and the Prosecutor.

(CONTINUED)

371 CONTINUED:

371

PROSECUTOR

What did you tell him?

NESS

I told him his name was in the ledger, too.

JUDGE (O.S.)

Bailiff: are those instructions clear???

PROSECUTOR

But his name isn't in the ledger.

NESS

The Evil Flee where no man.
Pursueth.

JUDGE (O.S.)

Bailiff? I want you to switch the juries.

372 ANGLE

372

The courtroom. The Bailiff goes to the jury box. The jury starts filing out. Capone gets to his feet.

CAPONE

Hey: Wait a second!!!

Capone's Counsel tries to hush him.

CAPONE

(continuing)

Wait a second. What is this???
Is this 'the Law'??? What's
going on here..?

DEFENSE COUNSEL

I think that we have...

CAPONE

I don't care what you think, do
something here, what am I ...
DO something...

The Defense Attorneys try to bring Capone under control.

DEFENSE ATTORNEY

... Your Honor...?

373 ANGLE

373

The courtroom. Capone fuming, his lawyer standing.

DEFENSE ATTORNEY

Your Honor. We would like to
withdraw our plea of Not Guilty,
and enter a plea of Guilty.

There is pandemonium in the courtroom. Reporters rushing out. One rushes down to Capone and pops a picture. The Judge BANGS THE GAVEL for order. He BANGS AGAIN AND AGAIN.

374 ANGLE

374

The Prosecution table. Ness stands, picks up his briefcase, adjusts his tie, starts out of the court. CAMERA FOLLOWS. Ness moves past the Prosecution table. He leans over to Capone.

NESS

(nods)

Never stop fighting 'til the
fight is done. Here endeth the
lesson.

Ness continues out of the courtroom, as Capone raves.

375 INT. POLICE HEADQUARTERS/NESS' OFFICE - DAY

375

SEVERAL SHEETS OF PAPER STACKED ON A DESK. A HAND places on them the newspaper cartoon of Ness as a "crusader cop." CAMERA PULLS BACK a bit to SEE HANDS cutting out the front page of a newspaper. The banner headline is "Capone, sentenced to eleven years, begins prison term today."

376 ANGLE

376

Ness, at his desk in shirtsleeves and vest, his shoulder harness showing, assembling his artifacts. He finishes cutting out the front page. Adds it to the stack of papers, which he places in a file.

377 ANGLE INS

377

He takes out of his desk a photograph of himself, Wallace, Stone and Malone, dressed as trappers, standing under the wing of the Ford tri-motor airplane. He adds that to the file.

378 ANGLE

378

Ness at his desk.

NESS
(very softly,
to himself)
So much violence.

Beat.

He takes out of his desk the medallion and key on the chain that belonged to Malone.

379 ANGLE

379

Ness holds up the medallion for a moment, puts it in the pocket of his vest. He takes off his shoulder holster, takes out the pistol, drops the holster into his briefcase, unloads the pistol, drops that into the briefcase. WE HEAR a KNOCK on the OFFICE DOOR and the office door opens. Ness turns.

380 ANGLE

380

Stone comes in the door. Stone and Ness. Beat.

NESS
... Cleaning up a little...

Beat. Stone nods.

Ness puts on his suit coat. He puts the file he had been assembling into his briefcase. He takes the photo of himself and his family and puts that in his briefcase.

Beat.

STONE
Goodbye, sir.

NESS
Goodbye, George.

They shake hands. Ness starts out the door, turns back, reaches in his pocket, takes out the medallion and chain, hands it to Stone.

381 ANGLE INS

381

THE MEDALLION

382

ANGLE

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Stone and Ness.

STONE DEPARTMENT

STONE

He would have wanted you to have it.

NESS

He would have wanted a cop to have it, and I'm going home.

Beat.

Stone takes the medallion and chain. Beat.

STONE

Thank you.

NESS

Thank you. Goodbye.

Ness smiles.

STONE

Goodbye.

Ness presses Stone's hand around the medallion.

383

EXT. POLICE HEADQUARTERS - DAY

383

Ness walking out of Police Headquarters.

On the sidewalk is the Reporter who followed Ness to the raid at the warehouse. The Reporter opens his note pad.

SCOOP

Any comment for the record...?

Ness shakes his head.

SCOOP

(continuing)

'The man who put Al Capone on the Spot.'

NESS

... oh... I just happened to be there when the wheel went around.

Ness starts to move past him. The Reporter gestures -- "Just one more question..."

(CONTINUED)

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383

CONTINUED:

STORY DEPARTMENT

SCOOOP

They say they're going to repeal
Prohibition. What will you do
then...?

Beat. Ness smiles.

NESS

I think I'll have a drink.

Ness moves past the Reporter down the street.

SCENE TO COME:

384

INT. JAIL CELL - DAY

384

Capone speaking to reporter while getting his hair cut
by barber.

SCREEN FADES TO BLACK AS TITLE CARD APPEARS.

On _____, 1933, the
amendment repealed prohibition.
But the organized crime and
disrespect for law which
prohibition spawned are with us
to this day.

FADE OUT.

THE END