

UNTOUCHABLES

The Beginning

by

David Levien & Brian Koppelman

and

David Rabe

Producer: Art Linson
Director: Brian De Palma

PARAMOUNT PICTURES

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FADE IN:

EXT. STORAGE AREA, COLOSIMO'S NIGHTCLUB - NIGHT

A storage room lined with beer kegs, liquor, bar and restaurant paraphernalia.

ANGLE ON: A pair of thickly muscled ARMS, shirtsleeves rolled up.

A wooden case containing LIQUOR BOTTLES lands in the arms.

A SECOND CASE is slammed on top of the first.

The arms belong to AL CAPONE. He is powerfully built, with a bull neck and three white SCARS along his jaw. His eyes are black and intelligent like a shark's.

CAPONE

More.

Capone speaks to a well-dressed man sporting a head of wavy hair, 'GORGEOUS' GEORGE LAZZARO.

GEORGE

You'll drop it all over the floor!

Two snappily dressed men, 'JOE BATTERS' ACCARDO and CHARLIE FISCHETTI, enter.

FISCHETTI

All the action's runnin' to Dempsey!

JOE BATTERS

The balance is gonna be off.

Fischetti passes a thick wad of CASH to George.

Capone watches the conversation and money closely.

GEORGE

(indicating Capone)

This ape here don't have a brain in his head -- do you? --

(as Capone shrugs)

But he would know to adjust the line.

(to Capone)

You want more?

George loads Capone with another two cases, the last one obscuring his face.

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CONTINUED:

GEORGE

You break it, you're lickin' it up.

George and his men laugh as Capone goes, but Capone doesn't show the affects of the weight as he crosses out of the room. Behind him George looks at his men.

GEORGE

I said "adjust the line!"

EXT. COLOSIMO'S NIGHTCLUB - SAME

SUPER: CHICAGO, 1922.

Colosimo's is the center of Chicago nightlife. A banner announces "Fight Night: Dempsey-Firpo."

BURLY DOORMEN patrol the front.

The club, seen through the window, is PACKED.

INT. COLOSIMO'S - SAME

Follow Capone, carrying the cases of liquor, as he emerges from the back and makes his way through the nightclub which is full of well turned-out, well-oiled PATRONS. The place is roaring.

SEVERAL RADIOS BROADCAST the pre-amble to the Dempsey-Firpo title fight.

RADIO ANNOUNCER

...A capacity crowd has jammed the Polo Grounds for this historic one million dollar championship bout...

Capone heads toward the bar.

RADIO ANNOUNCER

...And the pugilists have begun making their way to the ring. The challenger, Louie Firpo, the 'Bull of the Pampas', hood pulled over his head...

A mild cheer goes up from the Firpo fans in the club.

BEHIND THE BAR: Capone arrives. His eyes move down the bar over one, two, three, FOUR IRON CASH REGISTERS. Each getting a heavy workout by several beefy BARTENDERS. One barman, EDDIE, turns to Capone.

CONTINUED:

CAPONE
Where you want'em?

EDDIE
(pointing where)
What are you, fresh off the boat?

Capone puts down his load and eyes the empties spread around.

CAPONE
There's a lot of empties.

EDDIE
Just keep the booze flowing. Fight
night, every bum in Chicago thinks
he gotta get loaded.

Capone moves down the bar and starts collecting empties.

He turns, and bumps a large iron CASH REGISTER. There are
deep age rings on the bar underneath it, as well as dust.

Capone continues along the bar. He stops by the next
register, which appears much NEWER. He drags a finger
underneath it and it comes up CLEAN.

ANGLE ON: George has emerged from the back. He shouts:

GEORGE
Eddie.

Eddie the Bartender turns. George signals. Eddie nods and
produces a bonded bottle of aged Irish Whiskey that he hands
to Capone.

EDDIE
Take this to Bugs Moran.
Compliments of the house.

Capone hesitates, looking around, searching.

EDDIE
Moran's the mick holding court at
that table of Irish riffraff.

ANGLE ON: A prime booth holds a formidable array of
IRISHMEN, including the granite-faced GEORGE 'BUGS' MORAN,
CHARLIE THE OX (with big handle-bar mustache), DAPPER DAN
McCARTHY, and FRANK and PETE GUSENBERG.

Cross with Capone as he delivers the bottle.

CONTINUED: (2)

CAPONE
Compliments.

MORAN
Tell your boss it's a wise man
knows his whiskey and his friends.

Capone nods and moves off.

Moran holds the bottle up to his ear as he opens it.

MORAN
Ah, the cracking of the seal.
Lovely as the snap in a whore's
garter.

Moran pours a few glasses around, then raises his to a MAN
across the room...

ANGLE ON: The man is POLICE CAPTAIN SHADDOCK. He has an
authoritative bearing.

Captain Shaddock raises a glass to Moran, then turns to his
group of seven formidable men, knights of the city,
DETECTIVES, sit at a table drinking and laughing. SHOULDER
HOLSTERS protrude from some of their open suit jackets.

In a thick Irish brogue, Captain Shaddock directs a toast to
a young, broad-shouldered detective, JIMMY MALONE.

SHADDOCK
I'm hoping you're proud to be among
us, Jimmy Malone.

MALONE
That I am, Captain.

SHADDOCK
You find the perfect lad. Watchful
as a mother hawk, you guide him
through his childish mistakes.

Malone, sharp-eyed and handsome, a man who's found his place
in the world, tries to hide his pride at the compliment.

SHADDOCK
And then at the hour of his
initiation, the ungrateful prick
quits. So you promote in his place
the first rascal you find. And
there's the tale of your good
fortune, Detective Malone.

CONTINUED: (3)

MALONE

If it's luck brings me to this table, Captain, then it's luck I drink to.

The Men laugh. They all touch glasses and drink.

Shaddock turns into a conversation with a CIGARETTE GIRL.

The man next to Malone, a bit unkempt, with an easy demeanor, is DETECTIVE FLYNN fingers his own badge/shield.

DET. FLYNN

The knights of old had to lug these big damn shields about. But these little one's, you know what they can do for you.

MALONE

Yes, I do. Help me protect the good people of Chicago from the perils of drink and corruption.

The men SPRAY liquor laughing.

RADIO ANNOUNCER

...And here comes Dempsey, the Manassa Mauler. The champ makes his way to the gladiatorial canvas.

A ROBUST CHEER goes up in the club.

AT SHADDOCK'S TABLE Det. Flynn waves his badge at Malone.

DET. FLYNN

It's a pass key, Jimmy. The doors of the city go flyin' open.

A roguish detective, SANDERS, throws an arm around Malone.

SANDERS

But first you best buy the table another round.

DET. FLYNN

And another, and another!

Malone is up and on his way through the crowd.

MALONE

That'd be my fondest wish.

CONTINUED: (4)

Just as the front door swing open and party of VIPs enter and move to a table of honor.

Leading the group is a man passing out of middle-age, with the burnished look of success about him. He is JIM COLOSIMO.

With him is an impeccably dressed man who could well be a prosperous banker, JOHN TORRIO.

Both men pull out chairs for their well-kept WIVES. Formidable BODYGUARDS move into protective positions around the table.

As Colosimo sits, he notes Moran's table.

COLOSIMO

(to Torrio)

You'd think that load of crap Paddy owned the place.

Eddie comes rushing up.

EDDIE

We're packed to the gills, Mr. Colosimo.

COLOSIMO

I love the noise. Send that pig Moran a good bottle.

GEORGE

Taken care of.

Colosimo looks to Moran again and this time NODS OF RESPECT are passed between them.

ANGLE ON: Capone, filling a tray full of empties, has witnessed the exchange and WE FOLLOW HIM as he moves toward the back door into the STORAGE AREA.

INT. STORAGE AREA, COLOSIMO'S - SAME

SEVERAL WORKMEN, among them, GENE, are wheeling hand trucks of liquor cases in through a wide open door.

Capone enters and begins stacking beer kegs. He WATCHES CLOSELY AN EXCHANGE ALREADY IN PROGRESS BETWEEN a wiry man with a pitted face, FITZ, (EDDIE FITZSIMONS) and George while Joe Batters and Fischetti look on.

GEORGE

CONTINUED:

7.

GEORGE

Your boss Moran is out front right this second getting treated like he's Babe fucking Ruth and you're back here tryin' to rob us blind.

FITZ

Now's not the time to get all in a huff, Georgie.

JOE BATTERS

That's double what we paid last time.

FITZ

If you'd prefer we can load the booze back on the truck and be off, though it'd be sad to see you miss out on the bounty of fight night.

CAPONE watches George take out a wad of money. Peeling off bills, he disgustedly slaps them into Fitz's palm,

JOE BATTERS

So that's it, is it? Anybody lucky enough not to get born Irish trash gets a broken bottle up the ass!

Fitz methodically recounts the money.

FITZ

Here's my final word on the matter. Keep up this ungrateful whining and you can pay us triple.

Fitz smiles big, whacks George on the back, and strolls to his truck.

FITZ

It's the law of the land. He who maketh the booze, maketh the money.

George, Batters, and Fischetti glare after him, paying no attention to Capone.

INT. COLISIMO'S, BAR - SAME

The crowd at the bar is tight. Everyone listens and reacts to the fight.

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RADIO ANNOUNCER

And Dempsey delivers a thunderous
hook to the mid-section of Firpo.
The challenger goes down. He's on
the canvas...But he's back up.

Malone squeezes in and orders, forcing Eddie the bartender to
peel his ear away from the radio.

MALONE

Give us seven more, if you would.

Then Malone realizes he's standing next to a young woman,
ELLA, and that she's beautiful.

MALONE

Or if this beauty is thirsty, we
could make it eight.

As Malone hits her with a smile that always works, Eddie
looks to Ella.

ELLA

The younger they are, Eddie, the
more farfetched their dreams.

MALONE

Well, Eddie, sharp-tongued she may
be, but she's still a wonder.

EDDIE

So do I give her the drink?

MALONE

By all means.

The Bartender pours the drinks.

ANGLE ON: Capone emerges from the back, and glances at
Colosimo and Torrio at their table. There is no sign of
recognition on his face.

RADIO ANNOUNCER

...Dempsey really caught him with a
shot...Oh that one opened a cut...A
deep, effluent gash over the brow.
Firpo goes down once again...

AT THE BAR: Ella accepts the drink and takes a sip.

ELLA

So the young detective rises to the top of the heap. Congratulations.

RADIO ANNOUNCER

And once again Firpo climbs to his feet...

The crowd in the club reacts.

MALONE

Do you know about my job because you had your eye on me?

She peels back his suit jacket. A BRAND NEW shoulder holster holds a gun in place.

ELLA

The smell of fresh leather -- it's said to be a perfume to some.

MALONE

Are you one it's said of, I hope?

She closes Malone's jacket.

RADIO ANNOUNCER

Firpo keeps getting back up. He keeps getting back up...How's he still standing, fight fans?...

Eddie pushes the drinks toward Malone. Malone pays.

ELLA

I've just seen it all before. The virgin Detective buys round after round. No end to what a girl learns, she spends enough time in this joint.

Enjoying her effect on him, she gives him a smile that hits him harder than the whiskey.

RADIO ANNOUNCER

Oh my goodness, ladies and gents, with a tremendous clout Firpo has sent Dempsey through the ropes and out of the ring.

The club stops. They can't believe their ears.

CONTINUED: (3)

RADIO ANNOUNCER

Dempsey's hit his head on a type-writing machine, he's wobbled...But he makes it back into the ring by the count of nine.

The Club ERUPTS with cheers and shouts.

RADIO ANNOUNCER

And Dempsey closes with bad intention. He lands a crushing right.

ANGLE ON: Capone is moving towards the bar.

RADIO ANNOUNCER

Dempsey batters Firpo, who goes down...And isn't moving...This one's over...

The crowd reacts.

CAPONE'S POV: Eddie takes the money from Malone and goes to a CASH REGISTER. There are one, two, ONLY THREE CASH REGISTERS NOW.

Capone continues toward the bar, eyes locked on the spot where the Fourth Register had been.

Malone picks up the drinks.

MALONE

I'll tend my friends, hoping to find you on this very spot when I get back.

As Ella shrugs, Malone turns to go and, preoccupied with Ella, CRASHES directly into Capone.

GLASSES SPILL AND SHATTER, liquor all over Ella, as well as both men. She recoils, starts rubbing at her dress.

ELLA

You idiot. My dress! My dress!

At the sound of the broken glass, the bar has stopped.

AT MALONE'S TABLE The Detectives are ready to engage.

AT ANOTHER TABLE Joe Batters, Fischetti, George are alert.

COLISIMO glances over.

Things between Malone and Capone TEETER on the brink of UGLY.

CAPONE

You shoulda honked your horn, Bub.
Now gorgeous here is pissed.

Embarrassed, Malone's temper rises. He squares himself to face Capone, whose eyes reflect a growing threat until he smiles, even his scars crinkling with a kind of enjoyment.

CAPONE

But if truth be told, it was me
slammed into him. What's he doing,
but looking into your eyes? I'm the
one walkin' around blind for no
good reason.

(to Malone)

Tell her you're sorry.

MALONE

I think I was doomed to end up
whiskey-soaked one way or the
other.

ELLA

Well, I wasn't. You're dolts, the
both of you.

CAPONE

If your dress is ruined, I'll buy
you a new one.

ELLA

You're a bar back and the dress is
from France.

CAPONE

I'll work very hard.

MALONE

I'll pitch in. We'll do it
together.

(offering his hand)

Jimmy Malone.

CAPONE

(shaking hands)

Al Capone.

(back to her)

We'll work it off.

CONTINUED: (5)

MALONE

Goin' day and night.

It's like she's dealing with a pair of lunatics.

ELLA

I'll just take another drink. If
the pair of you can manage not to
douse me with it.

CAPONE

This one I am paying for.

MALONE

And I'm for the next

Eddie slides her the drink, and Ella downs it quick.

ELLA

You're a comedy team, the two of
you.

MALONE

You think so?

ELLA

I think I'll go dry off. Try not
to wreck the place.

They lean against the bar and, with much appreciation, watch
her walk away.

MALONE

A fella never knows when a bit of
fun will fall from the heavens,
does he.

Capone shrugs.

CAPONE

That's a thought.

RADIO ANNOUNCER

The game Firpo is bleeding from
countless cuts and contusions, as
Jack Dempsey retains the
championship after a bruising
contest...

EDDIE

Contest? Firpo's a bum.

CAPONE

Who you callin' a bum?

EDDIE

He's a bum. Down seven times in the first is a bum.

CAPONE

And up every time. A bum don't put Dempsey through the ropes.

MALONE

That's heart. That's courage.

EDDIE

But where'd he end up? On his back

CAPONE

When's the last time you took one square in the mush? The point here is it's Dempsey. You had two men in that ring, but there's only one Dempsey.

Malone and Capone raise glasses and they shoot a whiskey.

The lights go down. A spot hits the stage, occupied by a small BAND.

ANGLE ON: Ella, cleaned up some, emerges from the back and takes the stage.

Capone and Malone are both surprised to see her on stage.

ELLA

What the Champ did to Frippo, you birds look like Jim Colosimo's hooch is doing to you. Let's give Big Jim a round of thanks.

The spotlight swings onto Colosimo, who nods with grace to the lightly applauding crowd.

ELLA

And thanks for having me on your stage, Mr. Colosimo...

The room goes black, the spot cuts through the room and lights her up as the band begins to play, and she starts singing "As Time Goes By." She owns the stage.

ANGLE ON: Colosimo's eyes are locked onto her.

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CONTINUED: (7)

ANGLES ON: Capone and Malone. They like what they see.

Every man in the room is riveted.

EXT. COLOSIMO'S, SIDE DOOR - LATER

Malone leans against the wall flipping a quarter over his knuckles.

The door opens and Ella, now wearing less make up, exits.

MALONE

Not knowing you were the headliner
I behaved a bit foolish, I guess.

ELLA

And here you go again.

MALONE

It's only to make a small request.
I'd love to hear you do a good
Irish tune next time. "A Man You
Don't Meet Everyday." Something of
that sort.

ELLA

Don't know it.

MALONE

I could sing you a bit, if you'd
like.

She lifts a flask arrayed with gems from her pocket and as
she readies a sip, she gestures toward A PAIR OF ALLEY CATS
digging in nearby garbage.

ELLA

You might sing it for them, but I'm
on my way.

MALONE

That's an array of diamonds on your
flask, I see.

ELLA

Well, the liquor's for dreaming,
isn't it?

As she take a step to go, he takes hold of her arm.

CONTINUED:

MALONE

I'm thinking a woman of your renown
might require a police escort.

She points down the alley.

ELLA

I already have my escort.

ANGLE ON: Down the alley, on the street, two HEFTY MEN wait
next to a fine car; they eye Malone closely.

ELLA

And you should take full note. Good
night, Detective.

MALONE

Call me Jimmy. Jimmy Malone.

She walks away, smiling, shaking her head with a sad but
amusing irony.

ELLA

Goodbye, Jimmy Malone.

He watches her walk toward the waiting car.

INT. MEAT PACKING PLANT - DAY

Shafts of light fall across sides of beef that hang on hooks
inside a massive meat packing facility.

Parked between the carcasses are two trucks, nose-to-nose.

A group of BLACK Men move CASES OF LIQUOR from one truck bed
to the other.

Standing between the truck grills are a pair of WHITE
BOOTLEGGERS who are in process of paying off the TWO HEAD
BLACK BOOTLEGGERS for the load.

ANGLE ON: The rafters above the meat packing floor, where
Malone and other UNIFORMED COPS look down on the transaction.
The cop nearest Malone, a young man named O'REILLY, looks
agitated and he leans near Malone, whispering.

O'REILLY

They're passing the money, sir!
Don't we move in, once they --

Malone claps his hand over O'Reilly's mouth, and raises a
finger to his lips in a sign ordering silence.

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ANGLE ON: The White Bootleggers count the money and hand it over to the Black Bootleggers, who begin counting.

ANGLE ON: O'Reilly, his eyes about to burst out of his head with his demand that the move in now. Once again Malone gestures for silence.

BELOW: The Black Bootleggers nod their satisfaction and the White Bootleggers climb into their truck, now filled with liquor, and start it.

Now Malone SIGNALS to the cops, who begin quietly moving along catwalks to stairs that lead to the ground floor.

ON THE GROUND FLOOR: a pair of Black Men roll open large doors, light spilling in, and the White Bootlegger's truck drives out. By the time the doors slam down shut again, Malone and the rest have reached the ground level.

All of the black men move toward their truck, which still contains a good amount of LIQUOR.

Malone signals to the other cops, who move into position.

MALONE

Now's you're great moment,
O'Reilly. Do your worst.

O'Reilly pulls his gun and charges forward.

O'REILLY

Don't move! Chicago Police! Raise
your hands! You're surrounded!

The Black Men panic, looking around, some complying as O'Reilly falls head over heels over a packing crate.

The other cops are arriving, but two of Black Men run.

Malone FIRES into the air.

One of the Black Men halts, while the other who has the money runs on through beef carcasses that swing in his wake.

O'Reilly scrambles up and gives chase.

O'REILLY

Stop!

Malone sighs and goes after them too.

INT. MEAT PACKING FACILITY, CORRIDOR - SAME

O'Reilly is after the fugitive while Malone chases them both.

INT. MEAT PACKING FACILITY, BACK OFFICES - SAME

O'Reilly arrives at the darkened and empty bookkeeping offices. He looks around, but can't see the suspect.

He spots a door to a Foreman's Office, slightly ajar. O'Reilly moves toward it gun raised, passing between desks. He reaches the door and extends his hand for the knob.

SUDDENLY O'REILLY IS YANKED BACK by Malone just as the Office door EXPLODES with a DOUBLE-BARRELED SHOTGUN BLAST.

Malone ducks, sighting over his pistol aimed in through the gaping hole in the door.

MALONE

That was both barrels, Bub! So don't go thinking to reload or bring out your pocket gun. Your choices are walking or feet first on a slab.

There is a clatter as the shotgun is thrown onto the floor near the door. Malone swings the shot-up door open to see the Black Man advancing toward them, hands raised.

MALONE

There's a smart fellow.

Malone LEVELS the Black Man with a hard fierce RIGHT CROSS.

MALONE

Put that in your memory for the next time you're deciding to shoot at a cop.

Malone bends and removes the WAD OF MONEY from the liquor sale from the Black Man's jacket, as other cops arrive to cuff and drag the Black Man away.

O'REILLY

We could have had them others as well if you'd moved when I wanted.

MALONE

O'Reilly, when I says, 'Do your worst' did you think I wanted you falling on your face like a clown

CONTINUED:

O'REILLY

At least I was trying.

MALONE

Them bunch that drove off were good Irishmen, so it's a fair thing occurred here.

O'REILLY

They were bootleggers.

MALONE

But do we want to catch them all today? What would we do with ourselves tomorrow?

O'REILLY

I see the kind of cop you are.

MALONE

And you're coming clear in the mist. The Captain's your uncle so I'm your nursemaid. There's two kinds of cops in Chicago, Boyo. Smart one and heroes, and the smart ones know right where the heroes are buried.

Malone exits.

INT. COLOSIMO'S - NIGHT

Capone, wearing a dirty white apron, enters from the back carrying a keg across his broad chest.

The room is packed. Bartenders serve Patrons and ring sales into the FOUR REGISTERS.

At one end of the bar George is guest bartender for several attractive WORKING GIRLS. He pours with a flourish.

GEORGE

It's an easier trick to roll those things, Capone.

As the girls eye Capone.

CAPONE

Don't want to scuff up Big Jim's floor.

CONTINUED:

GEORGE

A conscientious ass kisser.

The girls laugh as Capone puts down the keg, moves out from behind the bar.

EXT. COLOSIMO'S - SAME

A fine car pulls up in front of the club. John Torrio gets out, and accompanied by his DRIVER, heads inside.

The club DOORMEN, one lean, one swarthy, see Torrio coming.

ANGLE ON: The Swarthy Doorman rests his palm against a small BRASS BUTTON on the wall.

INT. COLOSIMO'S - SAME

Behind the bar, a BUZZER sounds, like a muted doorbell.

GEORGE REACTS. He breaks off from the women and moves briskly down the length of the bar.

ANGLE ON: Capone, watching, and removing his apron.

INT. COLOSIMO'S, FRONT DOOR - SAME

Now the Doormen react to Torrio with deference.

DOORMEN

Good evening, Mr. Torrio.

Torrio nods pleasantly back at them as he passes.

The Swarthy Doorman stands straight.

ANGLE ON: His hand comes off the brass button.

INT. COLOSIMO'S - SAME

George sees Torrio as he enters. Smiles wide.

GEORGE

Beat it, Girls. I got an honored guest here. Or should these girls stay, Mr. Torrio?

ANGLE ON: the bar NOW with only THREE cash registers.

GEORGE

Let me pour you a drink, Mr. --

CONTINUED:

Before he can finish, George is JERKED over the bar by Capone, and SLAMMED on his back onto the drinking surface.

Capone grabs George's head with powerful hands, as if to CRUSH it. Leaning down over the struggling George, Capone BITES HIS NOSE OFF.

George SCREAMS. The bar STOPS DEAD. Capone spits out the mangled chunk of flesh.

George's hands go to the gushing hole in his face. Capone flings him onto the floor.

Fischetti, Batters, and House Security flood onto the spot from all corners of the club.

Batters levels his gun at Capone.

Capone, HIS FACE COVERED IN BLOOD, turns.

Torrio shoulders through the crowd and indicates Capone.

TORRIO

This is my right hand. Say hello to my nephew, Al Capone in from New York to help me out with this problem so you don't --

He freezes seeing that Batters still aims his gun at Capone. Batters and Fischetti are shocked that Capone a plant.

TORRIO

Batters! You point that thing at him, YOU ARE POINTING IT AT ME!

Batters lowers the gun.

CAPONE

The way he done it, John, is with a fourth register. That's his trick to short you. He puts it out when he knows you won't be checking.

Torrio nods.

Capone looms over the writhing George, then looks to the Bartenders, including Eddie.

CAPONE

You see the risk you take sticking your nose in the till! Now clean up this garbage.

CONTINUED: (2)

House Security Men take George's gun and drag him away.

The Swarthy Doorman is edging towards the door. Capone nods in his direction. Torrio's Driver grabs the Doorman and steers him out.

TORRIO

And these two?

Torrio points to a fear-struck Batters and Fischetti. Capone looks to them, their fate in his hands.

CAPONE

Nothing. They knew nothing.

TORRIO

You're sure. They look nervous.

CAPONE

(looking around at the
blood)

Well, I scared 'em.

Whether it's true or not, Capone now has their loyalty for life. Torrio nods.

TORRIO

That's a relief. I mean it. Enough blood. I'm turning this joint over to Al. Mark the minute, the hour. The what the-fuck-ever. It's his. I give it to him. Somebody I can trust. I need my fucking sleep.

Capone nods, satisfied. Batters, Fischetti, and the rest now look upon Capone as a man of power and respect.

Torrio and Capone start heading for the door. The place starts rolling back into action.

Near the door, Torrio pauses. Looks back. Torrio removes a monogrammed handkerchief from his pocket and dabs at some blood on Capone's face.

TORRIO

You should stay.

CAPONE

Of course.

Admiring Torrio's attire, Capone touches Torrio's lapel.

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CONTINUED: (3)

TORRIO

Reno Fioravanti cuts 'em for me. He measures everything but my dick.

(beat)

How's my niece? I always had a soft spot for Mae. You taking good care of her?

CAPONE

Very good.

TORRIO

You're the boss here. Make an impression. But don't stay too late. Go home to Mae. Tell her what her uncle done for the both of you.

Capone nods. And Torrio turns and goes. Capone turns and looks over his new little kingdom, and HE SMILES.

INT. HOUSE - LATER

ANGLE ON: A door swings inward.

Capone enters and walks down a dimly lit hall past several doorways on each side.

He's not at home, but in a BROTHEL, decorated in rich colors and fabrics. Some of the doorways he passes are partially open.

ANGLE ON: Inside the rooms are YOUNG PROSTITUTES. Some work with CUSTOMERS, some are dressing.

An older woman, the MADAME, approaches Capone. He hands her MONEY. She steers him into a room at the end of the hallway.

INT. ROOM - SAME

Capone stands behind a HOOKER, who also stands. He's got her pressed into the wall as he takes her from behind. It is ferocious, animal.

INT. CAPONE HOUSE - SAME

Capone comes in quietly. He looks over a young boy, SONNY, 9 years old, sleeping in a small cot. Capone leans across and closes the window above the boy's bed.

INT. CAPONE'S BEDROOM - SAME

Capone slips into bed, taking pains not to disturb his wife MAE. He falls into an immediate, untroubled sleep.

INT. KITCHEN -- DAY

Mae, pretty and compact, stands at the stove cooking.

Capone, unshaven and in his underwear, is at the cramped kitchen table listening to "Rigoletto," on a small Victrola.

Capone hums along with the singing, which he then JOINS.

Another unshaven man, FRANK CAPONE, walks into the kitchen, also SINGING, and sits down next to him.

Together, the Capone brothers finish the aria with gusto.

A handball bounces into the room, Sonny, comes in after it.

FRANK

Hey, Sonny. Get me a cup of coffee...Sonny-boy...

Sonny shows no signs of having heard. Frank turns to his brother.

FRANK

I'm telling you, he don't hear so good.

CAPONE

He don't want to be your servant, Frank. He don't like you.

FRANK

He likes me. I'm his uncle.

CAPONE

That don't mean he has to like you.

FRANK

He don't have to, but he does. He don't do what I ask because he don't hear me, because he's deaf.

CAPONE

What the fuck is wrong with you? Shut the fuck up.

Mae, at the stove, winces at the word, "fuck".

CONTINUED:

FRANK
I'm telling you.

CAPONE
You don't say that. You want to put
a curse on him?

FRANK
No, I don't want to put a curse on
him.

CAPONE
Then why say it?

FRANK
Because I think you ought to have
him checked out.

Frank picks up Capone's coffee, takes a sip.

CAPONE
Who cares what you think? Nobody
cares what the fuck you think.

Mae winces. Sonny looks over.

MAE
Al.

Capone stands, starts yelling.

CAPONE
What difference does it make?
According to my brilliant brother
Sonny can't hear a word I fucking
say. Right? Fuck, fuck, fuck!

Sonny is nonplussed by the outburst, used to them. He
laughs. Capone bursts into laughter with him, then calms.

CAPONE
See. He gets the joke.

Capone holds up his mug.

CAPONE
Now bring your Pop some coffee.

Sonny takes the cup.

CAPONE
See that? He's fine.

INT. DETECTIVE SQUAD - DAY

Malone walks in on several DETECTIVES at work. He throws his jacket onto his desk, then crosses to Shaddock's office. He knocks and steps in.

INT. SHADDOCK'S OFFICE - SAME

Captain Shaddock, stands up behind his desk while a well-dressed man, BRATTON, sits in a guest chair.

Malone, with an eye on Bratton, hesitates. Captain Shaddock smiles at Bratton, before turning to Malone.

CAPTAIN SHADDOCK

Go ahead, Malone. We're in good company with Mr. Bratton here. He's from the mayor's office.

Malone extends the MONEY he took off the Black Man.

MALONE

This came to us in the arrest of those bootleggers on Adams street. I'd like you to book it into evidence, Captain.

Captain Shaddock smiles, tosses the money onto his desk.

CAPTAIN SHADDOCK

And how did my young nephew fare?

MALONE

Well, Sir, if I was to be candid, I'd have to say the boy has a dangerous tendency or two.

CAPTAIN SHADDOCK

Well, now.

MALONE

He's a bit caught up in his idealism, Sir. And he's clumsy.

CAPTAIN SHADDOCK

Clumsy?

MAL

Fell on his face.

CONTINUED:

CAPTAIN SHADDOCK

It might be best then I took him off the street. For his mother, my dear sister's sake.

MALONE

It's paper work would suit him, if you care for my thought.

CAPTAIN SHADDOCK

I think I do. Though I doubt I can keep the boy behind a desk.

Malone smiles, shrugs and heads for the door.

CAPTAIN SHADDOCK

Now, Malone, don't forget to look under your pillow tonight.

Malone exits.

INT. MALONE'S PLACE - NIGHT

Malone keys his way into his modest home.

As he swings the door open, he sees an ENVELOPE has been slid underneath.

He opens it and is not surprised to find a \$100 bill inside.

Malone pushes a chair to the side, and crouches.

He removes a piece of baseboard exposing a hole from which he pulls a CIGAR BOX STUFFED WITH CASH -- \$20s, \$50s, \$100s. He adds the new bill and replaces it in the hiding space.

EXT. DRAKE HOTEL - LATER

Limousines deposit PARTYGOERS in evening clothes in front of a fine hotel. MUSIC filters out from inside, a band with a female vocalist.

Flynn and a few other Detectives stand security outside, as Malone saunters up.

FLYNN

You're replacing Quinn on this security detail, Jim.

CONTINUED:

27.

MALONE

Heard the high and mighty were
payin' top dollar for protection
from the poor and unruly.

FLYNN

It's a world we never made.

Slowly now, the music in from the ballroom has become clearer
and Malone is recognizing Ella as the singer.

INT. DRAKE HOTEL, BALLROOM - SAME

The music grows loud as Malone enters the Ballroom. He
pauses, as on the bandstand he finds Ella just as he
suspected. Around him is a world of elegance and wealth,
piles of food, dancing, BEAUTIFUL WOMEN adrift.

He notes the MAYOR handshaking and smiling with TUXEDO CLAD
INFLUENCE PEDDLERS and HIGH POWERED POLITICOS under clouds of
cigar smoke. But he's drawn back to Ella on stage.

BRATTON (O.S.)

Detective Malone.

Malone turns and is surprised to see Bratton smiling.

BRATTON

We met in Captain Shaddock's.

MALONE

You're clear in my mind, Mr.
Bratton

BRATTON

The way you were standing just now,
I had the impression you were --
let me say -- astonished.

MALONE

Was I gawking?

BRATTON

Do you know where you are?

MALONE

I've a notion that it's here they
divvy up the city.

BRATTON

I hope I don't have to judge you a
cynic.

(CONTINUED)
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CONTINUED:

MALONE

I just like to look the day square
in the eye, Sir.

ANGLE ON: The Mayor and his entourage cross the room.

BRATTON

Maybe you'd like to meet the mayor?

Enjoying Malone's surprise and eagerness, Bratton moves off
with Malone trailing to intercept the Mayor.

BRATTON

Mr. Mayor--

MAYOR

Bratton. Good evening.

BRATTON

Sir, if I might, this is --

But the Mayor has barely paused, breezing on. Bratton shrugs
to Malone and races after the Mayor, while Malone watches and
then turns to the bandstand where he finds, Ella absent.

He looks around and then he sees her chatting with a group.

Laughing, Ella turns to lee only to have Malone playfully
step in front of.

ELLA

Are you in pursuit of me,
Detective?

MALONE

The fault is that voice of yours.
Before I can think better of it, or
think anything at all, I'm
searching you out.

ELLA

Helpless.

MALONE

That would be the word.

ELLA

You know, the fact of the matter is
you're...cute.

MALONE

Not a manly sort of word.

ELLA

Manly, manly, manly, as if that's
the worthiest thing.

(she steps to leave)

What was that song you asked me to
sing?

MALONE

"A Man You Don't Meet Everyday."
Have you learned it?

ELLA

No. I forgot the name.

Now she takes a sip from her flask, and glancing about, he
notes that the band has begun to play an instrumental.

MALONE

It seems the band is starting up
without you.

ELLA

I'm Big Jim Collosimo's bit on the
side. You probably should know.
(handing him the flask)

MALONE

Big Jim Collosimo. Is he here?

ELLA

Back room business with the mayor.
It never fucking ends.
(he returns the flask)
Feel free to run for cover.

MALONE

I was thinking we might dance. "Bit
on the side" doesn't suit you.

She snorts, laughing bitterly.

MALONE

And that's a sad little laugh with
a sad little story behind it, I'll
bet.

ELLA

Tell me a happy one.

He takes her in his arms, and moves into a dance.

CONTINUED: (3)

MALONE

You and me going out to Hugo's, by
the lake.

ELLA

It'd be nice out there this time of
year.

MALONE

Lovely.

ELLA

We'd watch the freighters crossing.

MALONE

Arrange for one of those little
cabins they rent. The furthest one
off in the woods.

ELLA

We wouldn't come out for days.
They'd have to send us our meals.

MALONE

You'd be singing me darling songs
in the bed.

ELLA

The bed? Well, all right. I would.
(done playing)
And then Big Jim would find us and
shoot us both directly in the head.

MALONE

You're forgetting I'm a cop.

She stops dancing, steps back from him. Maybe she sees Jim
Collisimo in the distance, walking close to the Mayor.

ELLA

So he'd only kill me.

MALONE

Run away if his hold on you hurts.

ELLA

How do you think I got here? I
started somewhere else and here's
where I ran to.

MALONE

You'd be smarter this time.

ELLA

Not smart enough to turn a deaf ear
to your bunk.

(turning to go, she halts)

I've been to the lake, only I
wasn't staying in some rented
little cabin. I was at the
Vanderhoff Estate.

MALONE

That's a big house.

ELLA

I think I'll run from you.

She walks away.

EXT/INT. COUNTRY ROAD AND MILK TRUCK - NIGHT

A milk truck motors along a one-lane country road.

Suddenly, a CAR that had been driving toward the truck
without lights, throws its headlights on.

The truck sounds its horn. The car shows no sign of
stopping. A collision is imminent.

The truck LOCKS ITS BRAKES. At the last moment, so does the
car. The two vehicles come to a stop, in a cloud of dust,
inches apart.

Al and Frank Capone spill out of the car, pulling large
revolvers as they go.

Fitz is the driver of the truck, Gene the passenger.

Gene jumps out of the truck cab and sprints off into the corn
field along the road with Fitz shouting after him.

FITZ

Gene Collins, you filthy coward!

Frank takes a step or two after Gene, while Al move on Fitz.

CAPONE

Shut up and get out!

Capone SMACKS Fitz and HURLS him onto the ground.

CONTINUED:

FITZ

You put your mitts on that whiskey,
it's Northsiders will be kicking
your teeth in.

CAPONE

(kicking Fitz hard)

I'm the one doin' the kickin' here.

Capone heads for the truck, and Frank, passing Fitz, falters.

FRANK

SHUT UP! And don't try anything
funny!

CAPONE

(from inside the truck)

LET'S GO!

FITZ

You're dead, the both of you when
George Moran finds out you --

FRANK

He ain't gonna find us.

FITZ

You're dead, you stinking wop.

FRANK

I ain't dead!

FITZ

(overlapping)
Steal George Moran's booze,
YOU BEST LAY DOWN IN YOUR
COFFIN!

FRANK

(overlapping)
Anybody's dead, IT'S YOU, YOU
DON'T SHUT UP!

CAPONE

WILL YOU C'MON, FRANK!

FITZ

Ahhh, Frank is it.

FRANK

Whata you mean? No!

FITZ

You think you can talk me outa what
I heard, you dumb guinea.

Frank SHOTS Fitz, who twists at the last second, so the bullet aimed at his brain grazes his head. As Fitz yelps, and tosses on the ground, Capone runs up to them from the truck.

CAPONE

Whata you doing? You shot him!
You idiot, you stupid moron!

FRANK

Whata you yellin' at me for?

CAPONE

Because you shot him!

FRANK

The hell with him. He knew my name.

Fitz groans on the ground between them, clutching his head.

CAPONE

He knew nothin'. He knew Frank.

FRANK

That's my name. Maybe we should
tell 'em yours, too, huh, Al?

Capone turns and fires directly at Fitz: BLAM, BLAM, BLAM.

He runs for the truck with Frank following.

Inside the truck, Capone is behind the wheel as they race off.

FRANK

Now we don't have to worry.

CAPONE

We killed a fucking Irishman. Are
you nuts? We got a headache like we
never saw in our lives!

On the country road behind them, Fitz lies there.

INT. HOUSE - NIGHT

MEG, wife to Malone's older brother Brendan's opens her front door and there stands Malone offering flowers.

MEG

So it's flowers will cover your
sins?

CONTINUED:

MALONE

Not with the angels, but I've hope
with my favorite sister in law.

MEG

I'm your only sister-in-law.

She plucks the flowers from him and ushers him in where two
small boys, SHANE and CONNOR, eight and ten, rush up,
shouting "Uncle Jimmy" as they grab him by the leg.

CONNOR AND SHANE

Show us your gun. Can we please?

Jimmy pulls his pistol out of a shoulder holster, dumps the
shells into his palm.

MALONE

Now see how I'm makin' it safe.

They watch intently, their eyes big, as he hands the pistol
to Connor. It's heavy and Malone assists the boy.

CONNOR

Oh, it's a giant of a thing.

BRENDAN, strides in, conservative in appearance and dress. He
walks up and takes the pistol from the boy.

BRENDAN

Go wash your hands now, Boys.

The boy's run off, and Brendan shakes his head in friendly
disapproval at Malone as he hands back the gun.

MALONE

They'll be grown men someday.

Brendan walks off and Malone follows.

MALONE

Lovely company you're going to be.

Entering the dining room, Malone warily surveys the table.

MALONE

So there's four of us, Brendan?

BRENDAN

She's a fine girl, Carrie Nolan.

CONTINUED: (2)

In comes Meg from the kitchen with a pleasant, if plain girl -
- CARRIE -- the both of them carrying dishes of food.

MALONE

Good evening, Carrie.

CARRIE

Are you sure it's me, Jimmy?

Her annoyance with him is sly but unmistakable.

MALONE

I should have called after that
fine movie we took in, but I'm the
Malone lacking manners, as you've
no doubt been told.

BRENDAN

Dare we set them side by side, Meg?

MALONE

I say risk it. Allow me.

With a playful flourish, Malone pulls out a chair for Carrie,
who smiles. The four of them happily take their seats.

INT. PARLOR - LATER

Dinner's over. The kids are tucked away. Malone, Carrie,
Brendan and Meg have coffee. Carrie is serving pie. Malone
pats his gut, shakes his head, while Brendan raises his
plate, readily, and Carrie moves to serve him.

BRENDAN

It's because of Carrie we're soon
going to the opera, Jimmy. Would
you join us?

MEG

Her vivid descriptions make it
sound so intriguing!

MALONE

I'm sure it's not a thing I would
care for.

CARRIE

I had that same idea. But it's a
wild treasure. The music, and these
big, big human voices, you can't
believe them. That they're people,
I mean. Ordinary.

(MORE)

CONTINUED:

CARRIE (CONT'D)

Even the building's a glory. And
the plush chairs they sit in.

BRENDAN

One she saw, an elephant was on
stage. Right there alive. If that
one's ever again, we're going.

MALONE

So you're no longer Irish then, the
lot of you.

CARRIE

I hope you don't believe the Irish
soul a stranger to beauty.

MALONE

There's many a song that's lovely.
Or give me an Irish tenor. But it's
all Wop talk, if what I hear is
true, so I wouldn't understand a
note and feel all the while a fool.

MEG

It's the language of Rome, you
know, Jimmy. Of the Pope himself.

MALONE

Another reason to dread it.

BRENDAN

Oh, don't start insulting the Pope.

CARRIE

The world's just a bar brawl to
Jimmy. You get in his way, he hurts
you.

MALONE

Is that what I do?

CARRIE

My point only being you're one of
those Irishmen likes to hold
ignorance dear rather than go close
to a new thing that might show him
he's not already the most superior
thing the sun ever came up on.

BRENDAN

She's so devoted, Jimmy, she even
taken a job at the place. So she
can see them all.

MALONE

What kind of job? This is all new.

CARRIE

Oh, don't patronize me, pretending you care.

MEG

She's an usher, and --

Malone suddenly rises, placing his napkin on the table.

MALONE

I think I'll go. That was a fine stew, Meg.

CARRIE

You might give a thing a try before you condemn it, Jimmy. That's all.

MALONE

Or a person, Carrie. Let's just say it out. That's why they have us to these dinners. I'm to give you a try. But what would the lot of you think if I tried you and you weren't to my liking?

Malone strides from the dining room, leaving Meg and Carrie shocked and hurt. Brendan stands and goes after Malone.

IN THE HALL, Brendan finds Malone putting on his coat.

MALONE

If I'm invited for dinner, I want it to be because I've a brother who loves me, not because there's some plot a foot to drag me back into the fold.

BRENDAN

But you're leadin' a useless life. Past 30 with nothing. No wife, no kids, no --

MALONE

I have something I love. As much as her and her opera. Being a cop.

BRENDAN

But it's all crooked. Everybody knows it.

CONTINUED: (3)

Carrie strides in.

MALONE

You're a nice girl, Carrie, but I'm usually getting into bed around the time you're off for mass and it's rare I'm alone. I got no use for you and your Hail Marys.

He turns for the door to leave.

CARRIE

You'll let me have my remark.

MALONE

If having the last word matters, you just take it.

CARRIE

Oh, it won't be the last word. It'll just be me askin', what a drought-ridden heart you must have to say such things. Are you so starvin'?

MALONE

I'm doing you a favor. And you don't none of you know it.

Malone goes out the door and heads off into the night.

EXT. CEMETARY- DAY

GRIEVING IRISH FUNERAL GOERS stand around a closed casket. A portrait of Fitz, wreathed in flowers, is nearby.

The formidable Bugs Moran stands amongst them as BAGPIPERS, in kilts and tams, play a mournful Irish tune.

Across the grave and apart from the bereaved stands Captain Shaddock.

ANGLE ON: A look passes between Moran and Captain Shaddock.

INT. DETECTIVE SQUAD - LATER

Malone stands with Det. Flynn amid a growing assembly of Detectives and uniforms.

CONTINUED:

CAPTAIN SHADDOCK

Eddie Fitzsimmons, a Northsider beloved in their ranks, was murdered in a hijackin', and the Irish are sure it was Italians done it. So we're to start pullin' 'em in. We got locations and photos on some. Felonies, misdomeanors, make somethin' up, but get 'em off the street until George Moran and the Italian boss sort this mess out. They get to shootin' eachother, we'll be up to our knees in blood and nothing to save us but mops.

Shaddock passes out slips of paper, photos. Malone gets his.

INT. COMISKEY PARK, STANDS - SAME

The Teams are on the field.

In a field-side box sit Capone, Sonny, Frank and Joe Batters.

CAPONE

Smell that.

Sonny takes a half-hearted sniff.

CAPONE

No, no. Breathe it in.

Capone takes a deep inhalation, cupping a hand towards his nose as if sampling the bouquet of a fine wine.

Sonny waves his hand and sniffs the same way.

CAPONE

Fresh cut grass, dirt of the infield. You're walking around with a bat in your hand. Baseball. Glorious thing.

EXT. COMISKEY PARK, ENTRANCE - LATER

The crowd is mostly in, a few LATECOMERS straggle in the gates as Malone, O'Reilly, and several Uniform Cops march up and whisk through the turnstiles.

INT. COMISKEY PARK, STANDS - SAME

ANGLE ON: The field, the crack of the bat and the batter tosses the bat, races to first having struck a sharp single.

(CONTINUED)

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CONTINUED:

Capone leans near to his son, confiding.

CAPONE

Watch him, Sonny, the one who hadda throw away his bat. He's on the base gettin' ready to steal. See how he wants to look like he ain't up to nothing, but he's really trying to figure the pitcher out -- he knows he's a sap, but how much of a sap.

SONNY

Why'd he have to throw his bat away, Dad?

Capone looks down at his boy, amazed, impressed.

CAPONE

Everybody should ask that question. But they're not thinking like you are. If he had his bat, that first baseman wouldn't come near him.

INT. COMISKEY PARK, OUTER MEZZANINE - SAME

At the gate Malone shows his crew at a photo of JOE BATTERS.

MALONE

Joe Batters and whoever's with him.

O'REILLY

What's the charge?

MALONE

The charge is we bring them in.

INT. COMISKEY PARK, STANDS - SAME

Capone waves at a VENDOR.

CAPONE

Coupla franks here!

VENDOR

I got peanuts!

FRANK

(standing)

I'll go. How many?

CONTINUED:

CAPONE

I want two. Sonny. You guys.

JOE BATTERS

I gotta pee.

Climbing out, Batters and Frank start up the aisle as there's a roar and Capone and Sonny wheel back to the game, where...

On the field the base runner takes off.

CAPONE

There he goes! I tole you!

Frank and Joe Batters are a short distance from the top when Malone and the cops enter and converge on them.

O'REILLY

(comparing the photo)

That's him. He's Batters. Where's the other ones?

JOE BATTERS

What's the problem?

MALONE

Where are you seated? Where's your stub?

FRANK

What's goin' on, Officer?

JOE BATTERS

Where's your stub, Frank?

FRANK

(searching his pockets)

I think I tossed it.

Malone nods to one of the uniformed cops who drives the butt of his nightstick into Joe Batters gut, doubling him over.

ANGLE ON CAPONE who sees what's going on, as the Cop rifles Joe Batters pockets and comes up with a stub.

Malone has been scanning and he spots Capone looking up at them. Their eyes meet, and Capone looks away.

COP

B 75, Detective.

(CONTINUED)

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CONTINUED: (2)

MALONE

O'Reilly, get this pair on their way.

O'REILLY

I think I saw one. He was looking up at --

Malone takes O'Reilly's night stick, spins it into his palm.

MALONE

I had you tucked away safe at desk, but you're back makin' me nervous.

Malone starts down while O'Reilly reluctantly herds Batters and Frank off.

Malone is focused on Capone who keeps his back turned until Malone arrives and then Sonny leans forward from behind his father. The boy looks up at Malone.

MALONE

That your boy?

CAPONE

What's it to you?

MALONE

He's a handsome child.

Capone studies Sonny before returning to Malone.

CAPONE

No scars. And he ain't gonna get any scars either, I have my way.

MALONE

You remember me?

CAPONE

Would that be a good thing or a bad thing?

MALONE

(shrugging)

I'm not about to embarrass you in front of your son. But there's fear people like yourself -- Italians -- are in a bit of danger. So I'd get my boy home I was you.

Malone turns, takes a step back up the stairs.

CONTINUED: (3)

CAPONE

We bumped into each other.

Malone pauses, glances back.

MALONE

That's right. Now remember this one, too.

Malone climbs the stairs.

Capone watches him a bit.

Malone looks ahead where he sees O'Reilly waiting.

O'REILLY

That guinea's the danger we were sent here for and you're lettin' him go scot free.

MALONE

O'Reilly, you're an idiot.

Malone goes past O'Reilly, exiting the seating area.

ENTERING THE CORRIDOR, Malone walks with O'Reilly following.

O'REILLY

I'm asking why.

Malone stops, wheels around.

MALONE

That fella is nothin', he's at the game with his kid. Why scare the boy? Now your garters are all in twist, because I did this poor lummo a favor. So he owes me, the lummo. Not that he'll ever amount to a thing.

Malone turns to go.

O'REILLY

It's never smart, gettin' too friendly with these wops. My uncle's says you can end up smellin' like you're one of 'em.

Malone turns to face O'Reilly, walking backwards.

CONTINUED: (4)

MALONE

And sound like 'em, too, you tight-assed skinny little slimeball of a mick. You shuta you trap!

Laughing at his skillful imitation, he turns and walks away.

INT. STUDY, JIM COLOSIMO'S TOWNHOUSE - DAY

Behind a mammoth desk is Jim Colosimo. BODYGUARDS, massive and silent, are positioned in the corners of the room. He's talking to a small gathering of men, Torrio among them with Capone beside him.

COLOSIMO

This meatball, whoever he is, thinks he's gonna boost a truckload of liquor, who can blame him -- but he's gotta leave Fitz-whatever layin' there like a runover cat. The entire North Side is crazed with grief. So we have to find this bum and give him over.

TORRIO

Just hand him over to the Irish? One of our own?

COLOSIMO

I just said that, John. Are you paying no attention? What happened has upset the apple cart. The fucking apples are flying all over the place and with out them we cannot stay in business. You gonna run a bar without booze?

TORRIO

No.

Capone edges up to support Torrio.

CAPONE

But everybody knows the mick bastards are taking advantage.

COLOSIMO

Who's this now? Who the hell is talking to me?

TORRIO

Jimmy, this is my nephew, he's running my place.

COLOSIMO

But who asked him to shoot off his big mouth? Does everybody talk now? Does everybody think they can throw in their ten fucking cents?

TORRIO

No, no. Of course not.

COLOSIMO

We need the Irish to sell us their miserable booze.

CAPONE

There's distilleries and breweries shut down when Prohibition started - they're just sitting there, Mr. Colosimo. We could open 'em up. Who's to stop us, the cops?

COLOSIMO

Who the hell is this guy? Now he's making plans for us!

TORRIO

He's sorry, Jimmy. He's just in from New York a couple of months.

COLOSIMO

Who the fuck cares!?

TORRIO

Tell 'em you're sorry, Al. He got carried away, Jimmy. You know. Enthusiastic.

COLOSIMO

Are you sorry you scarfaced bum?

CAPONE

Yes.

COLOSIMO

Then why don't you look sorry? What's your name?

CAPONE

Al. Capone.

CONTINUED: (2)

COLOSIMO

Here's what I'm going to say to you, Al Capone. You're a fucking liar. You're one of those guys they're never sorry. Like the guy who got us in this mess shooting Fitz-whatever. He ain't sorry. Are you him?

CAPONE

No.

COLOSIMO

But how would I ever know? Because you would stand there and lie to my face. Are you the fucking guy?

CAPONE

No.

COLOSIMO

I think you are. Why do I think you are?

CAPONE

Because you don't know who it is.

The door opens and everyone turns.

Ella enters. She wears a sheer nightgown under a robe, high-heeled mules. Her exposed legs shimmer. Colosimo smiles.

ELLA

I'm sorry to disturb you.

She gives a quick scan of the other men, pausing at Capone. with a glimmer of recognition before bouncing on.

ELLA

It's just I've been sitting upstairs all day, Jim. C'mon.

COLOSIMO

What am I doin' wastin' my time on this bum?

(to Ella)

You go on back up. But I'll be right with you.

ELLA

Okay.

CONTINUED: (3)

She gives him a kiss on the cheek and goes. Colosimo watches until the door is shut, and he turns to Capone.

COLOSIMO

Don't ask me how I know this, but I got instincts, like a fuckin' animal.

(to Torrio)

Shut up, Jimmy. I don't want this guy around.

(back to Capone)

You're goin' back to New York, where they must like big-mouths since you're still breathin'. You understand me?!

Capone nods.

COLOSIMO

Good. Learn some fucking manners.

Colosimo goes out the door after Ella. Leaving Capone with everyone else in the room fixed on him.

INT. TRAIN STATION - DAY

PASSENGERS, some carrying luggage, come and go.

A thin, dark man, FRANKIE YALE, stands with several suitcases, looking about and then he smiles.

Capone hurries toward him, and they shake hands and hug.

CAPONE

Frankie!

YALE

Aly Paly.

CAPONE

Do they miss me in New York?
Because I'm comin' back.

YALE

I just got here.

As they pick up the suitcases and start walking.

CAPONE

I got into some trouble.

CONTINUED:

YALE

No kiddin'.

CAPONE

One thing leads to another, you know.

YALE

Why the fuck does it always do that?

CAPONE

Somebody should figure that one out. They'd make a mint.

They walk on, thinking.

EXT TRAIN STATION -- SAME

As Capone and Yale come out and head for Capone's car parked right in front of the station.

CAPONE

You could stay on if you wanted. There's plenty of action.

YALE

What kind?

CAPONE

Everything.

YALE

Without you? No, no. You're my reason for livin', Aly Paly. When are you leavin'? Let's go at night. I like those sleepers. The train rockin' is nice.

CAPONE

I got a couple things to do. Some people to say goodbye, too.

YALE

Sure.

Having loaded the bags in the back and climbed in, they slam the doors and drive off.

INT. BROTHEL - LATER

A door swings inward and Capone enters followed by Yale. They walk down the dimly lit hall past several doorways the gaudy colors in a dim and gloomy daylight. A phonograph play a scratchy blues tune, trumpets, drums.

YOUNG PROSTITUTES drift past. A CUSTOMERS or two.

They enter a living room space where the MADAME smiles.

MADAME

Al.

CAPONE

I want somebody I never been with before. Somebody maybe I never even seen.

MADAME

I have just the ticket. And your friend?

CAPONE

Sure. And change the music. Put on somethin' good.

The Madame calls to a prostitute seated nearby.

MADAME

Maxine, put on some of Al's music.

MAXINE

Sure thing. Hi, Al.

Maxine moves to a side table with a Victrola, where she removes the record playing, and sorts a nearby pile for a second. Capone watches, with Yale standing beside him, and then a Prostitute arrives and smiles at Yale who smiles back and they head off.

ON THE TURN TABLE, new record spins and the needle lowers and the impassioned strains of "Tosca" begins.

Capone stands watching as the overture starts and a young beautiful prostitute slides up beside him, and he glances at her. She leans into him, and he closes his eyes, his arm falling around her, as the music soars.

EXT. CHICAGO CIVIC OPERA HOUSE - NIGHT

The sounds of an orchestra playing the same overture are heard from inside.

A last few FORMALLY DRESSED PATRONS hurry into the opulent building past posters announcing the performance of "Tosca."

INT. CHICAGO CIVIC OPERA HOUSE, AUDITORIUM - SAME

The Audience fills the lavish theater.

ANGLE ON: In a choice orchestra seat is Ella. She raises a pair of opera glasses to her eyes and glances up to see...

ANGLE ON: In a premium box, just a few yards above stage right, sits Jim Colosimo. Next to him is his wife.

Colosimo looks down and spots Ella, who lowers her glasses. They trade a look.

INT. COLOSIMO BOX - SAME

An usherette in a red uniform turns, revealing Carrie, as she hands programs to the Colosimos.

Jim Colosimo gives her a tip, which she gladly accepts.

CARRIE

Thank you fine sir.

She turns to leave the box, and moves past two towering BODYGUARDS, who stand behind the Colosimos.

Carrie offers the Bodyguards programs. The men wave her off.

ANGLE ON: Across the auditorium, in a slightly less desirable box sit John Torrio and his wife.

Torrio raises a hand to Colosimo, who nods back to him.

INT. BACKSTAGE AREA, OPERA HOUSE - SAME

A STAGE MANAGER moves through private (for the stars) and semi-private dressing areas of the performers.

The soprano playing TOSCA applies make up and warms up her voice.

STAGE MANAGER

Two minutes till curtain...

CONTINUED:

The baritone playing SCARPIA tightens a girdle around his large mid-section.

STAGE MANAGER

Two minutes till curtain...

The Stage Manager passes a group of singers playing the SOLDIERS, who lounge around, and play cards.

One SOLDIER is on the floor, seemingly asleep, his tri-cornered hat over his face.

INT. COLONNADE, OPERA HOUSE - SAME

Carrie steps out of the box into the hallway-colonnade, closing double doors to the box behind her.

ANGLE ON: Other USHERS do the same. They begin walking away in a line.

A MALE USHER shows a pint of LIQUOR to Carrie and the others.

MALE USHER

Pass the time till intermission?

There are nods from all except Carrie.

CARRIE

Thanks. But I wouldn't miss a note.

She ducks out of the line and slips through a door.

INT. FIRE EXIT, OPERA HOUSE - SAME

Carrie appears on a small landing at the end of the row of private boxes, right next to the Colosimo box. Separated only by a rail, she is able to obscure herself behind a red velvet curtain.

She turns her attention to the stage and a rapturous expression comes to her face when she watches.

INT. STAGE WINGS - SAME

The tenor who plays CAVARADOSSI stands on the side of the stage awaiting his cue.

CAVARADOSSI'S POV: The Patrons in the premium boxes are visible, nearly right on top of the stage.

At a certain moment Cavaradossi takes a deep breath and enters the stage.

INT. STAGE - SAME

Cavaradossi, in the church to work on his portrait of Mary Magdalen, begins to sing.

INT. UPPER BALCONY, OPERA HOUSE - SAME

In the darkness of the back row of the least desirable section of the auditorium, a FIGURE stands.

FROM THE FIGURE'S POV WE SEE:

--Torrio and wife in their box.

--Ella in her seat

--Colosimo and wife in their box.

In the rear of the theater, light spills in for a moment as the Figure exits the auditorium.

INT. STAGE - LATER

Cavaradossi is arrested and carted off stage by Guards. Tosca asks Scarpia what the price for her lover's freedom will be.

Scarpia says the price is Tosca's virtue, her body.

INT. COLOSIMO BOX - SAME

The Bodyguards, one right behind Colosimo, the other by the door, stifle yawns.

Colosimo leans forward, transfixed. His eyes aren't on the stage, but are instead on Ella.

She looks up to him as well. They share a moment.

ANGLE ON: Colosimo's Wife glances at him. Notices where her husband's gaze is pointing. A sour, knowing look comes to her face. She shifts in her seat.

Colosimo becomes aware of her scrutiny, re-directs his attention to the stage.

INT. COLONNADE, OPERA HOUSE - SAME

ON a Man's FEET, as he walks with purpose past the closed doors of the premium boxes.

INT. STAGE - MOMENTS LATER

Scarpia writes a 'Safe Conduct' Pass for Tosca and Cavardossi.

He demands his payment, her flesh.

INT. STAGE - SAME

Tosca sees a KNIFE on the desk. She picks it up.

INT. FIRE EXIT, OPERA HOUSE - SAME

Carrie watches with complete engagement as...

INT. STAGE - SAME

Tosca STABS Scarpia. Stage Blood BLOOMS onto Scarpia's shirt.

INT. FIRE EXIT, OPERA HOUSE - SAME

Carrie covers her mouth at the violence.

INT. TORRIO BOX - SAME

John Torrio watches the stabbing with mild amusement. His eyes cut over occasionally to the Colosimo box.

INT. COLONNADE, OPERA HOUSE - MOMENTS LATER

The Man's Feet stop at the doors to the last box.

INT. STAGE - SAME

Stage Right is illuminated. The set is that of a Castle Rampart.

GUARDS bring out Cavaradossi and stand him up in front of a wooden post.

Tosca stands as witness to her lover's execution.

INT. STAGE WINGS - SAME

The Soldiers, their hats on, uniforms buttoned, are handed RIFLES by a PROP MASTER, and enter the stage.

The last Soldier in the line is the one who was sleeping. As he takes his rifle, he nods to the Prop Master, who nods back.

CONTINUED:

As he enters the stage we see the soldier is FRANKIE YALE.

INT. COLOSIMO BOX - SAME

The music continues as the door to the box opens and a Figure slips inside.

INT. FIRE EXIT, OPERA HOUSE - SAME

Carrie watches the stage.

Carrie'S POV: On stage, the Soldiers line up as a FIRING SQUAD.

Then something catches her attention, and Carrie looks away from the stage into the Colosimo Box.

INT. COLOSIMO BOX - SAME

The Bodyguard in the rear of the box SPASMS in pain, again and again.

ANGLE ON: The Figure STABS the bodyguard several times. The knife blade comes out BLOODY.

INT. FIRE EXIT, OPERA HOUSE - SAME

Carrie is frozen in fear at what she sees.

ANGLE ON: A PUDDLE OF URINE forms at her feet.

INT. COLOSIMO BOX - SAME

As the stabbed Bodyguard slumps down to the ground, the killer is revealed. It is CAPONE.

He puts away his knife, draws a GUN.

INT. STAGE - SAME

The Soldiers raise their rifles.

INT. COLOSIMO BOX - SAME

The Second Bodyguard senses the disturbance, turns, sees what's going on, begins to stand.

INT. STAGE - SAME

ANGLE ON: The row of Soldiers' rifles. At the end, Yale's rifle is pointed at a slightly different angle.

CONTINUED:

The LEAD SOLDIER DROPS his arm. The Soldiers FIRE A VOLLEY.

INT. COLOSIMO BOX - SAME

The Second Bodyguard, who is going after Capone, is hit high in the back and pitches forward.

INT. ORCHESTRA SEATS - SAME

Ella watches the opera. A single tear rolls down her cheek.

INT. STAGE - SAME

Cavaradossi WRITHES, falls back against the post.

The Soldiers FIRE A SECOND VOLLEY.

INT. COLOSIMO BOX - SAME

Perfectly timed with the gunshots from the stage, Capone SHOOTs Colosimo in the back of the head.

A MIST of BLOOD covers Colosimo's wife. She's too stunned to react for a moment.

INT. TORRIO BOX - SAME

Torrio watches what's happening in the box with the same fascination opera aficionados watch the stage.

TORRIO'S POV: Capone jumps over the rail, brushes right past where Carrie hides behind the velvet curtain. Capone continues beneath the exit sign out the fire door.

INT. COLOSIMO BOX - SAME

Colosimo slumps forward.

Colosimo's wife touches her face, looks at the blood on the fingertips of her white gloves...

INT. STAGE - SAME

Tosca, over the dead body of Cavaradossi, SCREAMS OUT.

INT. COLOSIMO BOX - SAME

Colosimo's wife SCREAMS over her husband's dead body.

INT. ORCHESTRA SEATS - SAME

Ella, looks up, the tear still on her face.

INT. CHICAGO CIVIC OPERA HOUSE, AUDITORIUM - SAME

The orchestra stops playing. The house lights go up.

AUDIENCE MEMBERS SCREAM IN PANIC.

The Performers look around in confusion.

Although the opera has stopped, Yale plays Tosca's final part--he LEAPS off the castle rampart, and disappears from view.

People flood for the doors.

INT. CHICAGO CIVIC OPERA HOUSE, AUDITORIUM - LATER

All the lights are up, the auditorium is empty save for COPS who are thick in the place.

UNIFORM OFFICERS comb through every row of seats looking for evidence.

Detectives, including Malone and Flynn, along with Lt. O'Riordan stand in a cluster on the colonnade outside the Colosimo box. O'Reilly is there as well. Some take coffee from a BOY with a tray.

O'Reilly follows Malone into the Colosimo Box.

INT. COLOSIMO BOX - SAME

The bodies have been removed, but there is blood everywhere.

A POLICE PHOTOGRAPHER who has shot the scene is breaking down his box camera.

Malone and O'Reilly enter. Malone points to the blood.

MALONE

Watch your step.

O'REILLY

I know it's evidence.

MALONE

It'll also ruin your shoes.

As the Photographer exits, Malone surveys the scene.

CONTINUED:

MALONE

So the killer maybe worked here --
or had a ticket so he could move
freely. So that includes damn near
anybody. He comes into the box.
Bodyguard one. Quiet. Bodyguard
two. Colosimo. Bang bang.

Malone moves to the rail of the box.

MALONE

Exits the box...

There is fingerprint dust on the rail, which Malone avoids as
he hops over.

INT. FIRE EXIT, OPERA HOUSE - SAME

Malone walks away from the Colosimo box.

MALONE

Maybe this way to escape.

Malone stops. He smells the air, then looks down at the
carpet at the base of the red velvet curtain and sees the
edge of the POOL OF URINE.

O'Reilly is about to climb over the rail and join him when
Malone turns and stops O'Reilly.

MALONE

O'Reilly. Get us some coffee.

O'Reilly doesn't move.

MALONE

Let's see if we can keep our
antagonism at bay. I take it black.
Bring one for yourself. We'll be
here long into the night.

O'REILLY

It's something big, isn't it.

Malone nods and O'Reilly leaves. A keen look on his face,
Malone squats down and moves the curtain aside. He touches
the moist carpet.

MALONE

Pissed himself.

Malone goes through the Fire Exit door.

INT. HALLWAY, OPERA HOUSE - SAME

Malone sees a staircase leading down, but instead Malone proceeds along the darkened hallway.

Turning a corner, he sees a closet door marked "Maintenance." He approaches and opens the closet, and sees, crouched in the darkness, a female figure, hiding, hands shielding her face.

CARRIE

Don't hurt me....

MALONE

No, no. I'm police.

SOBBING, she peeks, her eyes wild and blind with fear, as in the shadows her face comes clear.

MALONE

Good Lord. Carrie.

She looks now, tries to focus.

CAPONE

Jimmy. Jimmy!

She throws her arms around his neck.

MALONE

What are you doing here, Carrie?

CARRIE

I was just doing my job.

MALONE

Sure, sure.

CARRIE

I work here.

He takes out a small silver flash which he offers.

MALONE

Carrie, now have a little of this.

She takes the flask, clutches it, staring.

MALONE

You're in here with the brooms and all.

CONTINUED:

CARRIE

I had to.

(whispering)

He was hideous. His face.

Malone registers this, but doesn't want to push her.

MALONE

Go on now, Carrie. Take a good drink.

She obeys, drinking once, then again.

CARRIE

It's making me want to weep more, the drink.

MALONE

It can do that.

(watching her)

Carrie, whose face? You saw somebody?

She nods.

A SUDDEN NOISE on the stairs turns them as heavy feet POUND UP THE STAIRS. Uniform Cops rush in the exit door, shouting.

OFFICERS KERRIGAN AND BURNS

Sir! Sir!

Captain Shaddock!

MALONE

Burns!

Burns hesitates, looking to Malone.

BURNS

We got him, Detective.

KERRIGAN

He was out hiding in the alley.

They run on into the Colonnade. Captain Shaddock and others are glimpsed before the door, briefly open, swings shut.

MALONE

There you are, Carrie. Do you hear?

CARRIE

He was a nightmare running loose in the day.

CONTINUED: (2)

Malone rises, turns toward the Exit Door.

CARRIE
Where you going? Don't.

MALONE
I'll take a look, and come back.

She holds up the flask, offering it back because it's his.
He's already on his way.

EXT ALLEY OUTSIDE OPERA -- NIGHT

A hubbub of cops gathered around a fallen figure. Malone arrives to look down at a middle aged man, sturdy, hefty pale-skinned, dressed like a vagrant and in no way Capone.

MALONE
That's him?

O'REILLY
Every bit of him. And we found the
gun, Detective.

MALONE
I guess you forgot about my coffee.

O'REILLY
Officer Timothy grabbed me because
they suddenly knew were this devil
had run to.

Bluster and slamming doors behind Malone turns him to find
Captain Shaddock striding up with Detective Flynn and others.

CAPTAIN SHADDOCK
We'll get him down to the station
and kick the stuffing out of him,
till he gives us the reason for
this mayhem.

O'REILLY
He's been screamin' about his dear
friend Fitzsimmons.

CAPTAIN SHADDOCK
You heard him.

O'REILLY
And Officer Timothy did, too.
Yellin' about revenge.

CONTINUED:

MALONE

Where was the gun?

O'REILLY

Timothy come upon it by kickin' it
as we ran in the dark

O'Reilly indicates TIMOTHY, and Malone heads toward the huge officer seated off to the side on a crate, holding a handgun and trying to stop blood gushing from his nose.

MALONE

You found the gun, Timothy.

TIMOTHY

It's still hot from firing.
(handing it to Malone)
And then the fool takes a poke at
me. I give him one just about took
his head off.

Sudden gunshot behind them, and Malone whirls to see O'REILLY WITH HIS PISTOL OUT AND AIMED DOWN AT THE FIGURE OF THE VAGRANT who O'Reilly has shot.

Malone and others, among them Captain Shaddock, dash back, and find the Vagrant dead with a pistol clutched in his hand.

CAPTAIN SHADDOCK

I'll be damned. Where'd he get that
little pistol?

O'REILLY

It must have been under his coat.
All of a sudden he was fixing to
use it.

Malone looks from the Captain Shaddock to the dead man, and then to O'Reilly, where, for a split second he has to wonder if he has glimpsed a dark competence in O'Reilly's eyes.

INT. OPERA HOUSE HALLWAY

Carrie sits on the steps, bowed slightly. Malone comes up.

CARRIE

Where's he now?

MALONE

Dead.

CONTINUED:

CARRIE

Dead? I don't want to feel good at the thought, but I do. The Devil's hand was on him.

(beat)

Jimmy, I'm drunk, I think.

MALONE

Well, why not?

CARRIE

I never been drunk before. It's a sin, you know.

MALONE

I have my doubts.

CARRIE

It's not such a bad feeling, though.

MALONE

I'll drive you home.

CARRIE

I don't think I'd manage on my own.

With his help, she rises and they start off.

EXT. OPERA HOUSE - SAME

On the front steps Captain Shaddock fronted by a throng of Cops, including Detective Flynn, is conducting an impromptu press conference with a noisy pack of REPORTERS.

CAPTAIN SHADDOCK

...if you're readin' your own newsprint, you know there's a history of grudges between the Irish and Italians, and the outcome was this vengeance-crazed fool takin' matters into his own hands.

Malone and Carrie make their way through the crowd.

REPORTER 2

What about the second assassin seen jumping off the stage?

CONTINUED:

CAPTAIN SHADDOCK

The rumors been flyin'. But that poor fella was a singer looking to hide as any sane man would. Now I'll give you more when I have it.

Captain Shaddock heads with a phalanx of Cops toward his car.

Malone and Carry start to move on and Reporter 2 pushes up.

REPORTER 2

So it's the Chicago Waltz is it, Malone? Can't find the guilty man, so find a man and make him guilty.

Flynn has overheard and he intervenes.

DET. FLYNN

Show me an innocent man on these streets, I'll buy you a beefsteak.

REPORTER 2

According to that logic they might as well arrest you.

MALONE

I say, Haul your ass in and lose the damn key.

DET. FLYNN

Or maybe just kick in your teeth.

The Reporter backs off.

Malone takes Carrie by the arm and they stride on passing an ambulance where Colosimo's body is being loaded and HIS WIFE hovers over him.

ELLA is nearby and she sees Malone and Carrie.

Malone meets her eyes and continues on.

EXT ALLEY OUTSIDE OPERA -- NIGHT

Cops are loading the dead body of the Vagrant onto a stretcher, and starting out with him.

EXT. OPERA HOUSE -- NIGHT

An barrage of flashbulbs in the midst of pushing and shouting renders a lightning-like illuminating the dead face.

INT. TORRIO'S CAR -- THE SAME

With a DRIVER behind the wheel, Torrio and Capone sit in the back in silence. Then Torrio begins to hum the Tosca that played while Capone murdered Colisomo.

Capone glances at Torrio who hums and then smiles at Capone, then chuckles happily, reaching over to pat Capone fondly.

CAPONE

With the music, John. That whole big orchestra and I'm doin' the three of 'em. I don't know the words for it, but it was somethin' I'll never forget.

Torrio nods, listening, intently, as they drive on.

EXT. HAWTHORNE KENNEL CLUB - DAY

ANGLE ON: GREYHOUNDS, with numbers on their backs, are lined up in cramped starting boxes on a dirt track. They GNASH THEIR TEETH and SLOBBER.

The automatic rabbit starts along the rail. The gates are lifted and the Dogs race after it.

A GROUP OF MEN, Bugs Moran, Charlie the Ox (big handlebar mustache), Dapper Dan McCarthy, Frank and Pete Gusenberg stride through the crowd of BETTORS.

They keep walking, eyes alert, shoulders back, until they leave the track and enter the Dog Holding Area.

EXT. DOG HOLDING AREA -- SAME

Torrio, Capone, Frank, Yale, Joe Batters, and Fischetti stand waiting, shoulders hunched, eyes narrow in threat.

Moran and his gang stop, leaving a good distance between themselves and where the Italians wait.

Both sides eye one another, shift, each man alert and wary.

MORAN

I'm reminded of a country dance
with the boys and girls far apart.

Smiling, he strides forward.

MORAN

Now where's the fun in that?

CONTINUED:

Torrio glances at Capone and they stride forward together.
Charlie the Ox moves to a post beside Moran, as they stop.

MORAN

I'm not sayin' Jim Colisomo was my friend. Still, I offer condolences.

TORRIO

Big Jim didn't have friends. It didn't interest him.

CAPONE

It's sad what happened but we gotta forget about it.

MORAN

That bum the newspaper says shot him -- he ain't one of ours. Nobody thought it was Colosimo hijacking trucks. That's some renegade prick, who don't care who he harms.

CAPONE

What we're saying, George, is we gotta all try and forget all that.

MORAN

I feel like I know you, but I don't.

TORRIO

Al is my nephew.

MORAN

I got some dogs to look over.

Moran, Charlie the Ox, ease of with Capone and Torrio beside them. The two gangs of followers move out behind the leaders and the strange caravan parades around a corner.

CAPONE

It's our plan to re-open Seiben's Brewery. Then some distilleries.

MORAN

Fortune favors the bold. Unless the bold have gone totally nuts.

They are passing dogs for the upcoming race barking, squealing, awaiting their weigh in.

CONTINUED: (2)

Moran gestures at a MANGY DOG being weighed by a HANDLER.

MORAN

That dog pays ten to one, Bennie?
He don't win!

CAPONE

Give him a bucket of buttermilk.
He'll run like a drunk.

The Handler looks to Moran.

MORAN

Hey! Give Al's idea a try.

The Handler runs off. The group continues on.

CAPONE

See that's an example. We can help
each other. Give advice. Cooperate.
Like that renegade prick you're
worried about. We'll make sure such
things don't happen.

TORRIO

You're territory will be yours,
ours will be ours.

MORAN

So we'll have territories?

CAPONE

Boundaries. Like little countries.

MORAN

And what might you think is the
size of my country?

CAPONE

The suburbs -- everywhere from
Berwyn to Palantine.

MORAN

(holding up his hand)
This one hand's too big for poor
little Berwyn. Even shut as a fist!
(making a fist)
I need Cicero too.

TORRIO

Fine, Cicero.

CAPONE

Good. Why do I say good, giving up Cicero? Because you have to be satisfied, George. You can't be grinding your teeth in your sleep. What we're hoping for is an end to bloodshed. On the street, we tip our hats. We say things like, "there's enough to go around."

MORAN

You're asking a lot.

Just beyond them WORKMEN with shovels have dug a knee-deep trench. Now they are dragging nearby DOG CARCASSES on the into the mass grave.

CAPONE

Like those poor fucking dogs. Do we want to end up that way? Sure, sooner or later. We'll always have our guns, George, but do we always have to use them?

MORAN

I'm a cynic when it comes to the human race and matters of trust and peace. I'm sorry, Al.

CAPONE

You're just being truthful.

Moran and Capone study each other, eye to eye.

TORRIO

But what about the terms? Do we have a treaty?

CAPONE

Let's not rush him. Maybe we should all think about what we're doing.

They stand and think: all of them.

MORAN

All right.

CAPONE

Yeah. It's a big step, but let's take it.

CONTINUED: (4)

Moran shakes hands with Torrio, then with Capone. Then there's a shout, a bell.

The dogs take off over the track.

The men turn and move to watch the dogs. They shout, hope, root, demanding.

While the dogs stretch into a yearning, powerful stride

EXT. APARTMENT DOOR - NIGHT

Malone knocks. Ella opens the door. Malone carries a detective's notebook. She holds a drink. She studies him.

ELLA

Well, isn't this the chance you've been waiting for.

MALONE

In what way?

ELLA

You know. The bitch gets her comeuppance. With Big Jim gone I'm cut loose. Fair game. A fish for anybody with a net. Or a hook and a worm.

(she smiles bitterly)

C'mon in.

MALONE

I guess you're drowning your sorrows.

ELLA

Maybe that's the silver lining. I'll be able to sing the blues at last. Oh, put the notebook away. Have a drink. Make an offer.

MALONE

You were at the opera.

She smiles. He saw her.

MALONE

You were in Box 77 which is across from the shooting.

ELLA

Plus I was fucking the dead guy.

CONTINUED:

MALONE

Your relationship is known.

ELLA

Known? We had dinner with the mayor.

She crosses to a small bar where she pours a two drinks.

MALONE

I just need to know if you saw --
or think you saw anything we --

ELLA

That's not why you're here. You've
been wanting to question me from
the second you laid eyes on me.

(handing him a drink)

I saw the killer, like everybody
else.

(flipping the newspaper on
the table to the photo)

There he is. That night I saw the
opera. Now those are voices. Jim
took care of me, you know.

She gestures and he takes in the expensive furnishings.

ELLA

And I don't mean only this -- which
is spiffy as hell, but he took
personal interest, and sure, I had
to pay back, like who doesn't. He
was getting me a spot on radio.

MALONE

Because you can sing.

ELLA

Is that what you think? Tell me
more. Do you know anyone?

MALONE

I'm a cop.

ELLA

Cops are among the most connected.
So make an offer. I'm cut loose.
Undefended. How's your drink?

MALONE

Alright.

CONTINUED: (2)

He downs it. She kisses him and he joins in, then stops.

ELLA

It's been so long since I kissed a man just because I wanted to.

Malone holds her back.

ELLA

Is it because of that bland little stick you were herding around the other night?

MALONE

She's a friend.

ELLA

(moving on him)

Then c'mon. Forget whatever it is you're thinking.

MALONE

I don't know how drunk you are.

ELLA

Very. Who cares? Try me. Take advantage. You'll get the knack of it. Taking advantage of me, I mean.

Malone steps back.

MALONE

Maybe some other time.

ELLA

Maybe when we're both drunk.

MALONE

Maybe then.

He goes, shutting the door on her.

EXT. HALL OUTSIDE ELLA'S APARTMENT -- SAME

After a step, Malone stops. What the hell is he doing passing on her? He has to think hard before he goes on down the hall.

EXT. SEIBEN BREWERY - NIGHT

The huge facility is dormant, dark, and then several sedans drive past the front gates and stop only when they've reached the side entrance.

EXT. SEIBEN BREWERY, SIDE GATES - SAME

A UNIFORMED COP waits there. MEN pile out of the sedans and hand him cash.

THE COP walks away. He looks back to see the men SMASHING the lock on the gate open with an ax.

INT. SEIBEN BREWERY - LATER

Lights are low as switches are thrown and the works starts humming to life.

INT. DISTILLERY - NIGHT

CAPONE MEN oversee DISTILLERS in white coats who tend to industrial sized pot stills and spirit receivers.

INT. SEIBEN BREWERY - DAY

Beer bottles rattle down a production line.

A hand grabs a bottle as it's coming to the end of the line.

It's Capone's hand. He rips the cap off and brings it to his mouth. Swallows and turns to Frank and they eye each other, signaling delight, as they take another drink.

CAPONE
What's it taste like?

FRANK
Whata you mean? Beer.

Capone shakes his head "no,no" and they each take a drink.

FRANK
Very good beer.

CAPONE
It tastes like money.

As if to test the idea, Frank drinks again, and Capone suddenly starts laughing. He laughs so hard, he sputters.

FRANK
What? Lemme in on it.

Capone can't stop laughing. He stomps his feet.

FRANK
Al. C'mon. What so funny?

CONTINUED:

CAPONE
PROHIBITION! They think they're
gonna stop this.

FRANK
Yeah. With a law!
(he shrugs)

CAPONE
With a fucking law!

This is the funniest thing Capone has ever said or thought.
Frank is with him, the two of them howling and drinking

EXT. LOADING DOCK -- NIGHT

WORKMEN roll wooden casks of liquor onto a waiting truck.

FOLLOW the truck pulling away and joining a long convoy of
other loaded trucks that head toward the city.

EXT. COLOSIMO'S/FOUR DEUCES NIGHTCLUB - LATER

Capone gazes up at WORKMEN removing the neon "COLOSIMO'S"
sign. He sees Ella arriving, pausing, watching on her way in.

CAPONE
I'm callin' it "The Four Dueces".
Nice huh?

She nods and walks on with Capone watching her.

INT. DRESSING ROOM, COLOSIMO'S NIGHTCLUB - LATER

Ella stares at herself. The door behind her opens. In the
mirror she sees Capone.

CAPONE
May I come in?

She shrugs. He comes in, carrying a ribbon-wrapped box.

CAPON
You like the new name I picked for
the club? You didn't say.

ELLA
Yeah. Sure.

He moves up behind her as she gazes in the mirror and he is
about to put a hand on her bare shoulder, then he doesn't.

CONTINUED:

CAPONE

You remember me, right?

She stares, thinking. She isn't sure what he means.

CAPONE

You were there. I was there. This
bum pours drinks all over you.

ELLA

Ohh. Yeah. You were pretending ...

CAPONE

Funny, huh. I was that way, now I'm
this way, and you're how you always
been. Only sad. I love sad women.
People see this face I got. I talk
like I talk. But I love jazz.
Blues. Tosca. That dress I messed
up, I bought a new one.

Reaching around her, he places the box on the dressing table.

ELLA

Oh, thanks.

She starts to open the box.

CAPONE

This club was Big Jim's but he's
dead so it's mine. You were Big
Jim's. With your looks, and that
voice, you gotta be mine. Okay?

ELLA

Okay.

CAPONE

Promise.

ELLA

Sure.

CAPONE

Try on the dress.

(he smiles)

Now.

She starts to slip out of the dress she's wearing.

CONTINUED: (2)

CAPONE

And where you're living, do you like it?

She has lowered the dress she wore, and holds the new one.

ELLA

I want to sing in New York.

CAPONE

I'm from New York. I love New York.

She starts to put on the new dress, but he stops her. She stands in her undergarments with his hand on her.

CAPONE

Sing me a bar. Sing, "Don't Sit Under the Apple Tree With Anyone Else But Me."

She stares at him, frozen. He kisses her. More. More. She gasps.

CAPONE

There you go.

He kisses her.

INT CARRIE'S HOME -- NIGHT

Carrie stares at the photo of the dead Vagrant under the caption: MOB ASSASSIN DIES BY THE GUN.

She shakes her head, NO,NO,NO.NO.NO.

INT. FORGE RESTAURANT - NIGHT

A dark oak and leather restaurant. Capone with Yale close by stands against the wall not far from a back booth where Torrio sits with Bratton, the mayor's aide.

BRATTON

The mayor dines here. He enjoys a special salad they make for him. Endive with Roquefort and bacon.

Torrio says nothing. He glances at Capone.

TORRIO

Maybe my nephew could join us.

CONTINUED:

75.

BRATTON

If you'd like. But we'll need
another place-setting when our
third party shows up.

TORRIO

They probably got one.
(calling softly)

Al.

Capone whispers to Yale, then walks over and sits. He glances
at Torrio who smiles.

TORRIO

Al's a big reason behind us gettin'
off to such a terrific start.

BRATTON

It's been impressive.

Capone produces an ENVELOPE, bulging with cash, which he
covers with a linen napkin, and slides across the table just
as Captain Shaddock walks up and stands looking down.

CAPTAIN SHADDOCK

I hope I haven't missed all the
fun.

As a waiter scurries up with the additional setting.

BRATTON

Not at all, Bill.

(to Torrio and Capone)

I think you'll find, after chatting
with Bill, that our police force
can be quite responsive.

CAPTAIN SHADDOCK

(taking a seat)

The key to survival is changing
with the times.

CAPONE

There's some think that and some
think it's knowing your friends.
You ask me, it's knowing your
enemies when you see them.

CAPTAIN SHADDOCK

Food for thought.

(picking up the menu)

(MORE)

(CONTINUED)

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CONTINUED: (2)

CAPTAIN SHADDOCK (CONT'D)

What are we having? I'm in the mood
for something rich.

Torrio nods and Capone slides another envelope of money to
Captain Shaddock.

INT. POLICE STATION - NIGHT

Malone is with Flynn and a few other Detectives. Their work
day over, Flynn splashes whiskey in their coffee cups.

The door opens and Carrie is ushered in by O'Reilly. She
holds a newspaper folded over so the front page is hidden.

O'REILLY

She was downstairs looking for you,
Detective.

MALONE

Carrie.

CARRIE

I got something to tell you, Jimmy.

MALONE

Maybe later when I'm off work.

CARRIE

My stomach's in knots. I need to
sit. I'm driving myself round the
bend, Jimmy.

He guides her to his desk.

O'REILLY

Would you like a drink of water,
Miss?

She lays the newspaper on Malone's desk, pressing it open so
the front page photo of the Vagrant is boldly displayed.

CARRIE

It wasn't him. The man I saw. The
one I told you did the murder that
night. It wasn't this man.

Malone's eyes dart to O'Reilly and back to Carrie.

CARRIE

I told you, I --

Roughly, Malone pulls her to her feet and starts toward the
door.

CONTINUED:

O'REILLY

She was there, Malone? She's a witness?

As they move, Carrie half whispers to Malone.

CARRIE

Even in my sleep I see him run by me. Those scars.

O'REILLY

What's she sayin'?

CARRIE

(to Malone)

White scars, Jimmy. Three of 'em --

MALONE

We're going, Carrie. Don't worry!

All the Detectives take notice, particularly Flynn.

O'REILLY

Miss. You should make a report. What's your name?

MALONE

I know this girl, O'Reilly. She's off in the head. She makes things up.

O'Reilly is following Malone and Carrie.

MALONE

It's a sad thing. I'll take care of her! She wasn't even there!

*

Flynn reacts: he saw Carrie that night.

Malone hauls her out the door.

While the other Detectives wonder what they just saw, O'Reilly's strides toward Captain Shaddock's office and goes in without knocking.

POV OF DETECTIVES: Through the glass partitions Captain Shaddock can be seen bolting to his feet, while O'Reilly gestures and points, talking heatedly. Captain Shaddock slams his fist down on the desk.

EXT LAKE FRONT -- DAY

A picnic site near the water, as Malone's car pulls to a halt.

INT. MALONE'S CAR -- SAME

Malone and Carrie sit there in silence for a beat

CARRIE

I don't understand. You're acting so strange. I told you everything that night.

MALONE

You said you saw the killer. I went out. This guy's in the alley. So I think it's him.

She watches him closely, waiting for more.

MALONE

Never before in your life, Carrie, did you see the likes of what you saw that night. People get all mixed up with the screaming, the fear, and --

CARRIE

No. He was dark. A dark man. Italian. Or Greek. And these scars.

Her fingers trace shapes of the scars on her own pale skin.

Malone watches. He knows. It's Capone.

INT. ELLA'S APPARTMENT -- NIGHT.

Capone and Ella are in bed, in the tangled sheets of post coital disarray. Capone sits up, looking unhappy.

CAPONE

Why do I feel you are elsewhere?
Gimme a hint.

ELLA

You said you'd get me a radio spot.

As he gapes at her in disbelief, the phone starts to ring.

CONTINUED:

CAPONE

I'm here with you. I find time to
be with you and you're thinking
about some goddamn radio spot?

(beat)

Grab the goddamn phone!

ELLA

(picking up the phone)

Hello.

(handing it to him)

CAPONE

(into the phone)

Now what? Slow down. That can't be
on the up and up. Because I say so.
You better handle it. Do your duty.
You're the cop.

He hangs up and begins throwing on his clothes.

CAPONE

You're right. You deserve radio.
I'll see to it. But I'm under the
gun right now. But I'll see to it.

ELLA

When?

CAPONE

When? That's all you care? Does
nobody see the size of the fucking
boulder I'm carrying?

He goes.

EXT. BRENDAN'S GARAGE - LATER

Brendan stands by the OPEN BAY DOOR of his gas station/repair
shop closed for the night. Malone's cars drive in. Brendan
slams the door down and turns to Malone exiting the car.

BRENDAN

That phone call scared the begezzus
out of me, Jimmy.

MALONE

Do you have a place or know of a
place Carrie can stay and no one
will know? You can't tell anyone.
Not Meg. Not your priest.

CONTINUED:

BRENDAN

What in god's name for? Carrie?

She sits in the car, looking desolate, remaining silent.

BRENDAN

I want an explanation.

MALONE

She's in danger.

As Brendan, startled, looks to Carrie and back to Malone.

MALONE

Can you help us? I think there are people who want to kill her. Because of something she saw the night Colosimo was murdered.

BRENDAN

Shouldn't you go to the police, Jimmy. You are the police. Talk to your superiors about --

MALONE

I think my superior is one of them.

BRENDAN

That would kill her? What in god's name did she see?

MALONE

Brendan! You're in over your head! This is crooked cops and wop gangsters. The gutter, where I've been living. What I need from you is a --

BRENDAN

But I think there has to be --

MALONE

No! Don't. Don't think! I've been dealing with these slime balls long enough to make Detective. I know the lies. I know it's all about money. I'm one of them. Let me do this. I swear, I'll find a way. I can handle it.

Brendan studies his brother, then nods.

BRENDAN

There's the storage room. It's locked all the time. I have the only key.

INT. BACKROOM - LATER

Carrie stands uncertainly near a wall. Malone brusquely clears newspapers and debris off the cot.

CARRIE

It made me so happy whenever Mr. Colosimo would arrive. The great music made him so joyous.

MALONE

Well, he was a very bad man. And the ones who killed him are worse. I should have known things weren't on the up and up in the alley that night. I did know -- I mean, I didn't really believe, but I just sold myself a bill of goods.

CARRIE

What really happened?

MALONE

A cop shot a derelict and stuck a gun in his hands.

CARRIE

But this is America.

MALONE

No. It's Chicago.

He starts for the door.

CARRIE

Jimmy.

(taking out a rosary)

You may have no use for my Hail Marys, but I surely do.

MALONE

Count me in.

He goes.

EXT. STREET -- NIGHT

Shadowy figures. One pressed into the bricks of a building: is it Flynn? Another is draped in the bands of light and dark throw down by tree limbs blocking a street lamp. O'Reilly.

At the curb several cars wait.

Malone parks at the curb and climbs out warily.

CAPTAIN SHADDOCK (O.S.)

Malone!

Malone sees Captain Shaddock emerging from one of the cars.

He spots O'Reilly and then the other figure.

CAPTAIN SHADDOCK

We're findin' it peculiar, you
running off with a witness after
she claims earth-shakin'
information?

Malone walks toward where Captain Shaddock waits.

MALONE

I thought I made it clear. The poor
girl's off in the head.

CAPTAIN SHADDOCK

That's right. She wasn't even at
the opera, you says.

MALONE

No.

CAPTAIN SHADDOCK

So there's the big mystery. Why are
you lying? Because she works there.
And Flynn saw her.

Malone looks to Flynn stepping from the shadows.

CAPTAIN SHADDOCK

We need to see her, too. If there's
a grain of truth to it, the poor
girl needs our protection.

Malone says nothing.

The back window of the car rolls down revealing Bratton.

CONTINUED:

BRATTON

Have we misread you, Detective? So some hoodlum boss is dead. Colosimo, Torrio, Capone. If I had my way they'd all shoot each other on a regular basis. It'd be seasonal. Like rabbits. When they're around too long they get this exaggerated sense of importance. I hope you don't think we should let them run things unattended. They need careful, thoughtful adult monitoring. I'm talking about money now. The way it gets things done. You understand about money.

MALONE

I might be able to find her.

BRATTON

So it's money that moves you.

Malone chooses his words carefully.

MALONE

And you are talking about money.

BRATTON

Oh, yes, I am. You might say I am money ... talking.

MALONE

Then why wouldn't I help?

CAPTAIN SHADDOCK

Good boy. So where is she?

MALONE

I'll bring her in.

He turns and starts for the stairs to his apartment.

CAPTAIN SHADDOCK

The fuse is lit, Malone, and it's burnin' straight to your door, or your bed, or your car.

Malone goes in, shutting his front door.

INT. STORAGE ROOM -- SAME CARRIE'S HOME -- NIGHT.

Carrie, her fingers working a rosary, startles as the door opens. Brendan with food comes in.

BRENDAN

Sorry. It locks only from the outside.

(unloading the food)

I know you like apples. And here's a roast beef sandwich. And water.

CARRIE

I'm not hungry.

BRENDAN

You will be. Jimmy called. He can't come by. He thinks they might follow him.

CARRIE

Am I to stay here forever?

BRENDAN

He's got an idea, but couldn't say what.

(offering St Jude medal)

I brought you this. If you'll wear it.

CARRIE

St Jude.

BRENDAN

Patron saint of lost causes.

CARRIE

Is that what I am?

BRENDAN

No more than this whole damn city.

INT. BROTHEL - LATER

Capone bids goodbye to the Madam, and heads for the door.

EXT. BROTHEL - LATER

Waiting in front are Capone's driver and Yale talking to another Burly Associate, as Capone exits the building.

Stepping out of the darkness comes Malone.

CONTINUED:

Capone and his men REACT. Hands go toward guns. The men step in front of Capone.

But Malone has his jacket off, which he drops. He has pulled out his shirt tails. He tosses his shoulder holster onto the ground, and KICKS it out in front of him.

Capone's Men stay alert, checking with Capone.

Malone and Capone approach one another.

MALONE

I want to talk. Can we talk?

CAPONE

You're eyes are big as silver dollars.

MALONE

Alone. Can we talk alone?

CAPONE

Sure. Tuck your shirt in.

INT. CHINATOWN CHOP SUEY JOINT - LATER

The restaurant, done in red and gold lacquer, is nearly deserted at this late hour. Duck carcasses hang from the ceiling. The few CLIENTELE and STAFF in the place are Asian.

A CHINESE WAITER, stands over the table where Malone and Capone sit.

CAPONE

Bring us a bottle.

(to Malone)

You want a drink?

Malone nods, as the waiter hurries off.

CAPONE

It's smart you come looking for me.
I was getting ready to hunt you
down. Your name is mixed up in
certain rumors.

MALONE

There is a witness.

CONTINUED:

CAPONE

See. That's good. I don't know, I'm wondering, I have to guess. But you say it like you know where she is.

The waiter sets liquor and glasses on the table.

MALONE

Let's talk about baseball.

CAPONE

Baseball. Sure. Why not?

The waiter bows and departs.

MALONE

When the witness came into the squad room, I shut her up and got her out of there before anybody could take a statement. I thought that's what you'd want.

(beat)

It's not the first favor I did you.

CAPONE

Refresh my memory.

MALONE

The ball game. I could have hauled you in.

CAPONE

I appreciate my kid didn't have to see his pop in cuffs.

MALONE

It was for your kid, sure, but it was also for you and me. I wanted you to understand I know the value of doing a favor.

CAPONE

So you figure I owe you.

MALONE

A witness is only a problem if they talk. Which I have so far stopped. I can also see to it that she goes away.

CAPONE

Where?

MALONE

She would be very far away.
Eventually Ireland. And she'd never
come back. Never come near Illinois
again. And never speak of these
things no matter where she's in.

CAPONE

Lemme ask you something. What do
you care what happens to her?

MALONE

There's more. You don't think you
can trust Captain Shaddock?

CAPONE

No. Of course not. Or Bratton. Or
the Mayor or any of these upper
class shitheads.

MALONE

Bratton thinks guys like you should
be shot on a regular basis. Like
squirrels. It should be seasonal.

CAPONE

How do you know what he thinks?

MALONE

He said it.

CAPONE

He said that?

MALONE

I'll be your man inside the cops.
That's the other thing I'm
offering.

CAPONE

Why would he say such a thing?

MALONE

Some people don't understand.

Capone considers, then takes out a wad of money.

CAPONE

And some people do. How much you
want?

CONTINUED: (3)

MALONE

I leave it to you.

CAPONE

(counting the money)

Lemme warn you, Malone. Don't ever start wearing silk underwear. I started, and now I can't live without 'em. I grew up with rats in my bed, I named them like they were pets. Now I must have silk underwear. I have to have it.

(sliding the money over)

Make sure that's enough. I want to feel no doubt you'll keep your word.

MALONE

I will.

Capone stands up.

CAPONE

You bring me information and I'll pay you. Forget about favors. And if I'm ever not satisfied with how you handle your end, you'll wish we never sat here tonight. You understand?

Malone nods.

CAPONE

Okay.

Capone turns and leaves.

INT. BUS TERMINAL - LATER

Malone, holds Carrie by the arm, crosses a huge, vault-ceiling terminal.

CARRIE

Will I ever get to come back?

MALONE

Let's get you away before we start fretting about that.

CARRIE

I'd hate never seein' Brendan or
Meg again. Or those little boys.
You visit 'em for me, all right?

MALONE

All right.

CARRIE

Go by and say it's for me.

MALONE

I haven't been by much since

CARRIE

Oh, the night of our squabble. What
a sorry fuss. But I'll tell you
what I think. Yellin' that way's a
sign of love. Or caring, at least.
Something good.

She steps up to buy the ticket. Malone, off to the side,
takes out his flask and takes a sip. She smiles, seeing him.

EXT. BUS TERMINAL - LATER

Perhaps TEN BUSES, in separate lanes, are in process of being
loaded by PORTERS, and boarded by scores of PASSENGERS.

Malone guides Carrie towards the Denver-Oakland bound bus,
where a PORTER is stowing passenger baggage.

She hands her bag to the PORTER and then turns to Malone,
offering him the Saint Jude Medal.

CARRIE

You take this now. Brendan gave it
to me and it kept me safe till
we're standin' here.

He takes the medal and studies it.

MALONE

So it's St. Jude for me, is it.

She moves to him, embracing him, and he folds his arms around
her and she squeezes hard.

CARRIE

You're not lost, Jimmy. You're just
stuck here, while I'm goin' off.
You'll be needing it more.

(CONTINUED)

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CONTINUED:

BUS DRIVER
Denver-Oakland bound. All aboard.

They part and she moves to the door of the bus. He sips from the flask.

I was wondering, does a headache
always follow the drink?

*

MALONE
More often than not.

CARRIE
So the penance comes right along
with the sin.

She boards and the door closes. The bus starts to move.

INT. BUS - SAME

Carrie watches Malone watching her as the bus pulls away. She offers a final wave. Then the bus is gone, around the corner and leaving the city.

EXT. BUS TERMINAL - SAME

Malone, in a moment of calm, walks away from the buses.

He passes by a news kiosk, manned by a VENDOR, who is reading the racing form.

MALONE
Tribune

The Vendor grabs a paper without looking from the racing form, even as Malone hands him coins.

MALONE
You got somebody you like today?

VENDOR
Tips to the shiftless ain't my line
of work.

MALONE
(waving twenty dollars)
How do you feel about a bribes?

VENDOR
Charley Boy. A gelding in the fifth
at Santa Anita.
(taking the money)
(MORE)

CONTINUED:

VENDOR (CONT'D)

And the nearest phones, there's a
bank of em just inside.

Malone smiles and hurries to the terminal building.

INT. BUS TERMINAL -- SAME

Entering he sees a row of eight phone booths against a wall. Two people wait, suggesting all the booths are full. Then a booth opens and one of the waiting people enters.

Another booth opens almost immediately and the second person goes in.

Malone decides to check the booths, and he peers into one and sees a man in a suit. Moving along, he passes a young woman, and then he looks in on O'REILLY, but the booth is dim and the adjacent booth opens, the occupant exiting and Malone, eager to enter, takes a step and then FREEZES. HE WHIRLS, STARES INTO THE BOOTH AT O'REILLY WHO STARES OUT.

INT. BUS - SAME

Carrie, now caught up in her journey, looks out the window.

EXT. BUS TERMINAL -- SAME

Malone races out the door toward the parking lot and his car.

EXT. FARMLAND - SAME

Cornfields, flat as a table, stretch on endlessly.

The fields are bisected by a two-lane country road, on which the bus appears growing larger, grinding on.

EXT. STREET IN THE CITY - SAME

Malone's car careens around a corner.

INT. BUS - SAME

Carrie glances around, then opens a magazine. But after only seconds of reading, she leans back, closing her eyes.

INT. STREET NEAR THE EDGE OF THE CITY - SAME

With open road, he guns the engine, speeds around a truck.

EXT. FARMLAND - SAME

The bus travels down the road towards crossroads up ahead where a small, dilapidated Filling Station stands.

CONTINUED:

The bus starts pulling over.

INT. BUS - SAME

The Bus Driver slows the bus.

BUS DRIVER

Folks, I'm gonna need to add water
to the radiator. I suggest you use
the washroom if you need to, it'll
be a long time till our next stop.

EXT. COUNTRY ROAD - SAME

Malone has left the city and drives fast down a country road.

He passes a Railroad Crossing sign, and accelerates.

As he reaches the crossing, the barrier is DOWN, and a long,
endless FREIGHT TRAIN rumbles by, blocking his path.

Malone bangs the steering wheel in frustration.

EXT. FILLING STATION - SAME

As Passengers move toward the bathroom, Carrie bends down and
pets a scrappy looking kitten that is wrestling around with a
picked-clean corn cob.

Carrie stands and joins the end of a line of a half-dozen
Passengers waiting to use the bathroom.

An ATTENDANT helps the Bus Driver with a water can as they
top off the radiator.

EXT. COUNTRY ROAD - SAME

With tail end of the train finally approaching, Malone
drives off the road onto the prairie grass, fishtailing
around the crossing barriers, and right past the caboose.

INT. FILLING STATION RESTROOM - SAME

Carrie is washing her hands when she hears the sound of the
BUS DEPARTING.

She cries out, and runs from the bathroom.

EXT. FILLING STATION - SAME

She watches in disbelief as the bus speeds away.

CONTINUED:

Wind sweeps across the desolate plain.

She turns to look for a phone or somebody to help her.

CARRIE
Is anybody here?

She moves toward the Filling Station repair bay.

CARRIE
Sir?

ANGLE ON: Through a dirty window she sees the ATTENDANT'S BODY bent over inside the hood of a truck. Perhaps he'd been working on it, but now he's clearly DEAD.

Startled, she stumbles back a step.

She turns, and SEES CAPONE.

She gasps, and RUNS for the corn field, dropping her HANDBAG on the road.

EXT. CORN FIELD - SAME

She flees into the choking stalks towering over her.

Capone methodically starts in after her.

EXT. FILLING STATION - LATER

Malone, who is gunning it, slams the brakes as he sees an object in the road.

He gets out of his car and sees the HANDBAG.

He glances toward the derelict Filling Station, then looks toward the Corn Field, and the TRAMPLED CORN STALK PATH.

EXT. CORN FIELD - SAME

Gun drawn, Malone makes his way down the trampled path, and comes upon Carrie's BODY.

She has been EVISCERATED. Her blood drips off nearby corn stalks and soaks into the ground.

INT. FIORAVANTI HABERDASHERY - DAY

Capone stands up on a block looking at himself in a three-way mirror as the tailor, RENO, fits him for a custom suit.

CONTINUED:

Capone turns and favors himself in the mirror, liking the fit while Reno makes a line with chalk.

ASSISTANTS and SHOP GIRLS holding bolts of fine fabric hover around Capone like bees, awaiting his approval. He chooses some, dismisses others.

CAPONE

I'd like one in charcoal, and one in navy.

The Main Assistant nods and Capone steps down from the platform, crosses the store.

PAN down a row of hats -- fedoras, bowlers, a homburg.

Capone's hand pulls the homburg off the shelf, puts it on his head. He looks at himself in a mirror. A small grin comes to his face, the scars crinkling along his jaw. It's the distinctive Capone look, the one in all the photographs.

Capone takes off the hat, hands it to a Shop Girl.

CAPONE

In colors matching all the suits.

The curtain to the dressing room OPENS. Out steps Sonny in a suit EXACTLY like Capone's, except the pants are KNICKERS.

Capone smiles and crosses to his son, puts his hands on the boy's shoulders, squaring them. He turns around beaming.

CAPONE

Make sure Sonny gets a hat too.

Reno nods.

INT. COUNT ROOM - NIGHT

The windows are blacked in a large room empty save for a dozen desks, manned by ACCOUNTANT-TYPES, who hand count, band, notate, and bag HUGE STACKS OF CASH.

More Accountants load canvas duffle bags with cash and padlock them shut. Such bags line the walls.

Capone leads Sonny by the hand down the aisle between the desks, an approving look on his face. They both wear their suits and carry their hats in their free hand.

INT. FOUR DEUCES - SAME

The club packs a healthy CROWD. Capone has made some changes to the decor -- namely he's added slot machines and craps and roulette tables.

MALONE IS HUNCHED OVER AT THE BAR, having a drink, but clearly, ON ALERT.

As the front door opens, a bustle of activity suggests the ARRIVAL OF SOMEONE IMPORTANT, Malone, rises, looking.

But THE NEW ARRIVAL is AN ELDERLY MAN IN A TUX with A SHOW GIRL on each arm.

As the DOORMAN glad-hands and celebrates the ELDERLY MAN, Malone sits only to have ANOTHER FLURRY OF ACTIVITY at the rear of club attract him.

CAPONE with two BODYGUARDS is crossing from a back room toward a table set for two in a VIP-type section.

Malone rises. He starts toward Capone who has paused and stands talking to Yale.

AT THE VELVET ROPE cordoning off the VIP SECTION, a BODYGUARD moves to intercept Malone.

Without a word, Malone guts him with a punch and moves on.

Capone whirls and sees Malone cutting past GAMBLERS and DRINKERS.

OTHER BODYGUARDS have reacted at Malone's assault of the Bodyguard and they are closing fast on Malone. One is first to arrive.

BODYGUARD

Hey, Asshole!

Malone HEAD BUTTS the Bodyguard, and then reaches for his gun. But the OTHER BODYGUARDS are on him, taking him to the ground and he is swallowed by a wall of Bodyguards.

MALONE

CAPONE! CAPONE, YOU --

CAPONE

(to Yale)

Get him outa here!

CONTINUED:

Just then Ella exits the Ladies Room and sees the melee but had no idea what's going on.

Capone and Yale stride right past her.

Yale rushes up to scramble where the Bodyguard Malone head-butted starting to deliver PAYBACK.

YALE

Not here. Outside.

Capone's men drag Malone, struggling, toward the back.

MALONE

You sonofabitch, I --

CAPONE

Shut him up!

He looks around at the crowd of customers gaping.

CAPONE

People don't want to see this.

EXT. ALLEY - SAME

Malone is dumped to the pavement. The Bodyguards rain kicks down on his body and head.

ANGLE ON: Capone, Yale, Joe Batters, Fischetti, have followed and witness the beating through the open doorway. Ella has trailed along with them too.

The Bodyguards pause. Malone drags himself to his feet, LUNGES toward Capone, speaking through bloody teeth.

MALONE

You butchered her!

CAPONE

Who? Who you talking about? Who's he talking about?

(to his men)

Does anybody know? We don't know.

The Bodyguards BEAT HIM DOWN to the ground with their fists.

CAPONE

Hold up, hold up!

The Bodyguards clear, panting as they stand around Malone as Capone crouches down.

CONTINUED:

CAPONE

Why do you do this? I like you, but you gotta be stupid. You're so stupid you think I'm stupid.

MALONE

You gimme your word.

CAPONE

You come in trying to talk deal to me. You think you can dictate terms, you arrogant prick. You tell me I owe you. Look how things end up. Because you act like a child.

Capone rises and starts toward the door.

Behind him, Malone rolls to his knees.

YALE

He's gettin' up.

Capone gestures to his men in a way that says, "What are you waiting for?"

As they pounce on Malone, Capone sees that Malone is looking past him to Ella. Capone moves to her, and with his hand on her back, he steers her to the door,

CAPONE

You shouldn't see this. Go inside.

YALE

He's gettin' up again, Al.

Capone closes the door and turns back to find Malone struggling to rise.

BIG EDDIE

What's this, the third time?

Capone shakes his head sadly, as the bodyguards beat Malone to the ground, and Capone approaches.

CAPONE

Why do you make me do this? This is not what anybody wants! What's wrong with you? There's something wrong with you. I'm sick of it, do you understand?

CONTINUED: (2)

MALONE

You made me a promise.

CAPONE

No! I led you down the garden path.
So here you are in the garden.

Capone walks to the door and goes in.

Behind him, more blows assail Malone, who goes down again.

INT. FOUR DEUCES -- SAME

Ella stares at the door as Capone comes in, and takes her by the arm, moving her toward the table, where they sit.

EXT. ALLEY - SAME

The Bodyguards are finished and they head back inside.
Malone lays there, unconscious.

INT. STATION HOUSE - DAY

Malone, badly lumped up and bruised, walks through the station like a man going to his execution.

INT. SQUAD ROOM+ - DAY

Malone enters. He staggers to his desk, where he flops down. He sits, there, then starts searching a drawer.

Captain Shaddock walks over, looks down.

CAPTAIN SHADDOCK

You're on suspension.

Malone knows it won't do any good to speak. So he doesn't.

CAPTAIN SHADDOCK

You got her killed. Couldn't do the simple thing we asked. Couldn't put her under my protection.

Malone stares out of a seething mix of disbelief and outrage. Slowly, icily, he places his gun on the desk. He takes out his gold badge, puts it on the desk.

He walks out.

INT. STATION HOUSE - SAME

As Malone hobbles through the station, cops and municipal workers clear a path and turn away.

INT. MALONE'S PLACE - DAY

Malone sits in the light, staring out the window.

INT. MALONE'S PLACE - NIGHT

He sits in the dark, staring out the window.

INT. CAFE - DAY

A bustling place full of DINERS getting their breakfasts.

Malone, his bruises healing somewhat, sits with Brendan, uneasily, silently, sipping coffee for a while.

MALONE

How are the boys?

BRENDAN

Ahh, they're children. What do they know of the world? What do any of us know?

MALONE

I thought I did.

BRENDAN

Maybe you should get out of Chicago.

MALONE

And go where?

BRENDAN

What do you think you'll do?

Malone turns, looks out the window.

BRENDAN

Jimmy, you got to have some kind of plan, don't you think?

Malone shrugs, then turns his gaze back out the window

EXT. CRAGIN DISTILLERY - NIGHT

A huge GUARD, wearing a tweed cap, a sawed-off shotgun in his hands, stands his post in front of the IRISH DISTILLERY.

He paces back and forth, and when he turns, a two by four cracks over his head and he drops.

INT. CRAGIN DISTILLERY - SAME

WORKERS move around amidst steam-belching steel evaporators and other distilling equipment. A full-scale operation is underway. IRISH ACCENTS ARE HEARD.

ANGLE ON: AN ITALIAN GANGSTER who is shot only OVER THE SHOULDER. Dressed in black overcoat and hat, he carries a gas can a shotgun and pistol.

Another man, a FOREMAN type, steps out from behind a column.

The Italian Gangster RACKS the Foreman across the face with his revolver. The Foreman falls to the ground.

MALONE

(imitating Capone)

You go tell your bosses Al-a Capone
and John Torrio want Cicero.

CAMERA MOVES around the Gangster. IT IS MALONE, IN DISGUISE. He fires his shotgun once in the air.

The workers stop and look to him.

MALONE

Get outa here, you Micka bastards
unless you wanna burn in hell now!

The Workers SCRAMBLE for the exits, while the FOREMAN crawls towards the door.

Malone moves to the center of the machinery. He stuffs a rag into the gasoline can and flicks his flint lighter.

EXT. CRAGIN DISTILLERY - SAME

Workers flee. The Foreman, head bloodied, crawls out.

Malone come SPRINTING out, dives to the ground just as a loud RUMBLE emits from the factory. The place is highly flammable and chain of EXPLOSIONS erupt, blowing out the windows.

EXT. CRAGIN DISTILLERY - LATER

FIREMEN lean against their pumper truck, nothing left to do but watch dwindling fire consume what's left of the distillery.

Moran wears a look of dismay before the ebbing fire. Charlie the Ox, Dapper Dan, and Frank Gusenberg are with him.

Moran turns and glares at the BLOODY FOREMAN approaching with the assistance of Nails Morton and another man.

MORAN

Don't you try and tell me it was
one man brought this ruin!

The Foreman sees quickly he better pad his story.

FOREMAN

No, no. It was an army of the
savages swarming the place, George

INT. MORAN'S PLACE -- NIGHT

With a bottle of whiskey he faces his men, all holding glasses. As he talks, he pours.

MORAN

They're a dismal fucking nightmare
these Guineas. Get word I want to
meet. Tell 'em Friday. Pick a
neutral spot. By Thursday they'll
be dead.

He's finished pouring. And they all drink.

INT. TORRIO HOUSE - NIGHT

John Torrio, wearing an overcoat and hat, stands talking on the phone, an unlit cigar in his hand..

TORRIO

Yeah, yeah. Day after tomorrow. The
dog track again. Good. Yeah.

He hangs up, and lights the cigar, takes a satisfying draw off it, and opens the front door to head outside.

EXT. TORRIO HOUSE - SAME

Torrio's car idles at the curb, his DRIVER behind the wheel. Torrio slides into the back seat.

CONTINUED:

TORRIO

Let's go.

The Driver doesn't move.

TORRIO

Hey, Bill, let's --

The Driver still doesn't move. Torrio reaches out, pushes on the Driver's shoulder causing the man's HEAD to ROLL OFF. It LANDS on the front seat.

Torrio jumps back, reaches for the door and clambers out.

Before he even takes a step, he is SHOT, repeatedly, in the chest, and blown back into the car.

INT. HENKELMAN'S - SAME

Other DINERS cast furtive glances at Capone and his phalanx of BODYGUARDS, including BIG MIKE, Frank Capone, Joe Batters and Fischetti, all having dinner.

A WAITER delivers their food and the men dig in, except for Fischetti who glares at his take.

FISCHETTI

Get this burnt piece of crap outta here.

WAITER

I'm sorry, sir, you asked for well-done.

Fischetti's voice gets loud.

FISCHETTI

Bullshit. I want a new one.

CAPONE

Hey. What the hell's wrong with you talking that way?

FISCHETTI

They burned my steak, Al.

CAPONE

Everybody's looking.

FISCHETTI

Who the hell cares?

CONTINUED:

CAPONE

He'll eat it the way it is.

Fischetti starts to object.

CAPONE

You asked well-done, you got well-done.

EXT. HENKELMAN'S RESTAURANT - SAME

Capone can be seen rising to address the room, when headlights wipe the front window of the restaurant.

A line of black cars slows as the lead vehicle passes by.

ANGLE ON: The car windows. GUN MUZZLES poke out.

INT. HENKELMAN'S RESTAURANT - SAME

All eyes on him, he smiles

CAPONE

Go back to eating. The fuss is over. And...everybody's dinner is on me.

The room reacts, breaking into applause. The Waiter smiles and nods, clapping too.

Capone basks in it, until the plate glass window is BLOWN OUT by gun fire. Diners scream.

The Waiter is HIT in the back by a fusillade, and pitches forward across the table.

The nearest bodyguard, Big Mike, tackles Capone to the floor.

The restaurant is chewed up by bullets.

ANGLE ON: Capone on the floor struggles against the weight of his bodyguard. He rolls Big Mike off of him, and only then sees that Big Mike is dead.

Capone climbs to his feet, drawing a hand gun.

Gun shots still tear the place apart, as the convoy outside continues to roll and fire.

Oblivious to the carnage around him, Capone walks toward where the window used to be, returning FIRE.

CONTINUED:

Joe Batters and one of the other Bodyguards scurry after him.

But Capone shows no sign of hearing. He steps through the shot-out window, his face twisted in rage at the affront of being shot at.

EXT. HENKELMAN'S RESTAURANT - SAME

The last two cars pass by. GUNMEN stand on the running boards wildly firing machine guns at him.

Capone FIRES and hits the last Gunman in the stomach. The Gunman FALLS off the car, which screeches away.

Capone picks up the Thompson machine gun from the fallen man and blasts away after the retreating car. fallen man.

When he hears footsteps in the broken glass behind him, it's Joe Batters and Fischetti, just making it outside.

JOE BATTERS

I thought you was plugged for sure.

CAPONE

These micks are a joke, they can't even hit a thing as big as me.

FISCHETTI

I think the bullets bounced off you.

Just then Capone notice blood running down his neck, the wound from flying glass or debris.

INT. MERCY HOSPITAL HALLWAY - NIGHT

Capone, flanked by Fischetti, Joe Batters, Frank, and a group of new BODYGUARDS, led by Yale, move down the corridor. Batters carries the Thompson at his side.

DOCTORS and NURSES see them, and shrink back out of the way. Capone stops at a Nurses' Station.

CAPONE

John Torrio?

The NURSE points. Capone moves toward the room she's singled out. Capone directs his men to various points along the hallway, where they stand guard.

A DOCTOR is exiting. Capone cuts him off.

CONTINUED:

CAPONE
What's the verdict?

DOCTOR
(eyeing the blood)
Are you injured, sir.

CAPONE
What's the verdict on my uncle?

DOCTOR
He made it through surgery. That's
all I can say.

Capone turns to his men.

CAPONE
Some a you go to my house. Make
sure Sonny and Mae are good. Nobody
gets near them.

Several men nod and go.

INT. TORRIO'S ROOM - SAME

Capone enters to find Torrio bandaged all over, and hooked up
to I.V. bottles.

Capone touches the I.V. and tubing lightly, shakes his head.
He stands looking down at Torrio who lies very still.

INT. TORRIO'S ROOM - DAY

Sun comes through the curtains.

Capone lays awake on a cot next to Torrio's bed. His beard
stubble reveals he's been there for many days.

TORRIO
Who's there? Who's there?

CAPONE
It's me, John.

TORRIO
What day is it?

CAPONE
Everything's okay.

Capone rises and moves to the bed.

CONTINUED:

TORRIO

No, no, when's St. Valentine's day?

CAPONE

Don't get all worked up.

TORRIO

I'm supposed to be there.

CAPONE

Okay. Where?

TORRIO

You know. That wing of the hospital where they were all so wonderful to my Mother in her last days. It's the dedication in Miami. I gotta go, okay.

CAPONE

Okay.

TORRIO

I give them all this money. To build this beautiful wing for the poor and the old. So that they're not neglected and it's going to be The Anna Maria Torrio Wing. I gotta be there. The day after Saint Valentines.

CAPONE

Okay. Sure.

TORRIO

You go if I can't.

CAPONE

Okay.

TORRIO

Promise.

CAPONE

I promise sure.

TORRIO

What? What'd you say?

CAPONE

I said I promised.

CONTINUED: (2)

TORRIO

I can't hear you! Who are you?
Where are you? What's goin' on?

Torrio's eyes are wild but growing distant. Capone grabs Torrio's hand, squeezes.

INT. MERCY HOSPITAL HALLWAY - LATER

Drained, Capone, steps out.

Fischetti and Joe Batters man the hallway. Fischetti's looks to Capone, raises a hand in ROMAN SALUTE.

FISCHETTI

Hey, boss. 'Hail, Caesar,' huh?

Capone moves slowly to Fischetti.

CAPONE

What did you say?

FISCHETTI

What?

CAPONE

Caesar was knifed by his own men in the back. In the front and the side until he fell. And they kept at it like dogs. Is that who you are?

FISCHETTI

No.

CAPONE

I cried in that room. You gonna cry for me? My Uncle's dead.

FISCHETTI

I didn't know. I'm sorry.

OTHERS

We're sorry, Boss.
Sorry. Sorry.

CAPONE

When's Saint Valentine's day?

FISCHETTI

What? I don't know. Why?

CONTINUED:

CAPONE
Because I'm asking.

FISCHETTI
I'll find out.

Capone walks out. After a quick exchange of looks, Fischetti and the others hurry after him.

EXT. NEW CAPONE HOUSE - LATER

Capone's car, as well as his lead and follow cars, pull up in front of an impressive house, manned by BODYGUARDS.

Capone gets out and walks toward the front door, Joe Batters and Anselmi follow.

INT. NEW CAPONE HOUSE -- SAME

Capone enters a large completely unfurnished house in which twenty or thirty Square Shouldered GUNMEN wait. He starts talking the minute he's with them.

CAPONE
People don't want civilization.
Nobody. They say they do, but what
do they do more than anything? More
than gambling, more than booze and
broad? What do people do? They
lie. To themselves.

By now the men and Capone have shifted into a formation in which he address them from a slight elevation on a stairway.

CAPONE
Somebody puts a torch to their
building, the fact that it wasn't
us of no interest to them. Unless
the cocksuckers did it themselves
to justify the bloodshed they have
to have. They can't live without
it. There's some who say revenge is
sweet. I never found that to be
true. On the other hand, maybe this
time.

The Men are all listening intently, especially two granite-faced men, ANSELM and SCALISE.

EXT. KERRY DANCE HALL - LATER

A pair of Moran MEN, one is Charlie the Ox, with his handlebar mustache, exit.

As they move towards their car, they are CUT DOWN by Anselmi and Scalise.

INT. MOLONEY FUNERAL HOME, MORTUARY - LATER

CLOSE ON: Yellow fluid flows down a clear tube into the body of Charlie The Ox turned putty-colored and mashed by bullets as the calm UNDERTAKER tends to his work.

Moran stands looking down at the corpse of his friend.

EXT. ELLA'S APARTMENT BUILDING - SAME

Capone's armored limousine and trail cars pull up. Capone steps out and heads inside.

INT. ELLA'S APARTMENT - SAME

There's a knock on the door. She answers and is surprised to see Capone there.

CAPONE

Listen. I won't be here on Valentine's Day like I promised. This has to do with a different promise. I have to go to Miami.

Having shut the door, he reaches and takes hold of her robe.

CAPONE

I know it's disappointing, but the surprise is, you'll be going, too. We'll be taking the afternoon train.

CLOSE ON: His hands flexing on the cloth of her robe.

CAPONE

My guys will come by around one. The train is two twenty. My family'll be traveling in my coach.

He pushes her back onto the bed.

CONTINUED:

CAPONE

But you'll have your own car. First class. Okay? I'll visit. We'll have fun.

ELLA

Sure.

ON HER EYES, unfeeling, lost, as Capone over her, moving down.

INT. MALONE'S PLACE - DAY

The telephone rings and Malone answers.

INTERCUT PHONE CALL:

INT. ELLA'S APARTMENT - SAME

Ella sits on her bed, red-eyed, desolate, having a drink.

ELLA

What's up? Hey. What's up?

MALONE

Who is this?

ELLA

Huh? Don't you know?

MALONE

I'm sorry, but -- Ella? Is that --

ELLA

Yeah, yeah. It's me. Hi. I want to see you. He's going to Florida. Can I see you?

MALONE

Who?

ELLA

Al. Miami. I wanna see you, okay.

(whispering)

I gotta get away from him, that's the lowdown. I got to get away. I don't know what I'm doing, but it's disgusting. Okay.

MALONE

When is he going?

CONTINUED:

ELLA

What? I just said. Tomorrow.

MALONE

What time?

ELLA

He wants me to go with him. The Two
Twenty. But I can't. Okay. I can't.

MALONE

Come over here.

ELLA

Are you kidding? Don't kid me. Your
place?

MALONE

Write this down and then get out of
there. Pack what you need.

Ella scrambles for a pen and writes.

MALONE

Pack what you need and come to
Seven Twelve Windsor. Apartment 5J.
And make it quick.

They hang up.

INT. SONS OF ERIN SOCIAL CLUB - LATER

The door swings open on a room filled with Moran MEN.
Familiar faces include Nails Morton, Dapper Dan McCarthy, and
the Gusenbergs.

Malone walks in and very head in the room swivels toward him.

Several Men rise. Nails Morton steps up.

MALONE

I need to see George Moran. I have
something for him.

NAILS

Yeah?

MALONE

I can give him his heart's desire.

Several of the others loom in.

CONTINUED:

NAILS

And what the hell might you think that is?

MALONE

Al Capone on a silver platter.

Nails rifles Malone's clothing, comes up with the gun, which he slams down on a table.

INT. MORAN'S OFFICE - LATER

Malone sits in a chair across from Moran who is behind a large, expensive wooden desk.

Nails Morton, Dan McCarthy, the Gusenbergs, and a few others.

MORAN

Well, it's a fascinating bit of information. But I'm wondering how it come to you.

As Dan McCarthy leans in whispering to Moran.

MALONE

One of his whores. She's supposed to travel with him, but she's sick of him.

MORAN

She likes you better?

MALONE

Wouldn't anybody be a step up?

MORAN

(sticking to business)

Dan tells me you were a cop but you got suspended. Something to do with that girl cut up in that field.

MALONE

She was my friend.

MORAN

So it's us doing your dirty work you're after. With maybe an invite for you to this shindig. If it happens.

Malone nods. Moran slides a slip of paper and a pen over to

(CONTINUED)

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CONTINUED:

MORAN

You got a phone? Write down the number.

NAILS

(suddenly realizing)

Yeah, yeah. This is the guy Capone had his bombers beat the hell out of. He kept gettin' up. You're that guy.

Malone hands his phone number to Moran.

MORAN

What was that like?

MALONE

They should have killed me.

MORAN

You're one of those, are you. Well, you're in luck. Because Al Capone is everybody's dirty business. Be by your phone in the morning.

Malone turns and walks from the room, all eyes on him.

EXT MALONE'S WALKUP BUILDING -- NIGHT

The quiet street.

INT MALONE'S APARTMENT -- SAME

Malone stands at the window. Behind him, Ella paces.

ELLA

I've never been this scared in my life. I don't even know if scared is what this is.

He looks at her.

ELLA

He'll kill me. He'll find some awful way to kill me once he finds out.

MALONE

There's something in the works. It'll be the end of him.

CONTINUED:

ELLA
Nothing's ever going to end him.

MALONE
That's what he thinks.

INT CAPONE'S HOME -- NIGHT

Capone, in a robe, is on the phone, pacing. Yale watches. Without hanging up, Capone turns to Yale.

CAPO
She's not answering. Go get her.
(beat)
Now!

Yale goes. Capone, after another couple rings, hangs up, slowly.

INT MALONE'S APARTMENT -- NIGHT

Ella stands looking down at Malone lying clothed on his back in his bed, his gun on his chest. His eyes are open, as she studies him.

MALONE
Yeah?

ELLA
You're thinking about something
very, very hard, Malone.

It's true, and he nods. She sits on the edge of the bed.

ELLA
Tell me what you're thinking about.

MALONE
Oh, you know. Mistakes.

She lies down next to him on the bed.

ELLA
I didn't know you made them.

MALONE
He won't hurt you, Ella. I promise.

She rises on her elbow, looks down at him and kisses him.

ELLA
I love you, Malone.

CONTINUED:

MALONE

(smiling)

No, you don't.

ELLA

No?

(she studies him)

Maybe not.

(flopping back on the bed)

It sure feels like it.

They lay there. He fingers the gun, checks the clock.

INT. ELLA'S APARTMENT -- NIGHT

The door explodes as Yale and BIG EDDIE storm in and prowl about, surveying.

The place is a shambles. Clothes thrown about. A suitcase partially packed.

INT. CAPONE'S HOME -- NIGHT.

Capone is on the phone.

INTERCUT BETWEEN Yale in Ella's apartment and Capone at home.

CAPONE

The hairs are standing up on the back of my neck.

YALE

It's like she was packing and something happened.

CAPONE

Okay, okay. Frankie.

YALE

Yeah, Al.

CAPONE

Listen closely. I am moving everything up.

YALE

When you say 'everything,' do you mean everything?

CONTINUED:

CAPONE

You understand me. I'm taking the morning train. You think she'll come back?

YALE

Honestly, Al. This place says to me she run.

CAPONE

Leave Eddie there anyway. That way she gets every chance. She don't show, which I'm sure you're right she won't, I'll take good care of her when I get back.

MALONE'S APARTMENT -- MORNING

Malone sleeps. Ella, near the dresser and the window, has found the Saint Jude medal. She has it in her fingers, studying it. As the phone rings, she startles, yelps. Malone sits up, grabbing the phone up.

MALONE

Yeah.

He scribbles on a piece of paper.

MALONE

Got it. I'll be there.

He has slept in his clothes and he rises, tucks the gun in his belt.

MALONE

That thing I said would end Capone. It's time.

She holds out the Medal, as he grabs his jacket.

ELLA

You didn't seem the type. But maybe you should take it.

MALONE

Yeah. Maybe.

She seems to offer it and he reaches, closes his fingers on it, but she will not let go.

ELLA

Don't. Go.

CONTINUED:

MALONE

I have to. C'mon. I have to.

She releases the medal and he moves for the door, and goes.

Ella stands for a second and then she hurries to the door.

INT. HALLWAY OF MALONE'S APARTMENT BUILDING -- SAME

Ella bursts out and Malone turns.

ELLA

I can't stay here. You know he's looking. Does he know where you live?

Malone can't be sure, but it's probable that Capone knows.

ELLA

He has to. He knows everything. I know it makes everything harder, but you can't leave me here. You know you can't let him find me.

INT. MALONE'S CAR -- MORNING

Malone drives, with Ella beside him.

ELLA

I'll do what you say, I'll do what you say.

MALONE

Just sit and wait. I'll go in, I'll come out.

INT. S.M.C. CARTAGE -- MORNING

The nondescript building seems quiet in the early morning.

INT. S.M.C. CARTAGE GARAGE - SAME

Liquor trucks dressed to look like Garbage trucks line the back wall and a side wall, forming an L shape that extends toward the front door.

Amid the crated liquor stacked in piles are numerous Moran men -- Dapper Dan, Nails Morton, and others.

Frank and Pete Gusenberg are with two BAR GIRLS, one Blonde and one Auburn haired. On a table are half empty glasses and ashtrays, marking the end of a long night of drinking.

(CONTINUED)
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CONTINUED:

AUBURN BAR GIRL
I feel like we been at this half my
life, Pete. I'm goin' home, okay?

PETE
Ah, fine. I'll see you later.

She heads for the door.

BLONDE BAR GIRL
Me too, it's cold in here.

She gets up, but Pete grabs her onto his lap.

PETE
You're the one I like, anyway.

The AUBURN BAR GIRL is near the door putting on her coat, and
as she waves goodbye, there's a knock on the door.

Nails, Dapper Dan hear the knock and rise alertly.

EXT.S.M.C. CARTAGE WAREHOUSE -- SAME

Standing at the door, Malone glances up the street to where
his parked car sits.

The door opens and Nails is there. Seeing Malone, he smiles.

INT/EXT. MALONE'S CAR/STREET -- SAME

Ella watches Malone go in as the Auburn Bar Girl exits, and
heads off up the street.

Ella takes a breath and looks around at the street around
her, then back at the garage.

INT. TRAIN STATION -- SAME

Capone, holding Sonny, is surrounded by Joe Batters,
Fischetti, other BODYGUARDS. Frank is with Mae, overseeing
the transfer of the last piece of luggage onto the train.

Sonny yawns.

CAPONE
We're up before the birds, Sonny.

SONNY
Where are the birds, Dad.

CONTINUED:

CONDUCTOR

All aboard, all aboard!

Capone looks and sees Big Eddie approaching, and shaking his head, "No, no."

BIG EDDIE

She never showed.

Capone, in the midst of his entourage, boards the train.

INT. S.M.C. CARTAGE WAREHOUSE - LATER

Nails, Pete, are agitated as they face Malone.

NAILS

You're not going anywhere! Nobody leaves, until we all leave!

MALONE

Let me talk to Moran.

NAILS

Do you see him? We got a delivery of booze arriving, and then we go meet George and head to the train station. We got plenty of time. Until then, sit tight.

Malone settles on the crate where they parked him. He glances at the door as if wondering whether he could run and knowing he'd never make it.

INT. MALONE'S CAR -- SAME

Ella sits in the car, looking about nervously.

INT. S.M.C. CARTAGE WAREHOUSE - LATER

The Northsiders are laughing, playing cards, the BLONDE BAR GIRL on Pete's lap.

Malone checks his watch, glances toward the window.

INT. MALONE'S CAR -- SAME

Ella, worried, watches a STRANGE MAN walking up the street. He could be anyone but he fills her with fear as he passes.

INT. S.M.C. CARTAGE WAREHOUSE - LATER

The Blonde Bar Girl squeals and leaps up and Pete, grabs her, pretends to dance, pulling her tight.

Malone eyes Nails, who sees him and raises his glass in a toast.

INT. MALONE'S CAR -- SAME

Ella looks about ready to jump out of her skin. She has a little flask, she sips another drink. Looks at the door to the building, then left, then right and as she does...

TWO POLICE CARS pass by her and start pulling over.

INT. S.M.C. CARTAGE GARAGE - SAME

Malone rises steps toward the table of laughing men.

MALONE

When's this shipment going to arrive?

PETE

When it gets here.

EXT. S.M.C. CARTAGE GARAGE - SAME

Half a dozen UNIFORMED POLICE OFFICERS jump out of the cars. They carry Thompsons.

The Police Officers move toward the door to the warehouse.

INT. S.M.C. CARTAGE GARAGE - SAME

Malone stands near the table.

MALONE

I need to check something in my car.

NAILS

Boyo, please do like I'm askin'.

MALONE

Moran said it was up to me.

NAILS

Sit down and shut up!

CONTINUED:

A noise in the back of the building draws them but seems harmless.

EXT. S.M.C. CARTAGE GARAGE, BACK DOOR - SAME

GLOVED HANDS slide a large METAL BAR across the back door, locking it shut.

EXT.S.M.C. CARTAGE GARAGE -- SAME

Ella, her eyes fixed on the cops moving up on the building, climbs from the car.

Nearing the front door, the cops lock and load their weapons.

Ella seems almost on the verge of speaking to them. They're cops, after all. She might be about to say, "Officer."

INT. S.M.C. CARTAGE WAREHOUSE - SAME

Pete has come over to Malone who is standing.

PETE

Will you sit like your toldm
damnit? Whata you got ants in your
pants?

MALONE

Look, we're on the same side here.
I'll be back in a second.

As Malone turns to leave, Pete smacks him with a sap in the back of the head. Malone staggers. With his foot on Malone's back Pete shoves Malone so he sprawls between two trucks.

As the door opens and the Police storm in. Nails is stunned. He looks to Pete who shares his surprise. Frank and Dapper Dan gape.

Malone is about to rise when he sees the face of one of the cops and it's A CAPONE BOUNCER who beat Malone. And beside him is Yale and THEY'RE DRESSED AS COPS.

Malone skitters under the nearest truck.

The Police move on Moran's men.

POLICEMAN

Put your weapons on the ground,
Boys.

CONTINUED:

PETE
Sonofabitch.

ANGLE ON THE DOOR opening as Ella peeks in on the Northsiders, the Blonde Bar Girl, the cops with their backs to her.

POLICEMAN
GUNS DOWN, DAMNIT!

BLONDE BAR GIRL
Officer, I'm just here. Can I go?

ANGLE ON MALONE UNDER THE TRUCK as he peers out.

MALONE'S POV as he sees legs and hears..

YALE
AGAINST THE WALL, DAMNIT!

BLONDE BAR GIRL
Why?

NAILS
I've got five thousand in my breast pocket.

ANGLE ON ELLA confused, mesmerized: where is Malone?

YALE
Turn around and grab the wall.

MALONE'S POV as he sees ELLA'S FEET. HER SHOES. AND SHE'S WALKING FORWARD.

NAILS
It's my bet this is what you come for.

MALONE STARTS TO CRAWL under the truck toward her.

MALONE'S POV: of shoes and pants as Nails is shoved violently by cops toward the wall, the MONEY FALLING to the floor.

NAILS
Goddamnit, give a call to Captain Shaddock, I'm tellin'--

POLICEMAN
You shut your fancy mouth.

CONTINUED: (2)

Malone crawls frantically from under one truck to the next toward where Ella's feet are motionless, frozen.

NAILS

I WANT TO WORK THIS OUT!

YALE

Oh we're workin it out. And the captain I answer to ain't that prick Shaddock, but Alphonse Capone.

The GUNS START TO ROAR. Spent shell casings tumbling and clattering to the floor.

ANGLE ON MALONE amid screams and CATAclysmic GUN FIRE, he reaches Ella, EMERGES AND STANDS to grab her.

She turns looking startled as the THUNDEROUS gunfire ceases.

And he pulls her under the truck, as YALE and the others start laughing and firing a few more shots execution style INTO THE BODIES THAT HAVE FALLEN and lie on the floor.

AT EYE LEVEL for MALONE AND ELLA huddled under the truck. She quakes in his arms and he holds and strokes her brow as they lie there watching...

POV OF MALONE AND ELLA of the feet of the cops going toward and out the door which CLOSES THUNDEROUSLY.

AFTER SOME SECONDS, Malone slides out and reaches back for her and they stand at the edge of a sea of carnage. The Moran Crew, and the Blonde Bar Girl, all lay dead in a heap.

Ella weaves, her gaze locked on the Blonde Bar Girl, whose face is bloody.

ELLA

That's gonna be me.

MALONE

What?

ELLA

He's going to do that to me.

Malone steadies her, she looks at the Blonde Bar Girl.

MALONE

Give me your purse.

CONTINUED: (3)

He pulls it off her arm.

MALONE

Do you want to be free of him? You
can be free of him.

He moves to the Blonde Bar Girl's body. Her face has been
BLOWN OFF. She could be any woman with blonde hair.

Malone looks to Ella, who understanding her choice, NODS.

Malone picks up the Blonde's hand bag, and puts down Ella's
in its place.

He take Ella by the hand and they walk to the door with Ella
looking back as if at her own corpse and the life she is
leaving behind.

ELLA'S POV of the bodies, the mayhem.

WITH THE SOUND OF THE DOOR SLAMMING, Ella and Malone are
gone, but the fallen and the silence remains.

INT. HALLWAY OF PACIFIC HOSPITAL IN MIAMI -- DAY

Capone walks along with Mae beaming up at him, as he passes
smiling nurses, doctors, patients pushing IV stands. They all
smile at him.

He peers into a room Where an elderly woman waves to him. And
then he moves on

CAPONE ENTERS A RECEPTION AREA where smiling people in a
variety of chairs, wheel chairs await him. A banner reads:
THE ANNA MARIA TORRIO WING -- WELCOME.

Capone pauses, surveys his audience.

CAPONE

John Torrio had dreams. All he
wanted was to give back. He arrived
in this great country with nothing.
Things went his way. When his mom,
who he worshiped, retired to this
beautiful state and in the end came
here, he wanted others to share the
gifts of kindness and caring care
that she found inside these walls
and so he put up the money and
today we have the fruits of that
man's big dream and bigger by far
big heart.

(MORE)

CONTINUED:

CAPONE (CONT'D)

I'm proud to say John Torrio was my friend and now's my opportunity to say, Well done, John. Well done.

He nods, and steps aside while his audience applauds and as they do Joe Batters steps up and hands Capone a newspaper.

ANGLE ON: The headline: ST. VALENTINE'S DAY MASSACRE -- CAPONE RIVALS SLAIN.

He nods and is about to pass the paper back to Batters when his brow creases in confusion as his eyes go below the fold.

ANGLE ON: ALSO KILLED, TORCH SINGER. There is a handbill photo of Ella.

Capone stares and then looks to Batters. He returns the paper, and smiles at the people who continue to applaud.

INT. CAPTAIN SHADDOCK'S OFFICE - ANOTHER DAY

Malone stands in front of Shaddock.

CAPTAIN SHADDOCK

It's just the turning of the wheel,
Malone. The turning of the wheel.
The Commissioner's Board has ruled
you're back on the force, but broke
down to beat cop.

Shaddock tosses Malone a BADGE, which he catches.

CAPTAIN SHADDOCK

Unless that's too much sting for
your pride and you want to quit.

INT. LOCKER ROOM - LATER

Malone stands at his locker. He is surrounded by young, eager, UNIFORMED COPS. The Uniformed Cops chatter amongst themselves, still excited to be putting on the blues.

Malone slowly takes off his street clothes. He slips the St Jude's Medal around his neck. And then he begins putting on the uniform he will wear for the rest of his career.

INT. POLICE STATION HALLWAY - SAME

A SUDDEN RUCKUS IN THE HALL and CAPONE is moving down the hall, flanked by Bodyguards, LAWYERS, a sea of REPORTERS.

Detectives and Uniform Cops are pressed up against the walls in the hallway, trying to stay out of his path.

(CONTINUED)
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CONTINUED:

CAPONE

The papers splash reports of my misdeeds. Of that which I am accused of doing. But if I was guilty of these awful offenses, like that tragic thing on St. Valentine's Day, wouldn't these fine officers want me in custody?

Flash bulbs POP.

CAPONE

Now you'll see, I'm just a businessman, and you should all stop impugning my character.

Capone turns to a nearby Officer.

CAPONE

Officer. You want to arrest me for anything?

The Officer shakes his head. Capone moves on.

CAPONE

How about you?

A Young Cop shrinks back.

CAPONE

You want to remand me?

YOUNG COP

No.

Capone continues, reaching Lt. O'Riordan.

CAPONE

Or you?

Lt. O'Riordan's face grows florid.

LT. O'RIORDAN

Absolutely not, sir, and I wish you a fine day.

Lt. O'Riordan walks briskly away. As he clears, Malone is revealed dressed now in his Patrolman's Blue Uniform.

Capone steps right up to Malone.

CONTINUED: (2)

CAPONE

How 'bout you, officer? Do you want to arrest me?

MALONE

No, I don't want to arrest you. I want to see you burning in hell.

CAPONE

(smiling)

Well, that'd put you in those fires with me, wouldn't it.

He starts away, then comes back.

CAPONE

Heartbreak comes to us all.

Capone turns back to the Reporters, points toward Malone.

CAPONE

This guy -- he's the Louie Firpo of cops. No matter how many times he gets dropped, he keeps getting back up. So give him some respect.

A few photographers swing and take pictures of Malone.

CAPONE

But remember, Pal, there can only be one Dempsey!

More flashbulbs. The cameras are all back on Capone as he raises his clasped hands overhead like a champion. The Reporters roar with approval and the entourage moves off.

As Malone watches, REPORTER 2 (the one from the Opera moment with Flynn) eases up as Capone and his entourage trail away.

REPORTER 2

Chicago.

(then half-singing)

Chicago. That toddlin' town, huh?

(pause)

So you're back walking a beat.

MALONE

That I am.

Malone moves off down the hall, Reporter 2 with him.

CONTINUED: (3)

REPORTER 2

You think they'll ever clean this joint up? Or do we like it this way? There's rumors of Feds being brought in, you know.

MALONE

I'd tell 'em to look to the heavens for some angels to do the job. Or if it's men, it better be a kind that's untouchable....

(beat)

Un-fucking-touchable.

Malone keeps going as the reporter pauses.

INT. A BUS -- NIGHT

Ella sits in the bus riding down the highway. She has MALONE'S CIGAR BOX on her lap, HIS STASH OF BRIBES with the lid off, A NOTE FROM MALONE in her fingers. She closes the lid over the money. She's read the note before and now she'll read it again.

THE NOTE

It's every bribe I ever took. I didn't know I was taken 'em for you. Jimmy.

She looks out onto the peaceful landscape..

EXT. COUNTRYSIDE -- NIGHT

The bus glides through a quiet, clear moonscape of land and light.

EXT. LASALLE STREET BRIDGE - NIGHT

Officer Jimmy Malone, just another cop in blue, spins his nightstick as he walks his beat.

FADE OUT.