

"The Untouchables: Capone Rising"

By

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Paramount Pictures
A Linson Films Production

FADE IN:

EXT. HERALD SQUARE, NEW YORK - DAY

A well-dressed man, thin with a tidy mustache, stands on a podium. A banner announces him EDWIN MACY, "Your New City Councilman."

Behind the Councilman are his pretty WIFE and bright-eyed ten year old DAUGHTER.

COUNCILMAN MACY

...I want to thank you all for your support, and your trust. And to let you know: my campaign promises will not be in vain. It is not enough that we merely have these laws on the books, but that prohibition must be enforced.

A good-sized RESPECTABLE CROWD looks on.

ANGLE ON: Amongst them is a powerful man with a bull neck and three white SCARS along his jaw. He is AL CAPONE. He watches intently.

COUNCILMAN MACY

You know, I know, and my old Aunt Hattie knows where illegal drinking takes place in this city. And believe me, the police know too. Now I'm not talking about the eggnog you spike on Christmas Eve. I'm talking about organized criminal profiteering and the damage it does. And it will be my mandate, nay my mission, to make City Hall take heed as well.

There is polite applause.

EXT. A STREET IN GRAMERCY - LATER

Councilman Macy, and family, make their way down a tree-lined street. PASSERSBY nod their respects.

The Macy family turns into a modest townhouse.

EXT. MACY TOWNHOUSE BACKYARD - LATER

Councilman Macy, now in shirtsleeves, watches his Daughter on a swing set.

(CONTINUED)

CONTINUED:

She jumps off and runs behind a small playhouse, her voice a sing-song.

DAUGHTER

You can't find me. You can't find me...

Councilman Macy makes a show of pretending not to be able to find her.

COUNCILMAN MACY

I'll bet I know where you are...

He goes around the opposite side of the playhouse, and disappears from view.

The Daughter now comes back into view, her back to Camera. A meaty hand GRABS HER ROUGHLY, covering her eyes.

Her breath catches, she's unable to scream.

Confused, Councilman Macy emerges and sees Capone holding her.

CAPONE

A witness, by definition, is one who saw what happened. It's why witnesses often fail to enjoy the fullness of their lives...

Councilman Macy is frozen.

CAPONE

But if one does not see, then one is not a witness. And then nothing bad need befall her...So tell your little girl, even after I've moved my hand, not to open her eyes. G'head, tell her.

Councilman Macy swallows.

COUNCILMAN MACY

Honey. This is important. No matter what goes on--no matter what--do not open your eyes.

Capone nods, pulls a LARGE REVOLVER from his pocket.

DAUGHTER

Daddy?

(CONTINUED)

CONTINUED: (2)

Capone raises the gun and trains it on the Councilman.

COUNCILMAN MACY

I love you.

Capone FIRES.

EXT. GRAMERCY STREET - SAME

Capone moves briskly, yet casually, down the street. There is the sound of a SCREAM in the distance behind him.

INT. TENEMENT STAIRS - LATER

Capone makes his way up.

INT. TENEMENT APARTMENT - SAME

Capone enters. His wife, MAE, pretty and compact turns from preparing a modest meal for SONNY, around 9 years old, who sits at the table.

CAPONE

We have to move, Mae.

... She sees the serious look on his face, but doesn't know what to do.

CAPONE

We have to move.

She takes a piece of newspaper and begins wrapping a glass.

EXT. CHICAGO - NIGHT

SUPER: CHICAGO, 1922.

Traffic flows on the streets of the bustling city of Chicago.

INT. COLOSIMO'S - NIGHT

The nightclub is dark and lively. Tables are full of well turned-out, well-oiled PATRONS. The place is roaring.

A RADIO BROADCASTS the Dempsey-Firpo title fight.

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.

The senior man of the group, CAPTAIN SHADDOCK, speaks a toast.

(CONTINUED)

CONTINUED:

SHADDOCK

You bring a guy along. Nurse him
through youthful mistakes.
Envision great things for him...

He looks across the table at a sharp, but at the moment,
drunken man, JIMMY MALONE, who tries to hide his pride at the
compliment.

SHADDOCK

And then that man quits, so you've
gotta find some other hump to
promote. Congratulations, Malone.

The Men laugh at the insult, but with warmth. 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.

DET. FLYNN

Jimmy, you know what that shield's
gonna do for you?

MALONE

Better enable me to protect the
people of Chicago.

The men SPRAY liquor laughing. Malone laughs too.

Det. Flynn taps on the badge hanging from Malone's inside
pocket.

DET. FLYNN

'S a pass key.

MALONE

Free admission, no charge.

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

SANDERS

Oh yeah.

Flynn downs his drink.

DET. FLYNN

But first, it's your round.

Malone moves off, weaves his way through the crowd.

INT. COLOSIMO'S, ANOTHER TABLE - SAME

A different group of SERIOUS MEN surround a table, but they're not cops.

Capone is one of them, the only one not wearing a FINE SUIT. His eyes cut around like a shark's.

Others at the table are 'GORGEOUS' GEORGE LAZZARO, with a head of wavy hair, 'JOE BATTERS' ACCARDO, snappily dressed and authoritative, and CHARLIE FISCHETTI.

FISCHETTI

...The women are all dark down there.

JOE BATTERS

But in a good way. Real good way.

FISCHETTI

Sure, Havana's got that. But Key Biscayne, it's got the best beaches, the best weather. They got that sea breeze that hits around three o'clock, cools things down.

Capone looks from man to man, taking it in.

JOE BATTERS

You don't think they got the weather in Havana? You jack-off, it's the same damn weather--

FISCHETTI

What about the beaches?

JOE BATTERS

Same damn sand. But have I mentioned the women?

Everyone at the table, except Capone, groans and nods.

GEORGE

Yeah. For the last half hour.

They're unsettled by Capone's silence. Joe Batters looks to him.

JOE BATTERS

What about you, New York?

(CONTINUED)

CONTINUED:

CAPONE

Can't say. Never been.

GEORGE

Why's that?

CAPONE

What difference does it make? I'm
here now, and any work you got.
Any. I'll do it.

The men at the table appraise Capone, not sure what to make of him.

INT. COLISIMO'S, BAR - SAME

The crowd at the bar is tight. Malone squeezes in and orders, forcing a stout BARTENDER to peel his ear away from the radio.

MALONE

Seven more.

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

MALONE

Or should I make it eight?

He hits her with a smile that always works, except this time.

ELLA

Only if you're having two.

Malone winces like he's been stabbed. She likes this. The Bartender pours the drinks. WE HEAR THE RADIO:

RADIO ANNOUNCER (V.O.)

...Dempsey really caught him with a
shot...Firpo goes down once
again...

The Bartender pushes the drinks toward Malone.

ELLA

You made detective.
Congratulations.

MALONE

How'd you--?

(CONTINUED)

CONTINUED:

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

ELLA

That looks new.

She closes his jacket. He shifts a little, embarrassed.

ELLA

And I know how it goes: rookie detective has to buy.

She gives him a smile that hits him harder than the whiskey.

Malone picks up the drinks, turns to go, and CRASHES directly into a man moving to take his spot.

It is Capone.

GLASSES SHATTER, liquor spills all over Ella, as well as both men.

At the sound of the broken glass, the bar stops.

ANGLE ON: Chairs scrape at Malone's table. The Detectives he's with are ready to engage.

ANGLE ON: Across the bar at the other table, Joe Batters and the rest stand as well.

It teeters on the brink of getting ugly...but it doesn't

Malone and Capone meet eyes and then they LAUGH.

The factions sit, the nightclub relaxes back into conversation.

MALONE

I was gonna end up whiskey-soaked tonight one way or the other.

CAPONE

Yeah, me too--

ELLA

Well I wasn't.

They both look to Ella, who's taken the brunt of it.

MALONE

That's some dress. And I'm paying for a new one.

(CONTINUED)

CONTINUED: (2)

Capone gets competitive.

CAPONE
No, no. I dumped the drinks. I'll
pay the dress.

MALONE
Won't hear of it. It's on me--

CAPONE
I got it--

ELLA
Couple of slobs.

But she's over it.

ELLA
I'll take that drink now.

Malone signals to the Bartender, again by the radio.

MALONE
Re-load. For all of us.

The Bartender turns and starts making drinks, chuckling to himself.

ELLA
I'm gonna go clean up. Try not to
wreck the place.

She turns to go.

They lean against the bar and watch her go with much appreciation, then join in with the rest of the crowd listening to the end of the BOXING MATCH ON THE RADIO.

RADIO ANNOUNCER
...And that's it for Firpo...This
fight is over. Dempsey will retain
the championship...

BARTENDER
Dempsey in two. Firpo's a bum.

CAPONE & MALONE
He's no bum.

The Bartender looks up at them. The men glance at each other in accord.

(CONTINUED)

CONTINUED: (3)

BARTENDER

Guy went down seven times in the first.

MALONE

Got up every time. And put Dempsey through the ropes.

CAPONE

That's heart.

BARTENDER

Still got knocked out.

Capone answers this with a big smile.

CAPONE

'Ey, there were two men in that ring, but there's only one Dempsey.

Malone goes to pay for the drinks. Capone stops him.

CAPONE

Your money doesn't play tonight.

He extends a hand.

CAPONE

I'm Al.

MALONE

Jimmy Malone.

The Bartender sets up the new drinks. Malone and Capone raise glasses and they shoot a whiskey.

ANGLE ON: Malone looks over Capone's shoulder and sees Ella emerging from the back.

EXT. FOUR DEUCES - LATER

Capone, along with Batters, George, and the Fischetti's are outside a large, low brick building that resembles a factory.

There are dozens of cars parked outside.

TWO LARGE DOORMEN part for the crew as they enter.

INT. FOUR DEUCES - SAME

The din and roar of a LARGE CROWD hits them.

(CONTINUED)

CONTINUED:

GAMBLERS, DRINKING PATRONS, and PROSTITUTES fill a large saloon hall. The people are more working class than Colossimo's, and the decor is simple, but it's just what they need--gaming tables, a long bar stocked with booze.

WAITERS, STICK MEN, and SECURITY give deferential nods to the crew. George leads the way across the room.

A SERIES OF SHOTS as Capone takes in:

--Players throwing money on the craps tables.

--Prostitutes taking customers into rooms.

--Drinkers buying liquor.

--A CROUPIER rakes in a large stack of chips and cash.

--Capone notices MONEY going into FOUR CASH REGISTERS on the long bar.

They continue on.

INT. FOUR DEUCES, BACK AREA - SAME

Batters, Capone, and Fischetti arrive at a freight entrance.

BEEFY MEN take cases of liquor off hand trucks and carry them inside.

JOE BATTERS

It's not exactly what you wanted,
but--

CAPONE

As long as I get my five bucks for
the night.

JOE BATTERS

Help 'em out, then I might put you
on the door.

If Capone has a problem with this, he doesn't show it. He takes off his jacket and throws it aside.

Capone picks up a case, turns to Fischetti.

CAPONE

Load me up.

FISCHETTI

Yeah?

(CONTINUED)

CONTINUED:

Fischetti puts two more cases on top of the one Capone holds. Capone doesn't show the effect of the weight.

As Capone works, he WATCHES CLOSELY:

A wiry man with a pitted face, FITZ, enters from outside. He is followed by a workman, GENE, who wheels a hand truck full of liquor cases inside the door.

Fitz and Batters speak.

FITZ

Price of doing business has gone up. Double per case.

JOE BATTERS

Double?

FITZ

Double.

JOE BATTERS

You Northsiders take care of your own. But anyone who ain't Irish gets a broken bottle up the ass.

Fitz just smiles.

FITZ

It's the New Testament, Chicago style: He who hath the booze, hath the power.

CAPONE'S POV: Batters disgustedly slapping CASH into Fitz's palm.

Fitz smiles big, and whacks Batters on the back then strolls out.

Capone, finished loading, wipes sweat off his face, and watches Fitz go.

EXT. APARTMENT BUILDING - SAME

Malone and Ella walk down a nice street.

ELLA

Usually a guy ruins my outfit, he doesn't get to take me home.

(CONTINUED)

CONTINUED:

MALONE

Well, we've got to get you out of those wet clothes.

She LAUGHS at this attempt. They arrive at her building.

ELLA

I'll let you come up. For a drink, nothing more.

MALONE

I'll take what I can get.

She pulls out her keys.

ELLA

Which is only a drink.

MALONE

Got it.

INT. APARTMENT - SAME

She makes drinks, he glances around the nicely appointed apartment.

MALONE

Nice place. Lived here long?

ELLA

'Bout a year.

He picks up a photo from a side table. It is Ella and a DISTINGUISHED LOOKING MAN.

MALONE

You got a picture with the mayor.

ELLA

Yep. You don't miss much do ya? I can see why they made you detective.

He puts the picture back.

She crosses back, hands the drink to him. He sips it.

MALONE

No roommate.

ELLA

No. I like my privacy.

(CONTINUED)

CONTINUED:

Malone moves closer to her.

MALONE

I like it private too.

ELLA

If I kiss you, it probably won't stop there.

MALONE

Probably won't...

There's heat between them.

ELLA

That's why I'm not gonna kiss you.

She moves back. He downs the drink.

MALONE

That's a little bit of alright.

ELLA

And it's a little bit of late.
I've gotta be at work in the morning.

Malone gets it, heads for the door.

INT. FOUR DEUCES, BAR - SAME

The place is now closed for the night. Chairs are up on tables. George, Joe Batters, and Fischetti are around a table playing ziganet.

Capone is behind the bar re-stocking liquor bottles.

GEORGE

Hey New York, why you working so hard? Whyn't you sit with us, lose some money?

CAPONE

You seem like hard guys. I'm afraid if I win, you might not let me walk outta here.

GEORGE

That's right.

George pulls back his suit jacket, revealing a GUN.

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CONTINUED:

The men laugh. Capone puts his hands up in surrender, then joins in the laughter.

Capone turns back to the bottles. The smile DROPS off his face.

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

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

He moves out from behind the bar, a keen look on his face.

He passes by the table.

CAPONE

Don't shoot.

The men bust up again.

GEORGE

Step light, buddy...

INT. CAPONE HOUSE - LATER

Capone enters the bedroom, takes off his shirt and pants, hanging them over a chair. He takes pains to be quiet as Mae is asleep in the bed, and Sonny sleeps in a small cot across the room.

Capone slips carefully in next to her, pulls the blankets up over his wife's shoulders.

He lays back, his arms behind his head and looks up, as if studying an intricate map of his future on the dark ceiling.

It seems he'll be awake for some time.

EXT. POLICE STATION - DAY

Jimmy Malone makes his way up the steps to work.

INT. POLICE STATION, FRONT DESK - SAME

Malone moves into the precinct as a group of UNIFORMED COPS drag a few BLACK SUSPECTS toward holding cells.

Malone gives a nod as he moves past.

(CONTINUED)

CONTINUED:

UNIFORM

Caught 'em smuggling Scotch on
Wabash.

Malone glances back.

MALONE

Put you up for Key to the City.

INT. DETECTIVE SQUAD - SAME

Malone slides behind his desk, starts in on some paper work.
An authoritative older man, LIEUTENANT O'RIORDAN, drops a
paper bag on Malone's desk.

MALONE

Lieutenant.

Malone inspects the bag, sees it's full of crumpled CASH and
YELLOW ENVELOPES. Lt. O'Riordan has an Irish brogue.

LT. O'RIORDAN

City of Chicago has entrusted you
with a great responsibility. The
pad. You know how it works?

MALONE

Only from the other side, sir.

Lt. O'Riordan shakes his head.

LT. O'RIORDAN

Moving up the young lads these
days, without proper police
training. I don't have time to
teach you.

He picks up the bag and walks away. Malone goes after him.

MALONE

Lieutenant. I'm ready. I'm at
your service.

Lt. O'Riordan looks Malone over, pulls him aside, and adopts
an instructive tone.

LT. O'RIORDAN

You get it from me weekly. Dole it
out to your squad. Envelopes--

Lt. O'Riordan waves the Yellow Envelopes.

(CONTINUED)

CONTINUED:

LT. O'RIORDAN

Stuff 'em, lick 'em, and stick 'em
in their mailboxes. Fins for beat
cops, tenners for detectives,
double saws for first grades.

Malone nods and takes the bag of cash.

INT. KITCHEN DOOR - SAME

Capone, unshaven and in his underwear is at the cramped
kitchen table. Next to him is another unshaven man, FRANK
CAPONE, as well as Mae. SONNY, 9 years old, throws a
handball around the room.

FRANK

Five bucks?--

CAPONE

Five more than you made--

FRANK

For busting your hump like a
Chinaman all night--

CAPONE

Talk to whoever you want like that,
Frank, but not me.

Frank tries to play it off.

FRANK

Hey, Sonny. Get your Uncle Frank a
cup of coffee...Sonny-boy...

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

FRANK

Telling you, Al. It's getting
worse.

CAPONE

He's fine. He's just not
interested in waiting on you.

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

FRANK

Maybe you want to get him checked.
Could be hereditary--

(CONTINUED)

CONTINUED:

CAPONE
Shut the fuck up, Frank.

Mae winces. Sonny looks over.

MAE
Al.

Capone stands, starts yelling.

CAPONE
What? What difference does it
make? According to my younger
brother here...

Capone points at Frank.

CAPONE
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 busts into laughter with him, then calms.

CAPONE
Good boy.

Capone holds up his mug.

CAPONE
Now get your father some more
coffee.

Sonny takes the cup.

CAPONE
See that? He's fine.

INT. FOUR DEUCES - NIGHT

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
This is George's special dirty
martini. And it's filthy girls,
b'lieve me.

(CONTINUED)

CONTINUED:

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

GEORGE

Those things roll easier, Al.

The girls laugh.

CAPONE

Don't want to scuff up your floor.

The girls laugh again.

EXT. FOUR DEUCES - SAME

A fine car pulls up in front of the club. A distinguished, impeccably dressed man with the look of a prosperous banker gets out of the back. He is JOHN TORRIO.

Torrio gets out of the car, and accompanied by his DRIVER, heads inside.

INT. FOUR DEUCES, FRONT DOOR - SAME

The club DOORMEN, one lean, one swarthy, react to Torrio with deference.

DOORMAN

Good evening, Mr. Torrio.

Torrio nods pleasantly back at them.

ANGLE ON: As Torrio passes, the Swarthy Doorman leans his palm against a small BRASS BUTTON on the wall.

INT. FOUR DEUCES - 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 watches him. He begins pulling off the apron.

INT. FOUR DEUCES - FRONT DOOR - SAME

The Swarthy Doorman stands straight.

ANGLE ON: His hand comes off the brass button.

INT. FOUR DEUCES - SAME

George sees Torrio. Smiles wide.

GEORGE

Ho, an honored guest in the house.

ANGLE ON: On the bar, there are NOW only THREE cash registers.

GEORGE

What're you drinking, Mr. Torr--

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.

Capone leans down over the struggling George, and BITES HIS NOSE OFF.

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

George's hands go to the gushing blow 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 with blood, turns.

Torrio shoulders through the crowd. In a low, controlled voice, Torrio finally speaks.

TORRIO

I see you've all met my nephew Al.

Batters and Fischetti are shocked.

TORRIO

Put it down, Joe.

Batters lowers the gun.

CAPONE

He's got a fourth register, John.
That's how he's been shorting you.

(MORE)

(CONTINUED)

CONTINUED:

CAPONE (CONT'D)

He brings it out when he knows you
won't be coming by.

Torrio nods.

Capone looms over the writhing George, then looks to the
others.

CAPONE

You stick your nose in the till
from now on, you lose it...Now
clean up this garbage.

Two of the House Security Men start picking up George.

The Swarthy Doorman takes this opportunity to edge towards
the door.

Capone nods in his direction. Torrio's Driver claps a hand
behind the Swarthy Doorman's neck and steers him out the
door.

TORRIO

And these two?

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

CAPONE

They weren't in on it.

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

TORRIO

You all know I don't like being
called away from my wife at night.
This place is going to run right
from now on, and Al is going run
it.

Capone nods, satisfied.

Torrio and Capone start heading for the door. Torrio puts a
paternal hand on Al's back.

The place starts rolling back into action.

TORRIO

How's my niece? You taking care of
her?

(CONTINUED)

CONTINUED: (2)

CAPONE

Trying.

TORRIO

Good. Go on home to her. We'll have you over soon now that this is settled.

Capone nods, then holds up, noticing Torrio's attire.

CAPONE

John, that is one beautiful suit. Just beautiful.

TORRIO

Thanks. Reno Fioravanti cuts 'em for me. Listen, anything you need to make this place run, you just let me know.

A pair of muffled GUN SHOTS sound from the parking lot. Capone and Torrio exchange a glance.

CAPONE

Well, we're gonna need a new doorman.

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'S BEDROOM - LATER

Capone slips into bed, taking pains not to disturb Mae. He lays back on the pillow and falls into an immediate, untroubled sleep.

INT. POLICE STATION - DAY

Malone stands in front of Officers' Mail Boxes filling them with YELLOW ENVELOPES, when spilling out of an office come IMPORTANT MEN in suits.

Captain Shaddock, the CHIEF OF POLICE, the MAYOR followed by chief mayoral aide BRATTON, various other AIDES, and two FEMALE SECRETARIES--one of whom is Ella.

Seeing her in her professional attire, Malone stops what he's doing. She stops too, and gives him a smile, allowing her group to move on ahead without her.

MALONE

Ella.

ELLA

Detective. Hard at work?

MALONE

Trying to put my finger in the dyke of crime. Picture's becoming clearer: the mayor's your boss--

ELLA

And my father.

He's impressed, surprised. She reads this.

ELLA

You scared off now?

MALONE

No. I want to see you even more now. We'll go to The Crocodile. Hear some music.

She starts walking away, looks back over her shoulder, to him staring at her.

ELLA

And make you take your finger out of the dyke?

CONTINUED:

She leaves him there, her high heels ringing against the marble floor.

EXT. STREET - NIGHT

Jimmy Malone, dressed spiffy, walks down the street carrying flowers.

He reaches a house and knocks on the door.

EXT. HOUSE - SAME

The door is opened by Malone's older brother BRENDAN. There is a family resemblance, though Brendan is more conservative in appearance.

Standing next to him is his attractive wife, MEG.

Malone extends the flowers.

MALONE

For my favorite sister-in-law.

MEG

Don't waste all that charm on me,
I'm your only sister-in-law.

MALONE

Even if I had twenty of 'em, you'd
still be my favorite.

She rips the flowers out of his hand. Brendan just shakes his head.

INT. HOUSE - SAME

As Malone steps inside a few little rug rats grab him by the leg. They are SHANE and CONNOR, eight and ten:

SHANE

'Lo, Uncle Jimmy.

CONNOR

Show us your gun. Show us your
gun. .

MALONE

Lay off the suit, guys.

They do. Jimmy pulls his gun out of a shoulder holster, dumps the shells into his palm and hands it over.

(CONTINUED)

CONTINUED:

Connor aims it.

MALONE

Line up that blade between the
ramps--

BRENDAN

What the hell are you doing?

Brendan rips the gun out of his son's hand, gives it back to
Malone.

BRENDAN

Giving my boys a gun.

Malone shrugs.

MALONE

They should know how to handle
themselves.

He glances toward the dining room, a nicely set table.

MALONE

Why the extra place setting?

Brendan claps Malone on the shoulder.

BRENDAN

Good news. Meg's friend stopped
by. Gonna join us for supper.

Almost on cue Meg comes out of the kitchen with a pleasant,
if plain girl with a freckled complexion--CARRIE. They hold
dishes of food.

MEG

This is Carrie.

CARRIE

I've heard a lot about you.

Malone raises a hand in greeting.

MALONE

That is good news.

Carrie puts down a plate of potatoes. Malone puts on a fake
smile.

They move toward the table.

(CONTINUED)

CONTINUED: (2)

MEG

I got your place right here, Jimmy,
right next to Carrie.

They move around the table. Malone moves to sit. Carrie remains standing. Malone catches himself, stands, pulls out her chair.

MALONE

Lemme get that for ya.

She sits. Malone leans over to Brendan and whispers.

MALONE

My own brother. Like a sap to the
back of the head.

INT. PARLOR - LATER

Dinner's over. The kids are tucked away. Malone, Carrie, Brendan and Meg have coffee and desert..

Malone looks like he wants to escape.

CARRIE

Have another piece...

Carrie offers pie. Malone pats his gut.

MALONE

I'm full up.

Carrie frowns.

CARRIE

I knew I shouldn't have made
meringue. My specialty's rhubarb--

BRENDAN

Oh yeah. You should taste it--

MEG

That's the prize winner.

CARRIE

Next Sunday I'll--

Malone winces.

MALONE

Yeah, about next Sunday. I don't
think that's gonna play.

(CONTINUED)

CONTINUED:

The poor manners silence the group. Malone churns forward.

MALONE

You seem real nice. You're a church girl, right?

CARRIE

Every week--

MALONE

See? I'm usually getting into bed around the time you're taking mass. And I'm not usually alone--

MEG

Jimmy.

MALONE

Just laying it out there straight. Outta respect for your friendship. I'm not what she wants.

Malone stands. Carrie looks hurt.

MALONE

I'd only disappoint her later. ...

Meg draws in a breath. Carrie gets up.

BRENDAN

Hold on. Carrie, sit down.

Now she's confused.

MALONE

What am I gonna do with a girl who says a 'Hail Mary' every time we get between the sheets?

Now Carrie heads out of the room in tears. Meg follows.

Brendan gets up, steering Malone toward the door.

MALONE

I did her a favor. ..

BRENDAN

What's wrong with you?

MALONE

What?

(CONTINUED)

CONTINUED: (2)

BRENDAN

You go around smelling like a bar rag--

MALONE

Okay, here we go--

BRENDAN

Grow up, would ya.

MALONE

I am--

BRENDAN

Yeah, you're thirty years old and you're nowhere.

MALONE

I'm busy policing. I'm a Detective--

BRENDAN

You're a Chicago cop--bought and paid for. You got nothing worthwhile. You got no wife. No kids. ...

Some of it may be landing on Malone, but then he spreads his arms wide.

MALONE

But a brother who loves me.

Brendan's not buying the charm.

BRENDAN

If the squirts didn't like you so much I'd close my door on ya.

MALONE

No you wouldn't.

The brothers exchange a look.

BRENDAN

Ah, maybe not. I'll see you, Jim.

Malone heads off into the night.

EXT. COUNTRY ROAD - NIGHT

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

(CONTINUED)

CONTINUED:

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.

We see that 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. The Capones let him go.

Capone moves toward Fitz.

CAPONE

Price of doing business is going back down.

FITZ

You can't--

Capone JERKS Fitz out of the truck and onto the ground.

CAPONE

I just did.

FITZ

You don't get it. This is Irish hooch. Belongs to the Northsiders.

CAPONE

Mine now. He who hath the booze, hath the power.

Capone moves toward the truck when Frank SHOOTs Fitz in the head, killing him. Capone turns to his brother.

CAPONE

That wasn't necessary...That was not necessary.

INT. DETECTIVE SQUAD - SAME

Detectives are wrapping it up for the night. Malone and Flynn are ready to head out.

(CONTINUED)

CONTINUED:

A MESSENGER enters.

MESSENGER
Detective Malone?

Malone raises his hand, takes an envelope from the Messenger, opens it.

DET. FLYNN
What is it?

Malone looks up, surprised.

MALONE
Invitation from the Mayor.

The Detectives stare at Malone.

INT. DRAKE HOTEL - SAME

Malone moves across a red carpet through the oak and marble-laden lobby of Chicago's fanciest hotel.

If he's uncomfortable as he passes well-dressed SWELLS, he tries to hide it.

INT. DRAKE HOTEL, BALLROOM - SAME

Swinging big band MUSIC walks Malone into the Ballroom.

He pauses for a moment, a bit lost and taking in the scene.

MALONE'S POV: On the surface it is set up as a party, with plenty of food and dancing. BEAUTIFUL WOMEN move like gazelles. TUXEDO CLAD MEN hold court under clouds of cigar smoke.

But Malone zeroes in on the men at tables surrounding the Mayor. There is much whispering, handshaking and smiling between smooth INFLUENCE PEDDLERS and HIGH POWERED POLITICOS.

ELLA (O.S.)
Are you here in an official
capacity, detective?

He turns, sees her looking radiant, and smiles.

MALONE
I don't have the rank to make an
arrest in this room.

(CONTINUED)

CONTINUED:

ELLA

That's true.

A PORTLY MAN is on his way to dance with a YOUNG WOMAN.

ELLA

Hugh, hope you've got those street sweepers in line. My father's gonna need 'em next fall.

The Portly Man smiles broadly and pats his pocket.

PORTLY MAN

I've got them right here.

There's steel in her voice.

ELLA

Not good enough. We need 'em out of that pocket and marching into the voting booths like good little soldiers.

The smile falls off the Portly Man's face.

PORTLY MAN

They will.

ELLA

They better.

The Portly Man and his partner dance away.

Malone gives her a look.

ELLA

My father never had a son, so I stood in. You should see the forkball he taught me to throw.

MALONE

Sounds like a hell of a guy, our mayor.

ELLA

You're here to meet him.

This surprises Malone.

MALONE

Would he approve of you consorting with a standard issue detective?

(CONTINUED)

CONTINUED: (2)

She smiles.

ELLA

We're gonna work on that. You can't make captain without a hook, right?

MALONE

Captain? No captains under forty.

ELLA

Yeah, but there are some lieutenants who haven't been shaving much longer than you. And my father likes to know bright young guys on the force. Up and comers. But first I want to dance.

He takes her hand and pulls her onto the floor.

INT. DRAKE HOTEL, BALLROOM - LATER

The night is breaking down. Part of the band plays out the night, while the rest pack up.

Malone and Ella are in the corner of the dance floor pressed against one another.

ANGLE ON: The Mayor and entourage, including Bratton, ties dangling, ready themselves to go.

ELLA

Come on.

She leads Malone toward the door.

ELLA

Dad...Daddy.

The Mayor stops and turns.

MAYOR

Ella, dear. Haven't seen you all night.

ELLA

This is detective James Malone.

Malone extends a hand.

MALONE

Your honor.

(CONTINUED)

CONTINUED:

The Mayor hits him with an appraising glance.

MAYOR

Malone. I've heard you've got quick reflexes. A strong heart. A sturdy gut. That's good. Good.

The Mayor breezes on with his group.

MALONE

That's it?

ELLA

That's all it takes.

INT. APARTMENT - LATER

Malone and Ella enter her apartment.

ELLA

Thanks for seeing me home--

Malone cuts her off by kissing her. This time she kisses him back. It intensifies.

..She kicks the door shut.

INT. DETECTIVE SQUAD - DAY

Malone walks in, bounce in his step, when Lt. O'Riordan hands him a piece of paper.

LT. O'RIORDAN

Do a little work.

Malone nods, Lt. O'Riordan moves on. Malone reads the sheet of paper.

INT. LOCKER ROOM - LATER

Malone enters on COPS changing from street clothes into uniform. He points at three of them, including a big, baby-faced kid named CLEVE.

MALONE

You, you, and you. We're going out to the ball game.

The Cops nod and Malone exits.

EXT. COMISKEY PARK, ENTRANCE - LATER

The crowd is already inside. Only a few LATECOMERS straggle through the gates.

Marching briskly come Malone, Cleve, and the others.

They whisk through the turnstiles.

CLEVE

Right here at the ball yard,
Detective?

MALONE

There's only two reasons for
arresting a white man in this town--
for show or for dough. This is a
little of both. The Italians over-
stepped and it's gotta be
corrected.

INT. COMISKEY PARK, STANDS - SAME

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

ANGLE ON: The field. A PLAYER, just called out on strikes,
is in the UMPIRE'S face.

Joe Batters instructs Sonny.

JOE BATTERS

See that? You see that? Next time
that umpire's gonna feel like he
owes him one.

Sonny seems as taken with the crowd and spectacle as with the
game, but Capone puts his arm around his son.

CAPONE

Don't listen to him, son. That's
not the way it to do it. You can't
embarrass a man. The time to work
with the umpire is before the game,
when it can do you some good. You
listen to your old man when it
comes to baseball.

It washes over Sonny. Batters is impressed with the logic.

CAPONE

What's going on, Sonny? What do
you want?

(CONTINUED)

CONTINUED:

SONNY

Hot dog.

Capone nods, looks around, sees a VENDOR.

CAPONE

Coupla franks.

VENDOR

I got peanuts.

Capone waves him off, takes Sonny by the hand.

CAPONE

C'mon. We need some hot dogs.

FRANK

I'll go get 'em.

He stands, as does Joe Batters.

JOE BATTERS

We'll go get 'em.

They disappear up the aisle, leaving Capone and Sonny behind.

INT. COMISKEY PARK, OUTER MEZZANINE - SAME

Malone and his crew move along until they find the right gate and enter to a view of the field. Malone breaths deep loving the smell of the ballpark. He scans the crowd. Starts moving along, searching.

MALONE

If they resist, use your sticks.

The Uniform Cops nod.

INT. COMISKEY PARK, STANDS - SAME

As Malone and crew move quickly down the steps, Frank and Joe Batters head up toward them.

Joe Batters sees the cops.

JOE BATTERS

Ah, shit...

They converge on Frank and Joe Batters, stopping them.

MALONE

Hold up there, boys.

(CONTINUED)

CONTINUED:

Joe Batters extends his hands. He's been through this many times. One of the Uniforms cuffs him.

MALONE

There's supposed to be another.
Where you sitting?

Frank just STARES at him, not answering.

Malone gives Frank a short, chopping shot to the gut, doubling Frank over.

MALONE

Welcome to Chicago.

Malone rifles around in Frank's pocket, comes up with his ticket stub.

MALONE

C'mon.

Cleve hands Frank off to the other cops and follows Malone down the aisle.

Malone moves down the steps, checks the stub, looks ahead to the box in question. In the box are Capone and Sonny.

Malone's pace slows. He stops a few yards away.

Capone has craned around at the disturbance and sees Malone.

ANGLE ON: Malone sees Capone, remembers him. But more than that sees a man, who at this moment, is with his young son.

Cleve leans over, checks the stub.

CLEVE

That must be him.

He's looking toward Capone. Malone weighs it. He and Capone eye each other. Malone decides.

MALONE

Nah. We've got what we came for
today.

CLEVE

But--

Malone turns, starts back the way they came.

(CONTINUED)

CONTINUED: (2)

MALONE

Let's go.

Cleve gives Malone a quizzical look, but follows him.

At the top, Malone herds the group into the exit tunnel then glances back at Capone, who gives a slight nod of gratitude to Malone.

INT. STUDY, JIM COLOSIMO'S HOUSE - SAME

Behind a mammoth desk is a man crossing out of middle-age with the burnished look of success about him. He is JIM COLOSIMO, and at the moment he is displeased.

COLOSIMO

You shot an Irishman right in the head. Why would you do something like that?

He is talking to a penitent Capone, who stands with Torrio in a lavishly appointed study.

Although he didn't do the shooting, Capone doesn't deny it.

Colosimo's jaw ripples in anger.

COLOSIMO

You may think you got us a truckload of liquor for free. But it's far from free. What you did was upset a delicate balance. One that keeps us in business.

Colosimo stands. He is a large man.

COLOSIMO

It reflects badly on you and it reflects badly on John here, who brought you in.

Colosimo comes around the desk.

CAPONE

The last thing I wanted to do was reflect badly on John...

Capone turns to Torrio.

CAPONE

Believe me, John. Or you, Mr. Colosimo. I'm sorry.

(CONTINUED)

CONTINUED:

This mollifies Colosimo, but just a bit.

CAPONE

But I did it because they were taking advantage. Of all of us.

COLOSIMO

That's not for you to decide.

TORRIO

It's gonna cost us plenty in concessions to the Ireesh.

CAPONE

Understood...But we wouldn't need to make any concessions if we weren't buying our booze from 'em.

TORRIO

That's the way it's done--

COLOSIMO

Let him speak.

Capone launches in.

CAPONE

The distilleries and breweries that were shut down when Prohibition started--they're just sitting there. The guys that own them could be persuaded to let us in. The cops are already on the pad. They're paid to drive past our resorts, to look the other way. We can pay 'em some more to drive past the distilleries and breweries too.

It is clear that Torrio understands the value of the idea, but has to defer to his boss.

TORRIO

Big Jim?

Colosimo points to a FINE SHOTGUN that is hanging on the wall.

COLOSIMO

Look here. What do you see.

CAPONE

A shotgun.

(CONTINUED)

CONTINUED: (2)

COLOSIMO

It's Italian made, hand crafted.
Over one hundred years old.

CAPONE

Shoot good?

Colosimo crosses to it.

COLOSIMO

A young guy sees a gun, wants to
know how it shoots. But it's not
just a gun. It's an antique
fowling piece. Cherry wood stocks.
Silver-filigree.

Colosimo turns and faces them.

COLOSIMO

Gifted to me by Dean O'Banion to
cement the relationship between the
Northsiders and us. Valuable
whether it shoots good or not.
What I mean to say is: you don't
understand everything that's going
on here. You can't. You just
arrived.

Colosimo puts a friendly hand on Capone's shoulder.

COLOSIMO

I understand your intention. It's a
good one. The answer's no.

Capone looks at him.

COLOSIMO

The answer's no...You take your
time, stay with Johnny, you won't
believe the kind of living you're
gonna make.

CAPONE

Got it.

COLOSIMO

That's right.

He gives Capone a squeeze on the upper arm. Turns it into a
move that ushers them towards the door.

INT. CROCODILE CLUB - SAME

CLOSE ON: A box guitar.

On stage an old BLUESMAN wails away on it. Behind him a DRUMMER bangs away on his kit, and a stand-up BASSIST backs them up.

An ALL BLACK AUDIENCE watches and dances.

At a side table are Malone and Flynn, who are the sole white patrons.

Also at their table is an older black man, EZRA, the club owner.

MALONE

They get a lot of sound for a trio.
Huh, Flynn?

DET. FLYNN

Oh yeah.

MALONE

That box guitar. Some tone.
Muddy.

DET. FLYNN

Is that the word? Muddy.

MALONE

Yeah.

Ezra sits patiently.

DET. FLYNN

You have what we came for?

EZRA

Thought you came for the music.

MALONE

That too. Couldn't help but notice
all the liquor being sold here.

EZRA

Okay. Okay...

Ezra nods, pulls a roll of CASH out of his pocket. It pains Ezra, but he hands it to Malone.

(CONTINUED)

CONTINUED:

EZRA

Ask yourself if this is right.

MALONE

Ask yourself if I care.

Malone appreciates the music for another minute.

MALONE

This guy can really play. You know
how to pick 'em, Ezra.

Malone and Flynn stand. Malone flips the cash to Flynn and they head out as the music continues.

EXT. TRAIN STATION - DAY

PASSENGERS, some carrying luggage, come and go. A car sits in front of the train station. Leaning against it is Capone.

A thin, dark man carrying a valise exits the station, sees Capone and crosses to him. He is FRANKIE YALE.

The men shake hands, a glint of warmth in their eyes.

YALE

... Alley boy.

CAPONE

Yale.

They get into the car.

INT. CAR - SAME

They slam their doors.

CAPONE

Glad you could come...You meet new
people in a new town, but it's not
the same

Yale nods.

YALE

Yeah, old friends are the best
kind.

Capone begins driving.

INT./EXT. CAR DRIVES IN NICE NEIGHBORHOOD - SAME

They leave the area of the station and are in a residential area.

CAPONE

So does New York miss me?

YALE

Hasn't closed down yet. What's the story out here?

Capone shrugs.

CAPONE

You know how back home a hot dog's, a hot dog?

YALE

Yeah.

CAPONE

You got your dog, you got your bun. Mustard. Maybe sauerkraut.

YALE

Yeah.

CAPONE

Out here they got the 'Chicago Red Hot.'

YALE

Huh.

Increasingly nice houses pass by the windows outside.

CAPONE

They "drag 'em through the garden," as they say. Pickle spear, sweet relish, hot peppers.

YALE

Strange.

CAPONE

Yeah. But pretty tasty. I'll get you one later.

YALE

Good...

EXT. LAVISH HOUSE - LATER

The car pulls down a maple-lined street and parks in front of a fine house.

EXT. FRONT DOOR - SAME

A hand knocks on the door.

Capone and Yale wait there.

YALE

Nice lawn.

CAPONE

They all got 'em out here.

The door is opened by a friendly faced HOUSEMAN in white jacket and gloves.

HOUSEMAN

Good afternoon.

Yale pulls a GUN from his suit jacket pocket and SHOOTS the Houseman in the face.

The Houseman falls backwards and Capone steps over his body into the house. Yale follows.

INT. FOYER - SAME

A stout UNIFORMED MAID becomes visible down the hall and SCREAMS.

She turns to run down the hall. Yale FIRES on her with his handgun, taking out a scone and chunk of door jamb, but misses her.

Finally Yale shakes open his valise, producing a SAWED-OFF SHOTGUN, a simple, ugly hunk of blued metal. It ROARS and the Maid goes down on her face.

Capone walks with purpose around the corner into a living room.

INT. LIVING ROOM - SAME

A BUTLER tries to flee out the far end of the living room.

Yale FIRES again. The Butler goes down, hit low in the back.

(CONTINUED)

CONTINUED:

Capone and Yale reach him. The Butler's arms grope at the carpet but he seems paralyzed from the waist down.

Yale tips the shotgun against the back of the Butler's head and ends him.

Capone signals with his chin and they cross out of the living room. Yale re-loads as they walk.

INT. BACK HALLWAY - SAME

Capone leads the way down the hallway toward a closed oaken door. He knows where he's going

The door swings open and a large BODYGUARD, jaw set in determination, lumbers toward them, GUNS clenched in both fists.

The Bodyguard's guns BARK. He fires wildly, missing.

Capone doesn't even flinch as Yale splatters him back into the doorway from which he just came.

INT. STUDY - SAME

The door to the study bursts open and Capone and Yale enter. Now we see we're in the room where Capone and Torrio met with Colosimo.

Colosimo stands in the middle of the room stuffing shells into his antique fowling piece.

He turns to Capone in horror. Capone looks him straight in the eye and starts SHOOTING. He EMPTIES his gun into Colosimo, who falls to the ground.

They step over to Colosimo, who's been hit in the lungs and gasps for air.

Capone takes Yale's shotgun, raises it, and fires.

Capone hands the smoking sawed-off back to Yale.

CAPONE

Some gun.

YALE

Shoots good.

CAPONE.

All that matters.

(CONTINUED)

CONTINUED:

Capone turns to the fireplace and picks up a fire poker, hands it to Yale, then exits the room.

INT. HALLWAY, JIM COLOSIMO'S HOUSE - SAME

Camera pulls back as Capone continues on. It pulls back down the hall, past a staircase, toward the front door.

ANGLE ON: A wall panel along the bottom of the staircase is not flush, but ever so slightly AJAR.

EXT. COLOSIMO'S HOUSE - LATER

Coroners wagons, ambulances, and ONLOOKERS crowd the front of the house. POLICE are on the scene.

INT. LIVING ROOM, COLOSIMO'S HOUSE - SAME

Uniforms and Detectives are in a knot in the living room.

One by one, the crowd breaks. They aren't circled around a body or evidence, but a YOUNG OFFICER holding a tray of coffee and donuts.

The blood and carnage don't deter the cops from eating and drinking. ...

Crime scene PHOTOGRAPHERS set up bulky cameras and shoot pictures.

Malone enters and crosses the living room to where Det. Flynn and Det. Sanders stand with some uniform cops. They take in the decor.

MALONE

Outfit did this.

SANDERS

Too messy, Jimmy. I say jigs on a robbery that went wrong.

MALONE

And they just happen into Colosimo's house? I don't think so.

Malone can't argue, he and Flynn walk on.

They reach the study.

INT. STUDY, JIM COLOSIMO'S HOUSE - SAME

They enter to see CORONERS getting ready to move out Colosimo's body. Malone looks over the scene.

MALONE

Lookit that. It's the Italians.
That's no robbery and 'get rid of
the witness.' They kept unloading
on the guy till they were
satisfied.

Flynn's not buying it.

DET. FLYNN

I wish it was the Italians--then
they could sort it out amongst
themselves. But killing the staff,
Jim? The Italians don't do it that
way. We're gonna have to put in
the hours. We're gonna have to
solve this one.

The Young Cop comes in with the coffee. Flynn takes a cup.
Malone walks out of the study.

INT. HALLWAY, JIM COLOSIMO'S HOUSE - SAME

Malone walks down the hallway towards the front door.

He passes by the panel along the underside of the staircase
and continues on.

Then he STOPS. He doesn't even turn for a moment, and when
he does, he does it slowly.

He walks back to the panel, cracked open so slightly that a
dozen cops didn't even notice it.

Malone pushes on the panel and it clicks shut, flush with the
rest of the wall. He presses on it again, and it springs
OPEN.

Malone swings the panel fully open and sees a narrow
staircase leading DOWN.

INT. STAIRCASE - SAME

Malone follows the steps as they wind down into darkness.

INT. STORM CELLAR - SAME

Malone emerges into a dark room. He feels around and finds a light cord and pulls it. The room is illuminated.

It is a cramped space filled with silver candlestick holders, folded dining chairs, table linen on shelves, and several racks holding dust-covered bottles of wine.

There is also a short ladder leading up to metal STORM DOORS.

Malone steps up the ladder and throws open the storm doors, allowing daylight to spill in.

EXT. BACKYARD - SAME

Malone emerges from the storm cellar into a well-kept yard.

He looks around seeing nothing amiss. Then he spots a detached garage, a carriage house across the yard. He crosses to it.

EXT. CARRIAGE HOUSE - SAME

Malone slides open the door to the carriage house revealing several FINE AUTOMOBILES. Other than that, the building is unoccupied.

Malone rubs his chin, glances around, and sees a small HUTCH that houses garbage cans.

He crosses to the hutch and opens it. There, hiding behind garbage cans, is a small and fragile YOUNG WOMAN, frozen in fear.

Malone extends a hand to her. She doesn't take it.

MALONE

C'mon, it's okay, I'm a police.

He shows her his shield. Finally, she takes his hand and climbs out.

MALONE

Out you go.

She is small, her hair dishevelled, her maid's uniform dirty.

MALONE

What's your name?

Her English is rough, with a heavy Eastern European accent.

(CONTINUED)

CONTINUED:

HALINA

I am Halina.

INT. CARRIAGE HOUSE - SAME

Malone and several other Detectives, including Flynn and Sanders, stand around Halina, who sits on the bumper of a fine car.

HALINA

I am sorry. I hear the shooting.
I run.

MALONE

So you didn't see who--

HALINA

No. I see no one. I run.

She's got a blanket around her shoulders.

Lt. O'Riordan enters. Malone and Flynn move over to him.

MALONE

She's too scared to say anything.

LT. O'RIORDAN

Let her go then.

MALONE

Why would we let her go?

LT. O'RIORDAN

Coroner said nearly every bone in Colosimo's body is broken. That's an old custom from Italy, to announce there's a new boss in charge.

Malone takes this in, turns to Halina.

MALONE

Okay, miss, you didn't see anything. That's good. I'll have someone see you home...

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.

Capone turns and favors himself in the mirror.

(CONTINUED)

CONTINUED:

CAPONE

That's a good fit.

Reno makes a line with chalk, pinches the fabric together a bit.

RENO

The back will look like it's being held by a vise. Nice and smooth.

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. Capone touches a glen-plaid material.

CAPONE

The weight of this...

2ND ASSISTANT

It's a summer material, sir.

CAPONE

Show me something else, please.

The Main Assistant waves the 2nd Assistant away with the glen-plaid.

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.

She nods.

The door to the shop opens. A serious-faced Torrio enters.

Capone and Torrio hug, then separate.

(CONTINUED)

CONTINUED: (2)

TORRIO

That's a beautiful suit, Al.
Beautiful.

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

Capone and Torrio smile. Capone crosses to his son, puts his hands on the boy's shoulders, squaring them.

Capone turns around beaming.

CAPONE

Make sure Sonny gets a hat too.

Reno nods.

INT. AUCTION TENTS, ARLINGTON PARK - DAY

A brilliant day. Striped tents flutter over young thoroughbreds with numbers on their halters which are paraded before a fine crowd of BUYERS.

Walking abreast along a paddock, getting a closer look at the horseflesh, are two groups of men:

On the one hand is John Torrio, Capone on his flank, with Frank Capone, Joe Batters, and Fischetti a few steps behind.

On the other are the IRISH: DEAN O'BANION, BUGS MORAN, CHARLIE THE OX (with big handle-bar mustache), DAPPER DAN MCCARTHY, and FRANK and PETE GUSENBERG.

CAPONE

It's time. We're re-opening
Seiben's Brewery. A distillery
will be next.

O'BANION

That's a big idea.

O'Banion looks to Torrio.

TORRIO

It's a sizable investment we're
making, Dean, and we want our
business to run unfettered.

They stop along a fence as chestnut COLT is led past them.

(CONTINUED)

CONTINUED:

AUCTIONEER
Little Sixes, A Knollwood Farms
offering...We start at one
hundred...

Torrio raises a rolled up auction sheet toward the
AUCTIONEER.

AUCTIONEER
I have one hundred...Do I have one-
twenty.

The bidding continues around the crowd.

O'BANION
And you want what from me, John?

CAPONE
From now on we're willing to
control the Union Siciliane--to
keep them out of your territory.

Now O'Banion raises his program, bidding on the colt.

AUCTIONEER
I have one-eighty. Can I get
two?...

O'BANION
And you want me to keep the
O'Donnells and the Saltis-McErlane
boys away from your new enterprise?

Capone nods. Torrio raises his program.

AUCTIONEER
I have two. Going to two twenty-
five...

TORRIO
And the Druggan-Lake Gang. All the
Irish factions.

One of O'Banion's crew WHISTLES at this, earning him a look
of reproach.

O'BANION
And what do I get for that?

CAPONE
You get free rein of the suburbs.
Berwyn all the way to Palatine.

(CONTINUED)

CONTINUED: (2)

O'BANION

Berwyn? You're offering me the sleeves from your vest. No, for that I'll expect Cicero too.

Capone contains his disgust at this request, as does Torrio.

TORRIO

Fine, Cicero.

O'BANION

And if your little experiment works and I follow suit, I'll expect my operation to run unfettered as well.

TORRIO

The important thing, O'Banion, is that we have a treaty.

O'BANION

Know this, though: if we make a treaty, I'll expect it to be honored.

CAPONE

It will be.

The Auctioneer looks to Torrio.

AUCTIONEER

Two twenty-five going once.

O'Banion turns to Torrio. Torrio nods.

AUCTIONEER

Two twenty-five going twice. And final call.

TORRIO

Take the colt.

Now O'Banion smiles. Torrio shakes off the Auctioneer, turns with his group and walks away.

Capone and Torrio are abreast.

TORRIO

We're in business.

CAPONE

One question, John--

(CONTINUED)

CONTINUED: (3)

TORRIO
Why'd I give him Cicero?

CAPONE
No, I understand that. It's too
much to give, but peace is more
important.

Torrio nods.

CAPONE
Why'd you give that shamrock the
horse?

Torrio smiles slightly.

TORRIO
Crooked hocks. That horse will
never run.

EXT. SEIBEN BREWERY - NIGHT

The huge facility is dormant.

Several sedans drive past the front gates and stop only when
they've reached the side entrance.

EXT. SEIBEN BREWERY, SIDE GATES - SAME

A POLICE OFFICER waits there. MEN pile out of the sedans.

ANGLE ON: The Police Officer is paid cash, and leaves.

ANGLE ON: The gate. The lock is CRASHED off 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.

(CONTINUED)

CONTINUED:

It's Capone's hand. He rips the cap off and brings it to his mouth. Swallows and turns to Frank.

CAPONE

That's what I'm talking about.

Frank takes a bottle, pops it, drinks. The Capone brothers toast each other. Al throws an arm around Frank's neck.

CAPONE

Tastes good, Frank.

EXT. LOADING DOCK - NIGHT

WORKMEN roll large wooden casks of liquor onto a waiting truck.

FOLLOW the truck as it drives away from the facility, and joins a long convoy of other loaded trucks that head toward the city.

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. The sides of the room are lined with such bags.

Capone moves down the aisle between the desks, an approving look on his face.

INT. POLICE STATION - DAY

Malone is with Flynn, Sanders, and a few other Detectives.

Their work day over, one Detective splashes some whiskey in their coffee cups.

Malone alternates between banging away on an Underwood, and sipping from his cup.

DET. FLYNN

Make sure and write that up just the way the Captain likes it, huh, Jim.

MALONE

I will. Long as you lick it and stamp it for me.

(CONTINUED)

CONTINUED:

The door to the squad opens and Halina, the shy witness steps in. She has changed out of her maid's uniform, and is pretty and even more vulnerable.

A shadow passes over Malone's face when he sees her.

The other Detectives go quiet.

Malone crosses to her.

MALONE

Miss...?

She's not ready to speak yet. Malone gives her a chair. Her hands are in her lap.

The other Detectives look over intently.

Finally, she looks up.

HALINA

I come to live in this country. I must be good citizen.

Malone knows what's coming next, nearly closes his eyes in dismay.

HALINA

I see the men who shoot. Who kill everyone--

Now the other Detectives start crowding close. Malone tries to lead her to safe ground.

MALONE

It's been over two months. Your memory can't be that good.

HALINA

It is. Every time I close my eyes to sleep, it is a pain to me. I see the faces.

MALONE

These men. Were they black men?

She shakes her head.

HALINA

No. White. Dark hair. The big one have scars on his face.

(CONTINUED)

CONTINUED: (2)

She indicates where, along her own jaw.

HALINA

White scars. Three of them--

SANDERS

And where do you live, ma'am?

MALONE

Back off her...I've got this.

He turns back to Halina, speaks more quietly.

MALONE

Don't say anything else. Come with me.

He pulls her up out of the chair and out of the room. The other Detectives watch them go.

EXT. GARAGE - LATER

Malone, with Halina in the car next to him, pulls up in front of a gas station/auto repair shop.

The garage is closed for the night, but Brendan is there by the door.

Malone and Halina get out of the car. Malone steers Halina in the door.

MALONE

Go ahead in.

She does.

BRENDAN

You had to bring her here? If she's married, why not go to your place?

MALONE

It's not like that, Bren.

BRENDAN

What is it then?

MALONE

The less you know the better. Don't say anything to anyone. Not to Meg, not even to your priest.

(CONTINUED)

CONTINUED:

Brendan accepts the seriousness in Malone now. Malone heads inside, stops.

MALONE

She'll be fine for the night, but during the day?--

Brendan flips him a key.

BRENDAN

Lock her in the storage room. I'll tell the guys I'm working on something back there.

Malone nods his thanks and enters.

INT. BACKROOM - LATER

Halina stands uncertainly near a wall. Malone clears newspapers and debris off the cot. Moves old oil cans to the side. Malone is more gentle and thoughtful than he has been before.

MALONE

I'm sorry it's not more comfortable....

HALINA

It is okay.

MALONE

You're gonna have to stay here a while. I don't know how long.

HALINA

Detective Malone, why?

Malone turns.

MALONE

The thing is, the men you saw do the killing, they have...friends... on the police.

HALINA

I don't understand.

MALONE

Look, it's hard to explain. But sometimes the police, and other people who aren't the police, they work together.

(CONTINUED)

CONTINUED:

HALINA

But this is America.

Malone picks up a can of Interstate Motor Oil with a MAP of the UNITED STATES as its logo.

MALONE

This is America.

He points to Illinois.

MALONE

This is Chicago.

She tries to understand.

MALONE

Even though it's right in the middle, it's a country unto itself. And you're gonna have to leave.

HALINA

I don't want to leave--

MALONE

B'lieve me, word's already out about you. It can't be right now-- they could be watching the buses and trains. But as soon as I think it's safe to travel you, I'll--

HALINA

But I have a sister--

MALONE

You have to go. Send for her when you're set up somewhere. You had it right the first time. You didn't see a thing.

HALINA

Mr. Colosimo was good person--

This frustrates Malone.

MALONE

No, he wasn't--

HALINA

Yes. To me.

(CONTINUED)

CONTINUED: (2)

MALONE

You don't understand. None of these guys are good. Nothing about this is.

HALINA

You are good.

This hits Malone.

MALONE

I'm not that good.

INT. FORGE RESTAURANT - NIGHT

An oaken and dark leather restaurant with low-lighting.

At a back booth sit Capone, dapper with a flower in his lapel, and a man we recognize as Bratton, the mayor's aide.

They eat in an awkward silence.

BRATTON

How's your--

CAPONE

Nice here...Steak.

Capone takes a bite.

CAPONE

Good.

BRATTON

They do a nice job.

CAPONE

Yeah.

Bratton assumes the conversational load.

BRATTON

The mayor dines here. He enjoys a special salad they make for him. Endive with Roquefort and bacon. You won't find it on the menu, but if you ask...

Capone says nothing.

CAPONE

You have a very interesting job.

(CONTINUED)

CONTINUED:

Bratton falls silent. Capone produces a THICK ENVELOPE, bulging with cash, sets it on the table.

Bratton recoils, puts a linen napkin over it.

BRATTON
I never handle such things
personally.

He rubs his fingers together with distaste, as if they're soiled.

BRATTON
There are go-betweens for that.

CAPONE
I just want to be sure that I feel
the warm embrace of our police.
That I can always count on them
being there when I call.

BRATTON
I think you'll find things quite
well-organized here. When I leave,
someone from our office will join
you...

Bratton exits without the money. Capone sits back, clips a cigar, prepares to light it, when with a swish of fabric someone sits down across from him. It is Ella.

CAPONE
It's you.

She recognizes him.

ELLA
Don't splash another drink on me.

CAPONE
I promise.

She fingers her collar.

ELLA
You already bought me one dress.

He takes her in.

CAPONE
That was money well-spent.

(CONTINUED)

CONTINUED: (2)

ELLA
And look at you. Spiffy.

CAPONE
Chicago's been good to me.

He leans forward.

CAPONE
So you're the mayor's go-between.

ELLA
Who else is my father gonna trust?
This is a surprise to Capone.

CAPONE
Smart. Always use blood when you
can.

She takes the napkin-wrapped envelope, tucks it in her purse.

CAPONE
He's not getting everything I have.
Still some left over to take you
out.

ELLA
I'm on the clock.

CAPONE
Maybe some other time.

ELLA
Maybe.

She slides out of the booth and goes.

EXT. CAPONE HOUSE - LATER

Capone's car moves down the street, and stops in front of his house.

ANGLE ON: Across the street, Detective Sanders leans against a tree. He sees a burly DRIVER open Capone's door, letting Capone out. Sanders calls to him.

SANDERS
Mr. Capone. A moment?
Capone nods him over.

(CONTINUED)

CONTINUED:

Sanders moves to him, gets in close, and whispers.

The look on Capone's face grows concerned.

Capone whispers something back to Sanders, who nods. Then Capone palms a large wad of CASH into Sanders hand.

Sanders leaves.

Capone absorbs what he has just heard.

EXT. TUDOR HOUSE - LATER

Capone's Driver BANGS on the door. A sleep-tousled Bratton opens up.

INT. CAPONE'S CAR - SAME

Bratton, in his bathrobe, sits next to Capone in the back seat of the car. The Driver waits outside.

CAPONE

Thanks for coming out and meeting.

BRATTON

... Sure.

CAPONE

I know, it's a rotten time of night to be woken up.

BRATTON

Could be worse.

A beat.

CAPONE

Yes.

BRATTON

Can I help you with...?

CAPONE

This terrible calamity that happened a while back. Word is-- and I hope this is true--there may be a witness. I would certainly like to reward such a brave citizen for having the courage to come forward.

Bratton, now fully awake, nods.

INT. DETECTIVE SQUAD - DAY

Malone enters the squad.

Sanders is there, as is Flynn, and a few others. The place quiets as Malone goes to his desk. Lots of looks are traded.

Flynn moves over and sits on the edge of Malone's desk.

DET. FLYNN

Hey, buddy.

Malone flips through some case files.

MALONE

Flynn.

DET. FLYNN

What happened with that girl last night?

ANGLE ON: Sanders edging over to a nearby file cabinet, listening.

MALONE

Nothing. You know. She's confused. Didn't really see a thing.

DET. FLYNN

Yeah? Anything else?

MALONE

Don't know. She clammed up when I walked her out. Ran off as soon as we got outside. She was shook up is all.

Flynn appraises Malone, sees there's no more there, lets it go.

EXT. POLICE STATION - NIGHT

Malone leaves for the day.

A SUITED MAN leans against a sedan that idles by the curb.

SUITED MAN

Detective Malone.

Malone stops. The Suited Man holds open the car's rear door.

INT. MANSION - LATER

A BUTLER escorts Malone through a splendid home.

INT. MANSION, LIBRARY - SAME

Malone is deposited in a woody library that has a fire roaring in the hearth. The Butler leaves.

Malone looks at crests and citations along a wall, when the Mayor enters.

MAYOR

Detective.

Malone turns. He glances around, but the Mayor is alone.

MALONE

I was, uh, expecting Ella to be--

MAYOR

Just the two of us this time.

The Mayor points to a pair of wingback chairs and they sit. The Mayor lights a cigar as he speaks.

MAYOR

Three things I appreciate--a good cigar, an eager woman in the bedroom, and when it comes to my police force, a capable man.

MALONE

Capable of what?

Now the men are taking the measure of each other.

MAYOR

Capable of doing the right thing.

The Mayor ashes his cigar

MAYOR

You know, my first election, I wasn't much older than you. Hah, I was a stupid, wide-eyed, sonofabitch...

The Mayor breaks off.

(CONTINUED)

CONTINUED:

MAYOR

Would you like me to stop here?
Let me stop here. Because we both
know where the story is going: I
learned the way the world works.
You don't need to hear it. You're
too smart for that. You already
know.

MALONE

I do.

MAYOR

I don't have to explain how
sometimes a man needs to do certain
things in order to get a good
result.

MALONE

No. You don't.

MAYOR

How the bottom line is: you can do
more from up in the perch than you
can from the ground. No matter how
you got there.

MALONE

I get it.

MAYOR

...So some syndicate boss is dead.
The truth is, I prefer it when
they're shooting each other. It's
like a term limit. They can't get
too powerful for too long that way.

The Mayor smiles, pats Malone on the thigh and stands.

MAYOR

I'm glad we spoke. My daughter's
right about you.

He leaves. Bratton appears, as if from the shadows.

BRATTON

Where's the girl?

MALONE

...The girl.

(CONTINUED)

CONTINUED: (2)

BRATTON

We need the girl. To protect her.
Guard her. If she saw what she
says she did, we need to make sure
that she is safe. She will be off
your conscience. Become our
responsibility.

Malone says nothing.

BRATTON

The Mayor is counting on your help
here.

MALONE

I might be able to find her.

BRATTON

We need to know.

Malone chooses his words carefully.

MALONE

And this is the Mayor asking.

BRATTON

... Yes.

MALONE

Why wouldn't I look to help the
Mayor?

BRATTON

Good.

Malone stands.

MALONE

Tell him I'll find the girl. I'll
bring her in tomorrow.

BRATTON

Good.

MALONE

Tell the Mayor I hope he has a nice
perch picked out for me.

He exits the room.

EXT. FOUR DEUCES - LATER

The place is closing for the night. Only two cars remain in the parking lot.

ANGLE ON: Across the street, Malone sits in his car.

Joe Batters and Fischetti exit, locking the door behind them.

ANGLE ON: Malone sits up.

Batters and Fischetti each get into their cars and they drive away. No sign of Capone

ANGLE ON: After a moment Malone drives away too.

EXT. CAPONE HOUSE - LATER

Malone drives by the darkened Capone house. There are no cars in front, no sign of Capone, or any movement inside.

Malone continues on.

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 another Burly Associate.

Capone exits the building.

Stepping out of the darkness comes Jimmy Malone.

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

But Malone has shed his suit jacket, pulled out his shirt tails. He tosses his shoulder holster onto the ground, and KICKS it out into the street in front of him.

CAPONE

It's okay.

Capone's Men stand down.

Malone and Capone approach one another.

MALONE

Can we go sit?

(CONTINUED)

CONTINUED:

Capone eyes Malone, weighs the situation.

CAPONE

Alright.

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.

MALONE

You eating?

CAPONE

I don't eat anything I don't recognize.

Malone waves the Waiter away. The men are silent for a moment.

MALONE

Thanks for taking the time.

CAPONE

You're welcome.

Another silent moment.

MALONE

We live in a town that rewards a man's devotion to his work.

CAPONE

You a devoted cop?

MALONE

Yeah, I'm devoted. But I'm not one of those guys who polishes his badge first thing in the morning, shines his boots before going to bed, and tries to lock up all the bad guys in between. Those cops, they level at out at Sergeant. Because nobody can trust 'em.

CAPONE

Right.

(CONTINUED)

CONTINUED:

MALONE

That's not me. I know how important friends are. My father always said: do ten favors for every one you ask. And that way you'll never pay for your own drink.

CAPONE

He said that, huh?

MALONE

Yeah.

CAPONE

That's good. Mine never said much. Didn't have to. I saw it: hard work and sweat, by themselves, will only get you more of the same.

Malone nods. A BUS BOY carrying plates moves past. Malone leans in.

MALONE

Your information about the girl is true. She can identify you. I've been asked to deliver her. I know that whether I do or not, it doesn't matter. She'll eventually be found.

Capone looks close at Malone.

MALONE

But I'm asking you to consider another choice.

CAPONE

What's that?

MALONE

Let her live.

Capone shakes his head with genuine regret.

CAPONE

She saw what she saw. Then she came forward.

(CONTINUED)

CONTINUED: (2)

MALONE

She'll leave Chicago. She'll never come within three states of Illinois again. Never speak of this matter. I guarantee it. I become your agent on the police force.

Capone weighs it.

CAPONE

That's a valuable offer. Why're you doing this?

MALONE

...It's time.

A long silence.

CAPONE

You did me a kindness at that baseball game. Showed me the type of friend you can be. Me and my son had a hell of an afternoon...

Capone stands.

MALONE

Okay. That's nine more favors you owe me.

Capone goes.

INT. GARAGE - DAY

The garage isn't yet open for business.

Brendan escorts Malone through the garage toward the back room in a hurry.

Brendan uses his key to unlock the door.

BRENDAN

Jimmy, this a good thing you're doing.

MALONE

Don't kid yourself.

Brendan lets Malone in, closes the door after him.

INT. BACKROOM - SAME

Halina looks up at his arrival.

MALONE

I've gotta move you.

Malone starts stuffing her few things into her bag.

INT. BUS TERMINAL - LATER

Malone, pulling Halina by the arm, crosses a huge, vault-ceiling terminal.

MALONE

You're gonna like northern
California. It's warm.

HALINA

Have you been there?

The pass by faceless TRAVELERS and reach the ticket window.

MALONE

I've never left Chicago. They say
it's warm.

They step up to buy the ticket.

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 sees Halina towards the Denver-Oakland bound bus,
where a PORTER is stowing passenger baggage.

MALONE

You've got my number at the station
in case you need me.

HALINA

Yes.

Malone hands her a wad of CASH.

HALINA

I can't--

MALONE

You'll need it.

(CONTINUED)

CONTINUED:

She hands her bag to the PORTER. There's nothing else to say.

Suddenly she throws her arms around Malone's neck.

HALINA

Thank you--

He peels her off of him.

MALONE

Get on that bus.

She boards.

A DRIVER makes an announcement.

DRIVER

Denver-Oakland bound. All aboard.

The driver gets on and closes the door. The bus pulls out of the station. Malone watches it go.

INT. BUS - SAME

Halina watches Malone as the bus pulls away. She offers a final wave.

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

What's your fifty-cent cigar?

The Vendor does not look up from the racing form.

VENDOR

Macanudo. The best.

Malone nods, hands over coins, bites the end off the cigar. He gestures to the racing form.

MALONE

Who do you like today?

(CONTINUED)

CONTINUED:

VENDOR

I don't generally give out tips.
But you did spend a little money,
so I'll tell you: bet Charlie Boy
to win in the fifth at Santa Anita.
He's a horse can run forever.

Malone likes the sound of it.

MALONE

That's what I'll do. I'll go to a
wire room, play some hunches: Play
your horse to win.

Malone lights his cigar.

As he does he glances toward a Bus Lane and notices a MAN in
a dark suit and hat seeming to read the paper. The Man could
just be a traveling salesman, or...

MALONE'S POV: He looks to the next Bus Lane. Another SUITED
MAN waits, trying to blend in.

Malone moves away from the news kiosk a few steps. He sees:

MALONE'S POV: SUITED MEN near every bus, and finally, next
to the Milwaukee-Portland bound is FRANK CAPONE.

INT. BUS - SAME

A few rows behind Halina, FISCHETTI STANDS and begins moving
down the aisle toward her.

EXT. BUS TERMINAL - SAME

A sick look crosses Malone's face. He lets the cigar fall to
the ground and starts SPRINTING AFTER HALINA'S BUS.

EXT. NEARBY STREET - SAME

The bus in the distance as Malone gives chase.

There is the muffled sound of a GUN SHOT. Then another SHOT,
and the bus haphazardly winds to a stop on the side of the
street.

Malone draws his gun and bears down.

IN THE DISTANCE: Fischetti climbs down from the bus.

A Car pulls up next to him. Fischetti gets in and is driven
away.

(CONTINUED)

CONTINUED:

MALONE SHOUTS and FIRES in futility.

EXT. BUS - SAME

PANICKING PASSENGERS stream off as Malone reaches the bus. A FEMALE RIDER SCREAMS.

FEMALE RIDER

He just started shooting. Oh my god...

Malone looks up at a BLOOD SPATTERED BUS WINDOW. Halina's shattered head rests against it.

ON: MALONE'S REACTION...

EXT. STREET - SAME

Capone and Mae hand several shopping bags to their Driver.

Mae enters the car when another car pulls up. It is Joe Batters and Yale.

Yale gets out of the car, crosses to Capone and whispers in his ear.

Capone kisses him on the cheek, then turns to the Driver.

DRIVER

Take her home.

Capone goes to the rear window and speaks to Mae.

CAPONE

You head home, have dinner with Sonny. I'm gonna go with them.

She nods.

Capone gets in the car with Yale and Batters.

EXT. STREET NEXT TO BUS - LATER

Malone leans against the bus as arriving POLICE cordon off the area.

Flynn and Sanders show up in a car. They take in the scene.

DET. FLYNN

Christ, Jim.

Malone doesn't speak.

(CONTINUED)

CONTINUED:

Captain Shaddock and Lt. O'Riordan arrive on the scene.

MALONE

Captain, gimme a squad of guys. I know who did this.

Captain Shaddock holds up a hand.

CAPTAIN SHADDOCK

Slow down. What do you know?

MALONE

It was Capone. He had men on every bus.

LT. O'RIORDAN

What did the witnesses see?

MALONE

They all got low when the shooting started. Nobody's saying anything. But that doesn't matter--

CAPTAIN SHADDOCK

It matters plenty.

MALONE

Captain, I know what you're saying. I'm a big boy. But this guy's different. You don't understand--

CAPTAIN SHADDOCK

I understand. I'll put somebody else on this.

Shaddock turns.

CAPTAIN SHADDOCK

Sanders. Start collecting statements.

Malone starts walking away with purpose. Captain Shaddock grabs Malone by the shoulder, stopping him.

CAPTAIN SHADDOCK

Don't go kicking a wasp nest--

Malone rips loose and continues on.

INT. CAR - NIGHT

Malone, determined, drives.

EXT. DOWNTOWN - SAME

A UNIFORMED OFFICER walks his beat, it is Cleve.

A car pulls over next to him. Malone speaks through the window, shows his badge.

MALONE

Patrolman.

CLEVE

Detective?

MALONE

Get in the car. Special assignment.

Cleve gets in, and the car drives on.

EXT. FOUR DEUCES - LATER

Malone, now with Cleve and THREE OTHER UNIFORMED OFFICERS, gets out of his car. They look to one another in confusion.

MALONE

Stay with me. Anybody tries to get in my way, get in theirs.

They follow him into the place.

INT. FOUR DEUCES - SAME

The club is back open for business and packs a healthy CROWD.

Malone and company storm past two towering DOORMAN, who shrink back at the sight of the cops.

Capone sits alone at a table set for two in a VIP-type section. A WAITER clears two sets of plates. Capone's girth seems to be expanding on a daily basis.

There is a stir as GAMBLERS and DRINKERS notice the cops.

Malone, the cops in tow, cuts across the place, ignoring the vice that is underway.

ANGLE ON: The club HOST sees them and picks up the telephone.

Malone, barely in control of himself, reaches the table.

(CONTINUED)

CONTINUED:

MALONE

Get up, you bastard. You're going in.

CAPONE

Let's be men here--

MALONE

Gave you that chance. Grab the wall.

Malone gets a hold of the much larger Capone by the lapels, and yanks him up out of his seat. They speak close and quiet.

MALONE

We had an agreement--

CAPONE

You couldn't promise that. Even if I trusted you, a sideways cop, who's to say she doesn't tell someone else--

MALONE

We had an agreement

CAPONE

I changed my mind--

This causes Malone to lose whatever grip he had.

He SLAMS Capone face first down across the table breaking glasses.

Malone jerks Capone up and punches him in the face. Capone takes it.

He pushes Capone into the wall, starts patting down his pockets.

Just then, returning to the table from the Ladies Room, is ELLA. She watches in disbelief.

Malone, not seeing her, continues on and RIPS Capone's right suit jacket pocket off.

MALONE

You armed, Mr. Capone?

Now the club's DOORMEN rush over. The Uniformed Cops turn and get hold of them, wrestling them back.

(CONTINUED)

CONTINUED: (2)

Malone tears open Capone's shirt and inner pocket of his suit jacket. A wad of MONEY comes loose. Malone shoves it in Capone's face.

Capone is livid, trying to maintain a semblance of dignity.

CAPONE

You wanted to fuck me, you shouldda just asked.

Malone SLAMS him into the wall again, grabs a handful of the back of Capone's trousers and TEARS them out. A REVOLVER falls to the floor.

MALONE

There it is.

Only Capone's shirt-tail covers his ass. Now even the Uniformed Cops are getting uncomfortable.

CLEVE

Detective, holy shit.

Malone struggles out his cuffs, gets them around one of Capone's wrists.

Just then a PHALANX OF NEW UNIFORMED POLICE storm the place. Leading them in is Lt. O'Riordan and Detective Sanders.

They grab a hold of Malone, tearing him off of Capone.

Malone fights, kicking and punching in a rage, but they wrap him up and subdue him.

LT. O'RIORDAN

Goddamn it, Malone. You're out of your mind.

Capone lunges for Malone, gets a good shot in, but is then held back by the Cops.

LT. O'RIORDAN

Get him the hell out of here.

O'Riordan signals and his men begin dragging Malone out.

ANGLE ON: As Malone is pulled out of the huddle of bodies, he is shocked to see Ella.

MALONE

Ella...

(CONTINUED)

CONTINUED: (3)

Her face is a carefully built mask that hides any feeling or regret.

She turns away from Malone and he is carted out.

Back near the table, O'Riordan turns to Capone in a more subdued tone.

LT. O'RIORDAN

You know this doesn't reflect the department's feelings towards you or Mr. Torrio--

Capone gets a hold of himself, puts a hand on O'Riordan's shoulder.

CAPONE

Lieutenant, do me a favor and keep that gentleman out of my club in the future.

LT. O'RIORDAN

Of course, sir. And again, sir...

... Lt. O'Riordan reaches down, picks up Capone's revolver, HANDS IT to Capone, practically tries to smooth his torn suit.

LT. O'RIORDAN

You have our apologies.

Sanders gives a nod to Capone, who returns it.

The police withdraw, leaving Capone fuming. He turns to his Doormen.

CAPONE

You let them right in. Let him put his hands on me?

DOORMAN

They were cops.

CAPONE

Yeah? How the hell'd you know?

DOORMAN

The uniforms...

In the midst of it all, Capone has a moment of clarity. Then he taps the hulking Doorman on the chest.

(CONTINUED)

CONTINUED: (4)

CAPONE

From now on it's you and four other guys with me. And not just here, but wherever I go. No one gets to me--not the cops, not the President ...Now go bring me a bottle.

Capone tries to smooth his hair and clothes, turns back to Ella, escorts her back into a seat.

CAPONE

Better than a show, huh?

He hits her with a high-wattage smile and pushes in her chair.

CAPONE

I keep a suit in the back. Have a drink and wait.

She pauses for a moment, then decides.

ELLA

I will.

INT. STATION HOUSE - LATER

Malone walks through the station like a man going to his execution.

INT. CAPTAIN SHADDOCK'S OFFICE

Malone enters.

Captain Shaddock sits at his desk, fingers pressed against his eyes. Then he points to his desk.

Malone places his gun there.

CAPTAIN SHADDOCK

Malone, you are an ant crawling this city, but you took an elephant-sized shit on all of us.

Malone knows it won't do any good to speak. So he doesn't.

CAPTAIN SHADDOCK

You're on suspension. Until a formal hearing. At which point I don't imagine there'll be any saving you.

(CONTINUED)

CONTINUED:

Malone takes out his gold badge, puts it on the desk, and walks out.

INT. STATION HOUSE - SAME

As Malone moves through the station to leave, cops and municipal workers alike clear a path and turn away. A leper would have similar space.

He exits the station, a man alone.

EXT. ELLA'S APARTMENT - SAME

CAPONE
You inviting me up?

ELLA
Haven't decided yet.

CAPONE
The best decisions are made quick.
You're either gonna do something or
not. You already know what you
want. Question is, do you have the
courage to do it?

She extends a hand to him. He takes it.

INT. ELLA'S APARTMENT - LATER

The radio plays a jazzy number as Capone, standing, takes Ella from behind up against the wall.

She pushes him back, turns and throws him down on the bed, then climbs on top of him and continues, pinning his hands down. It is feverish.

EXT. STREET - SAME

Malone walks down the street, his tie undone, head bowed.

EXT. MALONE'S HOUSE - SAME

Malone climbs the steps to the door of his row house.

He fumbles with his key in the dark, finally finding the lock.

As he pushes the door in, an EXPLOSION RIPS the night.

The concussion sends Malone backwards, and he lands in a heap on the street. Smoking wood and glass rain down around him.

(CONTINUED)

CONTINUED:

ANGLE ON: Up the street a BLACK CAR pulls out and drives away.

EXT. ELLA'S APARTMENT - SAME

Ella lies in the tangled sheets. Capone stands at the edge of the bed knotting his tie.

The sound of car horn's double HONK is heard from outside.

Capone moves to the window, glances out at the Black Car idling there and smiles:

He adjusts his shirt cuffs as he heads for the door.

CAPONE

I'd like to see you again.

She nods. The door closes behind him.

EXT. MALONE'S HOUSE - SAME

Malone, curled in a ball, begins to stir. He favors his right hand which is burnt and bloody. Finally, he gets to his feet.

INT. FLYNN'S KITCHEN - LATER

Malone, slightly cleaned up now, his right hand freshly bandaged, sits at the kitchen table.

Flynn stands across the room.

MALONE

They're going to ask you if you've seen me. And where I'm staying.

DET. FLYNN

Yeah.

MALONE

They'll offer to pay, too.

DET. FLYNN

Yeah.

MALONE

Well, fuck. At least make 'em pay you enough to retire.

Both men laugh.

(CONTINUED)

CONTINUED:

MALONE

I know I've put you in a rough spot, that it was on your recommendation that the Lieutenant made me Detective.

DET. FLYNN

Well, there's only one thing to do now...

MALONE

What?

DET. FLYNN

That which we do:

Flynn grabs a bottle from a high cabinet and turns to Jimmy.

DET. FLYNN

We'll drink till we don't remember. Then we'll start drinking.

MALONE

Not this time, Flynn. Will you help me?

Flynn puts down the bottle.

DET. FLYNN

You know I'm not gonna give you up...

MALONE

...But...

DET. FLYNN

But you can't stay here. And I can't help you.

Malone stands, moves toward the door, stops.

MALONE

Don't send me out there naked.

Flynn goes back to the high cabinet, takes down a bundled cloth. Inside is a large, black REVOLVER and shells.

He hands it to Malone, who puts it in his coat pocket.

INT. ELLA'S DOOR - SAME

Ella, covered by a sheer robe, opens the door.

(CONTINUED)

CONTINUED:

ELLA

I don't want you here.

MALONE

You, or your father?

ELLA

It's the same.

She tries to close the door on him. He pushes through.

INT. ELLA'S APARTMENT - SAME

She backs into the room.

ELLA

We're done, Jimmy.

This lands on him.

Now he takes in her place--the bed is a wreck, two glasses and a bottle, a dead cigar in an ashtray.

MALONE

Capone was here.

ELLA

I'm not gonna lie to you.

MALONE

That's one way to get out the vote--

She SLAPS him across the face.

MALONE

You are your father's son.

She goes to SLAP him again. He catches her hand. Stares at her for a long moment. Let's go, and leaves without looking back.

INT. SAVOY BALLROOM - NIGHT

A lavish ballroom is done up in a South Pacific theme. BEAUTIFUL GIRLS in grass skirts and coconut tops dance.

A well-dressed CROWD enjoys a high-spirited night.

Baked Alaskas, burning like volcanoes, are carried out by tuxedo clad WAITERS.

(CONTINUED)

CONTINUED:

Capone, along with his usuals, and a crew of BEAUTIFUL WOMEN and HANGERS ON, slurps down oysters at a raw bar.

He pays for a magnum of champagne with a large wad of cash. A Waiter knocks the top off the champagne with a large knife, causing it to foam up.

EXT. SAVOY BALLROOM - DAWN

REVELERS dribble out of the club and head for home.

ANGLE ON: Across the street, sitting in his car, is Malone. On his lap is Flynn's gun.

Outside the car is a pile of pistachio nut shells that shows how long he's been there.

A THREE CAR CARAVAN pulls up in front of the ballroom.

ANGLE ON: Malone sits up, grasps the gun.

ANGLE ON: The ballroom doors. Several of Capone's burly Bodyguards lead the way outside.

Malone cracks open his car door.

ANGLE ON: Finally, Capone emerges, but surrounded by a sea of his men.

Malone puts a foot on the concrete. It's hopeless. He wouldn't make it halfway across the street before they cut him down.

He leans out of the car, considering it anyway.

Capone tucks into the middle car. Doors are slammed and the caravan drives off.

Malone slumps back into his car.

INT. CAFE - DAY

A bustling place full of FACELESS DINERS getting their breakfasts. Malone is at a corner table, nursing a coffee.

Brendan slides in, passes over a paper sack.

BRENDAN
Clean shirt and socks.

MALONE
Thanks.

(CONTINUED)

CONTINUED:

BRENDAN
Where you been staying?

MALONE
Better you don't know.

BRENDAN
Me and Meg don't have much saved,
but take it and get the hell out of
Chicago.

Brendan presents a modest wad of cash to Malone. Malone
doesn't take it.

A HOWLING WIND blows the SNOW outside.

MALONE
Can't leave. Like the weather here
too much.

Brendan reads his brother.

BRENDAN
You're gonna keep after this guy?

Malone doesn't answer. ...

BRENDAN
How?

Again, Malone has nothing for him.

BRENDAN
You couldn't do anything before,
when you had the badge. And you
can't do it now that you're alone.
Only an army of equal size would
have a chance. And you, Jimmy, you
don't got no army.

There is silence, then a moment of understanding passes over
Malone's face.

MALONE
But I know how to get one.

Brendan's mystified. Malone stands, patting his brother on
the shoulder. He goes.

EXT. CRAGIN DISTILLERY - NIGHT

Malone sits in his car down the street from the IRISH DISTILLERY. Malone no longer looks like an Irish cop. He now looks like a GANGSTER--dressed in a black suit, overcoat and hat.

A pile of pistachio nut shells outside the car show how long he's been there.

In front of the building is a GUARD, a thuggish looking man in an overcoat. He paces back and forth, smoking, then checks his watch and walks off around the corner.

Malone sees him go and tucks Flynn's gun in his waist.

He gets out of the car, opens the trunk, removes a five-gallon metal gasoline can, and heads towards the building.

INT. DISTILLERY FLOOR - SAME

Malone walks in. WORKERS move around amidst steam-belching steel evaporators and other distilling equipment. A full-scale operation is underway.

Another thuggish man, a FOREMAN type, steps out from behind a column.

FOREMAN

And you are--

Malone RACKS the Foreman across the face with his revolver. The man falls to the ground, still conscious.

MALONE

Tell your boss that Torrio and Capone are taking Cicero now.

Malone shouts to the rest of the Workers.

MALONE

Get the hell out of here you Mick bastards. It's about to get hot.

The Workers don't need to be told twice. They SCRAMBLE for the exits. The Foreman begins crawling towards the door.

Malone moves to the center of the machinery. He stuffs a rag into the neck of the gasoline can and flicks his flint lighter.

EXT. CRAGIN DISTILLERY - SAME

The Guard, oblivious to what's happening inside, sees Workers flee past him. He turns towards the front of the building in time to see the Foreman, head bloodied, crawling out.

The Guard pulls his gun and turns for the door in time to see Malone come SPRINTING out.

The Guard fires several rounds. Malone dives to the ground, unhurt.

He aims his revolver and shoots the Guard, who falls, GROANING.

Malone RUNS to his car just as a loud RUMBLE emits from the factory. The place is highly flammable and chain of EXPLOSIONS erupt, blowing out the building's windows.

Fire begins to consume the place.

INT. O'BANNION FLOWER SHOP - LATER

A gentlemen's party is underway. Music plays and BEAUTIFUL GIRLS drink with Charlie the Ox, Dapper Dan, and Frank Gusenberg.

For his fun, O'Banion snips the thorns off roses that he adds to an elaborate flower arrangement he's creating.

Into it walks Bugs Moran.

MORAN

Deanie. Our distillery...

EXT. CRAGIN DISTILLERY - LATER

O'Banion wears a look of dismay as he watches a dwindling fire consume what's left of the distillery.

The crew from the flower shop is there with him.

FIREMAN lean against their pumper truck, nothing left to do but watch as well.

O'Banion turns away, his men following him.

They reach a car, where in the back seat, the bloodied Foreman is slumped.

Moran leans in.

(CONTINUED)

CONTINUED:

MORAN

Tell Mr. O'Banion.

FOREMAN

He said: tell 'em that Torrio and
Capone are taking over now.

O'Banion takes the information impassively.

O'BANION

He? One man did all this?

The Foreman reads the situation, pads his story.

FOREMAN

Nah. Only one of 'em talked. But
the dagos swarmed the place.

ON: O'Banion's face...

EXT. HENKELMAN'S RESTAURANT- SAME

Capone is visible through the plate glass window of the
restaurant. He's got a phalanx of BODYGUARDS with him,
including BIG MIKE, and is with Frank Capone, Joe Batters and
Fischetti.

INT. HENKELMAN'S - SAME

Other DINERS cast furtive glances at Capone and his crew.

A WAITER delivers their food and the men tuck in.

FISCHETTI

Hold on. Get this outta my face.

He points to his steak.

FISCHETTI

It's burnt.

The Waiter treads lightly.

WAITER

I'm sorry, sir, you asked for well-
done.

Fischetti's voice gets loud.

FISCHETTI

Well-done's not burnt. Now get me
a new one.

(CONTINUED)

CONTINUED:

Frank laughs.

FRANK
Tell 'im, Fish.

WAITER
I'm very sorry, sir, that was the
last Porterhouse in the kitchen--

FRANK
Oh, oh...

Fischetti pushes his chair back, stands. The restaurant
stares.

FISCHETTI
Then somebody's running the fuck
next door for another--

WAITER
I can--

The Waiter moves to take the plate, but Capone GRABS it from
him.

CAPONE
You'll do nothing.

The Waiter, now fear-stricken, turns to Capone.

WAITER
Sir--

Capone smiles.

CAPONE
He'll eat it the way it is.

Fischetti starts to object.

CAPONE
You'll eat it. Sit down,
Fischetti.

Fischetti shuts up, sits.

Capone puts the plate in front of Fischetti, grabs Fischetti
by the head, and jams Fischetti's face into the steak.

CAPONE
You're gonna eat it just like it's
served. Fucking animal.
(MORE)

(CONTINUED)

CONTINUED: (2)

CAPONE (CONT'D)

I'm getting too prominent for this kind of thing.

Capone notices the whole place is watching, and stands, addresses the room.

CAPONE

I apologize if our boisterousness disturbed you fine citizens...

EXT. HENKELMAN'S RESTAURANT - SAME

Capone can be seen still addressing 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.

The Guns OPEN FIRE.

INT. HENKELMAN'S RESTAURANT - SAME

Capone's winding it up.

CAPONE

... So let me make the food go down a little easier. Tonight, 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.

CAPONE

Told you I was getting prominent.

Fischetti is on the floor too.

FISCHETTI

They've got Thompsons.

(CONTINUED)

CONTINUED:

CAPONE
I've heard of 'em.

Capone struggles against the weight of his bodyguard.

CAPONE
I'm down, Mike, get off me.

He rolls Big Mike off of him, and only then sees that Big Mike is dead.

CAPONE
Ah, Jesus.

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.

Joe Batters and one of the other Bodyguards crouch and crawl after him.

JOE BATTERS
Al...Christ, Al.

But Capone shows no sign of hearing him. Some men just aren't meant to die by a bullet, and Capone is one of them.

He steps outside 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 fires after the car, then walks up and empties his pistol into the fallen man.

When he's done, Capone picks up the Thompson, appreciates it. He hears footsteps in the broken glass behind him. It is Joe Batters and Fischetti, just making it outside.

Capone turns with his new weapon.

(CONTINUED)

CONTINUED:

CAPONE

That's a hell of a gun.

Joe Batters and Fischetti look to one another.

CAPONE

We're gonna need a lot of them.

Only then does he notice blood running down his neck, the wound from flying glass or debris.

EXT. NEIGHBORHOOD STREET - SAME

The Gunmen's cars, still moving fast, turn a corner on a quiet neighborhood street.

INT. TORRIO HOUSE - SAME

John Torrio stands at his coat rack. He puts on his overcoat and hat, and takes out a cigar.

He lights the cigar, takes a satisfying draw off it, and opens the front door to head outside.

Before he even takes a step out, he is SHOT, repeatedly, in the chest, and blown back into the house.

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.

CAPONE

Is he alive?

(CONTINUED)

CONTINUED:

DOCTOR
He made it through surgery.
Extracted five shells and
fragments. I sedated the wife,
sent her home.

Capone turns to his men.

CAPONE
Go sit on the house.

Two of them nod and go.

DOCTOR
Are you injured, sir.

Capone hardly hears him.

CAPONE
No...

Capone moves past the Doctor, enters the room.

INT. TORRIO'S ROOM - SAME

Torrio is bandaged all over, and hooked up to I.V. bottles.
Capone touches the I.V. and tubing lightly, shakes his head.
Capone, inexplicably, breaks down in big, remorseful sobs.
He lowers himself to his knees at Torrio's bedside.
Capone sounds like a wounded animal.
Torrio lays still.

DISSOLVE TO:

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 stirs, his eyes open. It is as if all the energy and
fire he had have been sapped from him. He is, now, an old
man.

(CONTINUED)

CONTINUED:

TORRIO

I dreamed of Naples. I've got a place there. My mother finished out her days...

Torrio pauses for breath. Capone sits up.

TORRIO

It's peaceful. With good vines growing. When they let me out of here, that's where I'm going to go. With my Anna.

Capone slides close to him.

CAPONE

Grapes. Good. That sounds perfect, John. Perfect. You send me the first bottle you make. And I'll drink it here, thinking of you.

Capone pats Torrio on the leg.

TORRIO

Yes. You drink it. Chicago's yours.

Capone stands.

INT. MERCY HOSPITAL HALLWAY - LATER

Drained, Capone, steps out.

Fischetti and Joe Batters man the hallway. Fischetti's lighting a smoke. He looks to Capone, raises a hand in ROMAN SALUTE.

FISCHETTI

I guess it's 'Hail, Caesar,' huh?

Capone moves slowly to Fischetti.

CAPONE

What does that mean?

FISCHETTI

I dunno. It's what you say. I mean, you're in power now is all--

(CONTINUED)

CONTINUED:

CAPONE

Caesar was killed by his own men.
Each one stuck a knife in until
their leader was dead.

FISCHETTI

Al, I...

Capone points to Torrio's room.

CAPONE

I cried in that room for him. You
gonna cry for me?

Capone walks on before Fischetti can even answer.

EXT. CAPONE HOUSE - LATER

Capone's car, as well as his lead and follow cars, pull up.

Capone gets out and walks toward the front door, Joe Batters
and Anselmi follow.

INT. CAPONE HOUSE - SAME

Capone enters, the men behind him.

CAPONE

Up the stairs. Closet on the
right. Suitcases under the bed.

MAE

What're they doing?

CAPONE

Packing me. I'm moving into a
hotel.

MAE

We're going to a hotel?

CAPONE

Just me.

Her face drops.

INT. SEIBEN BREWERY, LOADING BAY - NIGHT

The first brewery Capone opened.

(CONTINUED)

CONTINUED:

CAMERA moves across a row of Square Shouldered Men. As it reaches the end of the row, pull back to see TWO HUNDRED GUNMEN filling the space.

Capone stands before them.

CAPONE

They say only the weak pursue revenge. That the stronger man, when struck in the face, will turn the other cheek. Well then, I must be weak as a baby, still nursing his mother's teat.

The Men chortle.

CAPONE

Because I love revenge. Thrive on it. To me, revenge is strength. Revenge means no one will fuck with you, or that which is close to you, because they know what's coming if they do. The very freedom of this country was built on revenge...

The Men are hanging on his words.

CAPONE

Because those tough bastards-- George Washington, and the like-- were tired of being dumped on, robbed, fucked with. So they hit back. Again and again and again. Until there was nothing left to hit.

Capone's hand is balled into a fist, anger lumping up in his throat.

CAPONE

Now these Paddies have come at us. Make no mistake, we too, are at war. And it's time for us to hit back. Again and again and again.

Capone turns back into the building, and the men start filing out.

Stay with two granite-faced men, ANSELM and SCALISE.

EXT. KERRY DANCE HALL - LATER

A pair of O'BANION 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.

PEDESTRIANS yell and scatter. A WOMAN is HIT in the leg and goes down writhing.

INT. MOLONEY FUNERAL HOME, MORTUARY - LATER

CLOSE ON: Yellow fluid flows down a clear tube into a BODY CAVITY.

PULL BACK: The body of Charlie The Ox is putty-colored, rendered other-than-human by bullets.

A calm UNDERTAKER tends to his work.

EXT. MOLONEY FUNERAL HOME, FRONT - LATER

A SIGN MAKER applies letters to the sign announcing "Wake & Memorial Service for Charles O'Keefe."

DISSOLVE TO:

EXT. MOLONEY FUNERAL HOME, FRONT - DAY

The Sign Maker adds more names on the "Wake & Memorial Service" board. Clancy White, Morgan Kelly, and Briody Sullivan. The Irish names go on and on...

INT. MOLONEY FUNERAL HOME, MORTUARY - SAME

The Undertaker, no longer calm, now has an ASSISTANT. Both men work at a feverish pace.

PULL BACK TO REVEAL: The room is now awash with BODIES awaiting their attention. The gurneys are piled out the door.

ASSISTANT
We're out of embalming fluid.

UNDERTAKER
Well, get some more.

EXT. CALUMET BEACH - DAY

Brendan stands near a small boat house in a cold wind coming off the lake.

Malone walks up.

BRENDAN
Clean shirts from Meg.

MALONE
She's a good girl.

Brendan smiles. Malone exchanges a crumpled bag for a neat package with Brendan.

BRENDAN
You started the 'Beer Wars.'

MALONE
I guess I did.

BRENDAN
If I pushed you to do any of this--

MALONE
...
You were right to. Might not be seeing you for awhile, Bren. Tell your boys...

BRENDAN
I will.

They shake hands.

INT. CITY HALL - NIGHT

The corridors are darkened, the building closed for the night.

Doors marked "OFFICE OF THE MAYOR" open and Ella steps out, coat on.

She makes her way down the hall toward the stairs.

INT. STAIRCASE - SAME

Ella walks down the stairs, the sound of her footfalls echoing through the darkness.

Stepping out of the shadows on the next landing is Malone.

(CONTINUED)

CONTINUED:

MALONE

There's only one man in your life.
It's not me, and it's not Capone
either.

ELLA

What do you want?

He pulls newspapers from under his arm.

ANGLE ON: Headlines and photos. "Beer Wars Rage: INNOCENT
BYSTANDERS KILLED." "CITIZENRY OUTRAGED."

MALONE

You're father's losing a lot of
support. One errant gun shot at a
time.

ELLA

There's always been violence in
Chicago.

MALONE

Not like this.

This truth hits her.

ELLA

My father will calm it down.

MALONE

He's not getting this horse back in
the barn, and you know it. He's
also not gonna be staying in the
mayor's mansion for long if this
keeps up.

ELLA

Why do you care?

MALONE

A cop upholds the law.

ELLA

You're not a cop anymore.

MALONE

Badge or not, that's what I am.

She absorbs this, expressionless.

(CONTINUED)

CONTINUED: (2)

MALONE

Give him to me. Capone.

ELLA

Give him...?

MALONE

If you won't do it for this city,
then do it for your father. Tell
me when Capone's coming to see you.

Her eyes are cold slate.

ELLA

That won't be for awhile. He's
taking the early train to Miami
tomorrow.

Malone nods and goes down the stairs. She looks after him.

INT. SONS OF ERIN SOCIAL CLUB - LATER

The door swings open on a room filled with O'Banion MEN.
Familiar faces include Nails Morton, Dapper Dan McCarthy, the
Gusenbergs, and Bugs Moran.

Walking in comes Malone. Every head in the room swivels
toward him. Whether they make him for cop, ex-cop, or
stranger, it doesn't matter, he just doesn't belong.

Several Men rise. Malone continues in.

Bugs Moran steps up.

MORAN

State your business.

MALONE

I need to see O'Banion.

Several of the others loom in.

MORAN

It's Mr. O'Banion. And he doesn't
see anyone he doesn't know. Now
what the fuck do you want?

MALONE

I need to talk to him--

Moran rifles Malone's clothing, comes up with the gun, which
he slams down on a table.

(CONTINUED)

CONTINUED:

MORAN

Why aren't I gonna kill you right now?

Moran puts his own gun against Malone's head.

MALONE

Because I can give him Capone--

O'BANION

Bullshit.

They look to O'Banion, who has entered the back of the room.

O'BANION

Nobody knows when he moves or where he's going.

MALONE

I do.

INT. O'BANION'S OFFICE - LATER

The place is done with expensive wood furniture and decorated by elaborate floral arrangements.

Malone sits in a chair across from O'Banion, but now he's almost an afterthought.

Surrounding O'Banion's desk are Moran, Nails Morton, Dapper Dan McCarthy, the Gusenbergs, and a few others.

MALONE

He's going to be on the morning train to Miami.

O'Banion nods.

O'BANION

Now's our time to set things right. We'll rally early and be waiting for him when he gets to the station. Put this matter to rest.

Malone stands. O'Banion notices him.

O'BANION

We can always use another competent gun.

MALONE

No. I'm out of this.

(CONTINUED)

CONTINUED:

O'BANION

Suit yourself...

Malone heads for the door. O'Banion turns back to his men.

O'BANION

Tomorrow. S.M.C. Cartage
warehouse. 6:00 a.m.

The door closes behind Malone.

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.

ELLA

Al?

He enters.

She shrinks back into the room a bit, but tries to act natural.

ELLA

Thought you were going out of town.

CAPONE

I was and I am. But tomorrow's
Valentine's Day, so I figured I'd
bring you a present.

He offers her a velvet box. She opens it--Diamond Earrings.

ELLA

They're beautiful...You are still
going.

CAPONE

Yeah, we're leaving in the morning.

ELLA

We? I thought you sent Sonny and
Mae down ahead.

(CONTINUED)

CONTINUED:

CAPONE

Nah, we're going together.

He looks to her, he sees the concern on her face. She can't meet his eyes.

CAPONE

Why're you so interested all a sudden in my travel plans?

He crosses to her.

ELLA

I'm not--

Her words are cut off but his FIST connecting with her face. She goes down, covering her eye.

CAPONE

We're gonna find out exactly what the fuck is going on.

He looms over her.

ELLA

My father--

CAPONE

What's he gonna do to me?

Capone reaches for her.

EXT. TRAIN STATION - LATER

Malone exits a cab and enters the station.

INT. TRAIN STATION PLATFORM - SAME

Malone, amongst other PASSENGERS, makes his way down the platform along a waiting train on Track 9.

ANNOUNCER

Twelve-o-two to Phoenix now
boarding track 9...

Malone finds his car and boards.

INT. TRAIN - LATER

Malone, ill at ease, is in his seat. A CONDUCTOR comes by and punches Malone's ticket.

(CONTINUED)

CONTINUED:

The train whistle is heard and the train starts to move.

EXT. TRAIN - SAME

The train wheels start to roll on the rails as the engine churns. The train picks up speed.

INT. TRAIN - SAME

Only with the movement can Malone sit back and start to relax.

But then the train begins to slow.

Malone senses it. He sits up in his seat.

The train grinds to a halt. Malone looks out the window. Nothing but darkness is outside.

Realizing what's afoot, Malone leaps up and leaves his cabin.

He moves down the car until he sees Joe Batters and another Capone Gunman coming towards him.

He reverses course only to find Scalise and Anselmi coming from that direction.

They close in on him.

INT. BASEMENT - LATER

A cement storage space lit by a bare bulb. Restaurant accoutrement line the walls, spare tables, chairs, canned goods.

Malone is HURLED down a short flight of stairs to the ground. He's already taken a severe BEATING, and things are only going to get worse.

Capone, well-dressed, is there. Yale is there too, along with Joe Batters, Fischetti, Anselmis and Scalise, and Detective Sanders.

Malone looks up and sees his colleague there.

MALONE

Sanders.

Sanders smirks, shrugs, then KICKS Malone in the gut.

Capone HAULS Malone up and CRASHES him in the mouth.

(CONTINUED)

CONTINUED:

SANDERS

Don't get yourself dirty, Mr.
Capone. Let me--

CAPONE

This I want to do. Myself.

Anselmi, and Scalise step up and get a hold of Malone.
Capone lands several more blows, to the head and body. He is
both vicious and methodical.

Malone is sagging in their arms, almost out on his feet.

Capone sucks air.

CAPONE

It's been a while since I got my
hands in it. Too long. But this
punch I landed on Ella tonight...

He smiles at the memory.

CAPONE

...One of the best I ever threw.

The smile goes away.

CAPONE

Now who did you tell about my
travel plans?

He lands another crushing shot into Malone's mid-section.
And another.

CAPONE

G'head and ask me to stop and it'll
all be over.

Malone won't ask for mercy. Capone doesn't give any.

CAPONE

You've gotta ask me to stop.

Malone spits teeth and blood.

MALONE

No.

Capone lays into him again, then steps back.

CAPONE

Tough bastard.

(CONTINUED)

CONTINUED: (2)

Capone shakes his head.

CAPONE

Who did you tell? Was it the
Irish? And don't say 'no one' or I
send the guys out to get every one
of your fucking relatives.

He lands one more SHOT to Malone's jaw. Malone's head drops,
he seems unconscious. Capone moves his ear close to Malone's
mouth.

MALONE

I told...O'Banion. He's coming for
you...in the morning. They're
massing at S.M.C. warehouse on
Clark Street.

Capone relaxes, smiles.

CAPONE

Using O'Banion against me on St.
Valentine's day. Smart.

The guys holding Malone let go of him, and he hits the floor.

Malone struggles to get up on his feet. Can't.

Capone, almost with admiration--

CAPONE

Won't stay down.

Fischetti KICKS Malone in the head, knocking him out.

CAPONE

I have a train to catch.

Capone walks out, followed by his bodyguards, Yale, Joe
Batters, Anselmi and Scalise.

Fischetti and Sanders then pick up Malone and begin dragging
his limp body toward the stairs.

EXT. DESERTED ROAD - DAWN

A car, Fischetti at the wheel, drives down the empty road.

INT. CAR - SAME

Malone lays on the floor of the back seat like a pile of
meat.

(CONTINUED)

CONTINUED:

Sitting in back is Sanders. He toes Malone's form.

SANDERS

This guy. Useless.

Malone is motionless. Sanders points at a spot on the side of the road.

SANDERS

Pull over up there. The ground's nice and soft.

EXT. DESERTED ROAD - SAME

The car nears a stand of tall trees and pulls off the road, slowly bumping over the uneven ground.

INT. CAR - SAME

On the floor, Malone shows no signs of consciousness.

The car comes to a halt.

FISCHETTI

Everybody off, this trolley's going back to the yard.

SANDERS

Up you go.

No response from Malone. Sanders gives a sharp kick to Malone's gut. Still no response.

SANDERS

Crap. He's totally out.

Up front, Fischetti laughs.

FISCHETTI

You expect him to walk himself out there? There's nothing left of him.

SANDERS

C'mon and help. You kicked him.

FISCHETTI

Lift with your legs you lazy bastard.

Sanders opens the back door, kicks it open. He gets out, then leans over and reaches for Malone.

(CONTINUED)

CONTINUED:

Suddenly Malone LUNGES forward, pulls Sanders off his feet and back into the car, and finds the GUN in Sanders' holster.

Two SHOTS, muffled by Sanders' body, fill the car.

Fischetti whips his head around in time to get his face BLOWN OFF by Malone. The car is filled with blood-mist and gunsmoke.

Malone slumps back.

EXT. DESERTED ROAD - DAY

Malone drives, using his hand to wipe Fischetti's blood from the inside of the windshield.

EXT. S.M.C. CARTAGE WAREHOUSE - SAME

The nondescript building seems quiet in the early morning.

INT. S.M.C. CARTAGE WAREHOUSE - SAME

ANGLE ON: A table full of Thompsons, Shotguns, and Handguns.

O'Banion looks on as Bugs Moran, Dapper Dan, Frank and Pete Gusenberg, Nails Morton, and several other of his men assemble and load the weapons.

O'Banion takes out a small silver CELTIC CROSS, hands it to Moran.

O'BANION

Leave this on him when it's done.

Moran nods.

INT. CAR - SAME

Malone checks his watch, drives hard.

EXT. S.M.C. CARTAGE WAREHOUSE - SAME

Two black cars with no markings drive up. Half a dozen UNIFORMED POLICE OFFICERS jump out. They carry Thompsons.

ANGLE ON: Across the street, lights are on in some apartment windows. A few RESIDENTS peer out at the happening with mild interest, as they prepare their breakfasts.

The Police Officers move toward the door to the warehouse.

INT. S.M.C. CARTAGE WAREHOUSE - SAME

The O'Banion crew tucks away handguns, pick up the machine guns and prepare to go, when they are interrupted by the Police storming in.

POLICEMAN

Put the weapons on the ground.

The Police Officers draw down on the O'Banion crew.

MORAN

Sonofabitch.

POLICEMAN

I said: guns down.

Moran moves to raise his gun on the police. O'Banion stops him.

O'BANION

Just a minute, I've got five thousand in my breast pocket here. We need to work this out.

POLICEMAN

Oh we're gonna work it out. Turn around and grab the wall.

The O'Banion group begins to comply. Only O'Banion doesn't.

O'BANION

Goddamn it, who's your captain?

Only now do we realize that the 'Police' are actually Yale, Anselmi, Scalise, and several other recognizable Capone Gunmen.

YALE

My captain is Alphonse Capone--

Anselmi, Scalise and the rest raise their Thompsons.

The GUNS ROAR TO LIFE. Spent shell casings fill the air.

EXT. S.M.C. CARTAGE WAREHOUSE - SAME

ANGLE ON: The building across the street. Residents spill coffee, and hit the floor at the sound of the gunfire, which goes on and on and on...

EXT. CAPONE HOUSE - SAME

Capone oversees SERVANTS in the loading of luggage into a limousine. Mae and Sonny sit in the backseat.

Joe Batters and Bodyguards keep watch over it all.

EXT. S.M.C. CARTAGE WAREHOUSE - SAME

The front of the warehouse is empty of cars when Malone pulls up.

Across the street a few Residents mill around fearfully.

Malone runs inside, holding Sanders' gun.

INT. S.M.C. CARTAGE WAREHOUSE - SAME

He comes to a stop when he realizes he is the only living thing in the warehouse.

Before his eyes is a sea of carnage. He drops to a knee at the sight of it.

The SOUND OF FEET is heard. He turns. The real police have arrived.

The first YOUNG UNIFORM through the door doubles over at what he sees. More spill through the door.

Malone re-gains his feet and staggers outside.

EXT. S.M.C. CARTAGE WAREHOUSE - SAME

Lt. O'Riordan and Flynn, and some of the other Detectives, are arriving. They take in Malone's condition.

LT. O'RIORDAN

Malone, what in fuck's name?

Malone walks past him.

DET. FLYNN

Jimmy. Jimmy.

Malone is un-hearing.

MALONE

I did this. I did all this...

He continues on.

EXT. MOTOR CRUISER - ANOTHER DAY

A boat bobs in the blue ocean.

Capone, dressed in a bright striped bathrobe, smiles wide around a cigar in his mouth.

He sits on a teak chair on the fantail and supervises Sonny, who fishes off the back of the boat.

An American flag flutters on the stern as the Florida sun shines down on it all.

DISSOLVE TO:

INT. CAPTAIN SHADDOCK'S OFFICE - ANOTHER DAY

Malone, his wounds and bruises beginning to heal, stands in front of Shaddock.

CAPTAIN SHADDOCK

You have a friend in the mayor's office.

MALONE

... A friend.

CAPTAIN SHADDOCK

Yeah. She wanted to make sure you got this.

Shaddock tosses him a BADGE, which he catches.

CAPTAIN SHADDOCK

Your badge.

MALONE

Mine was gold.

CAPTAIN SHADDOCK

You were a detective, Jimmy. This is the best we can do for you now.

Malone turns and exits.

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.

(CONTINUED)

CONTINUED:

Malone slowly takes off his street clothes and puts on the uniform he will wear for the rest of his career.

EXT. TRAIN STATION - SAME

Al Capone, resplendent in suit and homburg, Florida tan on his face, gets off the first class car.

His Bodyguards quickly encircle him as Capone is besieged by REPORTERS and PHOTOGRAPHERS.

Capone is in good humor as The Reporters all bark variations of similar questions.

REPORTERS

Did you order the St. Valentine's
day Massacre

CAPONE

Of course not.

REPORTERS

They say you're wanted on a dozen
felony warrants? That you control
the liquor trade? Is it true?

CAPONE

Is that what you all think? If
that were true, they'd want to
arrest me, right? But I don't
think anyone will.

Capone begins walking with purpose.

CAPONE

Come. I'll show you.

The Reporters follow.

INT. POLICE STATION - SAME

As Malone, now dressed in his Patrolman's Blue Uniform, steps out of the locker room, there is a RUCKUS down the hall.

INT. POLICE STATION HALLWAY - SAME

Moving down the hall, flanked by Bodyguards, LAWYERS, and a sea of REPORTERS, is Al Capone. He now moves like a dirigible, a man of 'belly.'

Detectives and Uniform Cops are pressed up against the walls in the hallway, trying to stay out of his path.

(CONTINUED)

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 event at the warehouse 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 grows florid faced.

LT. O'RIORDAN

Absolutely not, sir, and I wish you a fine day.

Lt. O'Riordan walks briskly away. As he clears, Malone becomes visible. Capone's eye enlarge at the sight of him.

Capone steps right up to him.

(CONTINUED)

CONTINUED: (2)

CAPONE

How 'bout you, officer? Do you
want to arrest me?

Every Cop in the station house is focused on the answer.
There is dead silence in the hall.

MALONE

No, Al. I don't want to arrest
you.

Capone leans in and almost whispers.

CAPONE

Alright then. That's good. We'll
leave it at that.

Capone turns back to the Reporters, is about to speak. Then
he glances back at Malone once more. Malone does not look
away.

The scars along Capone's jaw Crinkle as a smile slowly grows
on his face.

Capone turns back to the Reporters, points toward Malone.

CAPONE

See that guy--he's the Louie Firpo
of cops--no matter how many times
he hits the canvas, he keeps
getting back up. He keeps getting
back up. You gotta respect a man
like that. But remember, there can
only be one Dempsey.

More flashbulbs as Capone raises his clasped hands overhead
like a champion. The Reporters roar with approval and the
entourage continues down the steps.

Malone sighs, turns, starts walking away. Detective Flynn
falls in beside him along with other Detectives.

DET. FLYNN

Forget it, Jim.

Malone shrugs.

DET. FLYNN

Spring's coming. We'll go opening
day to Comiskey. We'll drink till
we don't remember. Then we'll
start drinking. Huh?

(CONTINUED)

CONTINUED: (3)

MALONE

Sure, we'll do that.

Flynn and the other Detectives clap Malone on the back. He's one of them again.

Malone walks out. Flynn and the other Detectives watch him go, their eyes full of respect.

EXT. POLICE STATION - SAME

As Malone makes his way down the steps, the mayor's retinue makes its way up and in.

Trailing a few steps back is Ella. She looks beautiful despite the residual bruises on her face.

She and Malone trade a lingering glance before continuing on in their separate directions.

EXT. LASALLE STREET BRIDGE - NIGHT

Officer Jimmy Malone walks the beat, spinning his nightstick, just another cop in blue, glad to be alive.

FADE OUT.