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THE UNTOUCHABLES

A Screenplay by

David Mamet

THE UNTOUCHABLES

FADE IN:

A CRAWLSHEET

1931. Prohibition has transformed Chicago into a City at War. Rival gangs compete for control of the city's billion dollar empire of illegal alcohol, enforcing their will with the hand grenade and tommy gun. It is the time of the Ganglords. It is the time of Al Capone.

1 INT. OFFICE - DAY

1

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

A man in a suit walks past the bookkeeper, goes to the bookcase, and takes down a small wooden crate which he carries out of the room.

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

We HEAR the conversation of the two men become louder.

REPORTER #1 (V.O.)
(with an English accent)
... an article which, I believe,
appeared in a British newspaper,
which asked why...

The man with the crate walks through a beautiful Louis XV sittingroom, he comes up to AL CAPONE, dressed in a beautiful grey suit, who is sitting talking with an English reporter.

REPORTER #1 (V.O.)
(continuing)
... since you are, or it would
seem that you are, in effect,
the Mayor of Chicago, you have
not simply been appointed to
that position.

Capone laughs.

He takes out the crate, which has been presented to him, lifts the top, and takes from a bed of straw, an ancient bottle of cognac.

(CONTINUED)

1 CONTINUED:

1

He nods to the man who has brought it, who, through the conversation, opens the bottle, and pours two glasses.

CAPONE

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

REPORTER #1

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

CAPONE

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

REPORTER #1

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

(CONTINUED)

1 CONTINUED: (2)

1

CAPONE

(smiles)

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

He and the Reporter laugh.

CAPONE

(continuing)

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

The man with the cognac presents two snifters to the two men.

2 EXT. CITY STREET - DAY

2

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

A man walking, carrying a briefcase, SEEN from the waist down. WE SEE him stop, about to open a door. He hesitates, a little girl holding a beerpail comes INTO THE FRAME. The man opens the door for her.

3 INT. SPEAKEASY - DAY - ANGLE INS

3

A run of the mill neighborhood speakeasy. The man with the briefcase, an Italian in a bowtie (FRANK NITTI), and the little girl with the beerpail entering.

The girl walks down the bar to where the bartender is having a conversation with a customer.

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

LITTLE GIRL

Mister...

BARTENDER

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

(CONTINUED)

3 CONTINUED:

3

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

BARTENDER

(continuing)

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

LITTLE GIRL

... they're fine.

BARTENDER

... your Momma well?

LITTLE GIRL

... she has a little cold.

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

BARTENDER

She does, huh?

LITTLE GIRL

But she'll be all right.

4 EXT. SPEAKEASY - DAY - ANGLE

4

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

5 ANGLE

5

The bartender giving the full beerpail to the little girl.

LITTLE GIRL

Thank you.

BARTENDER

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

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

LITTLE GIRL

Mister, you forgot your br...

(CONTINUED)

5 CONTINUED: 5.
5
THE SPEAKEASY EXPLODES. SMOKE AND FALLING DEBRIS FILL THE SCREEN.
THE SMOKE SLOWLY CLEARS TO REVEAL THE WHOLE WALL OF THE SPEAKEASY GONE AND A CHICAGO STREET OUTSIDE.

6 INT. CAR - ANGLE - DAY 6
Nitti, in the passenger seat, takes off his hat, mops his forehead, sits back, takes a deep breath, loosens his bowtie. The car speeds down the street.

7 EXT. STREET - ANGLE - DAY 7
Stoplight changing from green to red.

8 ANGLE 8
The car carrying Nitti speeding through the red light.

9 INT. CAR - ANGLE 9
Nitti is loosening his tie, he lights a cigarette. The driver nudges the bowtie man to look up in the rearview mirror. The bowtie man looks up.

10 ANGLE POV 10
The rearview mirror. A policeman on a two wheel motorcycle, his light flashing, coming up behind them.

11 ANGLE 11
The two men in the car. The driver looks to Nitti for instructions. Nitti thinks a second, motions him to pull over.

12 EXT. THE STREET - ANGLE 12
The motorcycle cop. Beyond him, the car pulling over to the curb. The motorcycle cop pulls over, gets off the cycle. Takes out the summons book, starts to approach the car. He comes over to the driver's window, looks in.

MOTORCYCLE COP
Show me some identification.

6.

13 INT. THE CAR - ANGLE POV 13

The driver coughs nervously, looks at Nitti. Beat. Nitti starts reaching into his lapel pocket slowly.

14 EXT. ANGLE 14

The policeman, his suspicions aroused.

15 ANGLE 15

The policeman's hand goes slowly to his holster. He surreptitiously draws his revolver, and lowers it to his side.

16 INT. THE CAR - ANGLE 16

The policeman's hands come in the window. Beat.

17 ANGLE INS 17

The hand of Nitti goes into his lapel pocket, it comes out with a card.

18 ANGLE 18

Nitti handing the card to the motorcycle cop who looks at it. Beat.

The motorcycle cop, he salutes, hands back the card. The driver puts it on the dashboard.

19 EXT. THE CAR - ANGLE 19

The car driving away, the motorcycle cop walking back to his cycle.

20 ANGLE INS 20

The card lying on the dashboard of the car. It reads: "To whom it may concern. Please extend to the bearer, Mr. Frank Nitti, all possible courtesy and consideration. Signed: Wm. Thompson, Mayor, City of Chicago."

21 INT. KITCHEN - ANGLE INS - DAY 21

A large kitchen tear-a-sheet calendar, reads "Sunday, September 14th, 1931." A woman's hand tears off the left of the calendar, so that it now reads Monday.

22 ANGLE

22

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

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

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

CATHERINE

(of picture, nods slowly)

Yes. I heard it on the radio.

23 ANGLE INS

23

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

24 ANGLE

24

Ness looking at the newspaper. Sighs.

CATHERINE

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

(she smiles)

Go make a good first impression.

She hands him the lunch she has prepared.

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

CATHERINE

(continuing)

I love you, too.

(CONTINUED)

24 CONTINUED:

24

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

CATHERINE

(continuing)

Now, shoo!

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

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

He reaches back and picks up the framed photograph.

25 ANGLE INS

25

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

26 ANGLE

26

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

27 ANGLE INS

27

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

28 ANGLE

28

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

29 INT. CONFERENCE ROOM - DAY

29

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

30 ANGLE

30

The conference room at police headquarters, five or six reporters, several photographers, the Chief of Police, in uniform, who is finishing writing Ness' name on the board.

(CONTINUED)

Ness stands to the side of the blackboard. The Chief turns to address the reporters.

CHIEF OF POLICE

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

(beat)

... Mr. Ness... ?

NESS

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

REPORTER

And of what does this program consist... ?

NESS

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

REPORTER #2

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

REPORTER #3

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

NESS

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

REPORTER #2

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

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

CHIEF OF POLICE

I think that's all, boys...

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

(CONTINUED)

30 CONTINUED: (2)

30

REPORTER

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

NESS

(smiles)

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

The reporter pulls him aside.

REPORTER

(in a whisper)

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

NESS

(smiles)

Can't help you.

Ness pushes through the crowd, toward a set of double glass doors with a uniformed policeman standing guard in front of him. He moves through the doors, CAMERA FOLLOWS. A fat, elderly policeman, obviously pensioned off, wearing no gun, nods at him and moves out of his way. He HEARS his name called from behind. "Mr. Ness..." He turns.

31 ANGLE

31

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

LIEUTENANT ALDERSON

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

NESS

Well, yes, I am.

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

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

32 REVERSE ANGLE

32

Ness and Alderson. Ness impressed.

LIEUTENANT ALDERSON

(sotto, with pride)

They are the best we have.
(to the men, with a
"command voice")

At ease.

33 INT. READYROOM - DAY - ANGLE INS

33

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

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

34 ANGLE

34

Ness and the group of police.

NESS

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

LIEUTENANT ALDERSON

Are there any questions... ?

NESS

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

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

ALDERSON

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

Squad Leaders come up to the front of the room.

(CONTINUED)

34 CONTINUED:

34

ALDERSON

(continuing)

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

35 EXT. WAREHOUSE - NIGHT

35

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

NESS

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

LIEUTENANT

Yes, sir. I have it.

NESS

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

LIEUTENANT

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

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

NESS

I think that's it. Your people ready?

LIEUTENANT

Yes, they are.

Ness nods. He checks his watch.

NESS

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

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

36 INT. ANGLE

36

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

(CONTINUED)

36 CONTINUED:

36

NESS

How we doing... ?

Preseuski nods in the direction he is watching.

37 INT. THE CAR - ANGLE

37

Preseuski checks his watch. Beat. Ness reaches into the back seat, takes his briefcase, takes out his paper lunch bag. Lieutenant gets up and starts off. Ness opens his lunch bag.

NESS

(to Preseuski)

Part of a sandwich?

PRESEUSKI

No, thank you, sir.

NESS

Nervous?

PRESEUSKI

No, sir.

Ness is unwrapping his lunch.

NESS

Been with the unit long?

PRESEUSKI

A short while.

NESS

Then I suppose we all want to do well.

PRESEUSKI

(earnestly)

Yes, sir.

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

Ness

Ha!

(he holds it up)

Message from my wife.

38 ANGLE POV

38

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

39 ANGLE

39

The two men.

NESS
You married?

PRESEUSKI
Yes, sir. I am.

NESS
Nice to be married. Isn't it?

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

40 ANGLE POV - THE MIRROR

40

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

41 ANGLE

41

Ness and Preseuski watching the mirror.

42 EXT. THE CAR - ANGLE

42

Ness and Preseuski getting out of the car.

43 ANGLE

43

Ness and Preseuski walking around the warehouse. CAMERA FOLLOWS. They turn the corner, CAMERA FOLLOWS.

44 ANGLE

44

Ness, Preseuski, and the man (the reporter from the earlier City Hall sequence), talking.

REPORTER
(talking fast)
Listen: I can do a lot for you.
I can do a lot for what you're
trying to do. I get the Big Scoop
and you make a big splash. Get
yourself some support. What do
you say? Let's be real...

(pause)

What do you say? What do you
say... ? You want to do some
good, you want to spread the
word... ? Let me help you...

15.

45 INT. WAREHOUSE 45

The Treasury Agent in the grey suit with the red bandana coming out of a partitioned office area. CAMERA FOLLOWS him past many wooden cases marked with a Red Pine Tree. He says goodnight to several workingmen. He puts on his hat and goes through a small door set in the large warehouse door.

46 ANGLE - EXT. THE WAREHOUSE 46

The red bandana man coming out of the door, lights a cigarette and walks off.

47 ANGLE 47

Around the corner, Ness, looking on at the bandana man in the b.g. Ness moves back behind the building to his massed forces, CAMERA FOLLOWS. Ness mounts to the shotgun seat of the snowplow.

NESS
Let's do some good.

48 ANGLE 48

The snowplow raising.

49 ANGLE 49

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

50 ANGLE - INT. THE WAREHOUSE 50

One of the workingmen, looking up, startled.

51 ANGLE 51

The snowplow splintering the door.

52 ANGLE 52

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

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

(CONTINUED)

52 CONTINUED:

52

He reaches back to Preseuski, who hands him a crowbar. Ness pries open the crate.

NESS
(continuing; to
reporter)
Well, if you want to take a
picture, take it now...

The reporter comes forward with his camera.

53 ANGLE INS

53

The open crate. Ness' hand brushing aside the packing excelsior. He digs around in the crate. He digs a bit more frantically. His hands come up with a handful of Japanese paper knickknacks, little miniature parasols, and dragons.

54 ANGLE

54

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

NESS
(of the reporter)
Get him out of here. I mean now.

LIEUTENANT ALDERSON
Tear the place apart.

55 INT. NESS' CAR - DAWN

55

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

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

Pause.

PRESEUSKI
... sir... ?

Pause.

NESS
I think I'll walk from here.

Beat.

(CONTINUED)

17.

55 CONTINUED: 55

Ness gets out of the car.

56 EXT. ANGLE 56

Ness getting out of the car. Walks to the railing, looks down. A small boat is going through the bridge. Ness watches it for a moment, walks off.

57 EXT. CHICAGO TRIBUNE LOADING DOCK - DAWN 57

A bundle of newspapers thump onto the tailgate of a truck.

58 ANGLE 58

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

59 ANGLE 59

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

60 ANGLE POV - INS - THE FRONT PAGE 60

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

61 ANGLE 61

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

62 ANGLE INS

62

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

63 ANGLE

63

Ness reading the note. Beat. He shakes his head. He looks at the note. He crumbles it and throws it into the river. He continues to lean on the railing. Behind him we HEAR a gruff male voice. "What do you think you're doing?" Ness half turns his body slowly.

64 ANGLE POV

64

A large Irish cop (MALONE) speaking to Ness.

MALONE

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

65 ANGLE

65

Ness and Malone.

Beat.

NESS

Don't you have more important things
to do?

MALONE

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

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

MALONE

(continuing)

Okay, Pal. Why the Mohaska?

Pause. Ness does not understand.

MALONE

(continuing)

Why are you packin' the gun?

NESS

I'm a Treasury Officer.

(CONTINUED)

65 CONTINUED:

65

Beat.

MALONE

Alright.

He lowers his nightstick. He starts to walk on.

MALONE

(continuing)

You remember what we talked
about, now...

66 ANGLE

66

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

NESS

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

MALONE

You're a Treasury Officer.

NESS

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

MALONE

Who could claim to be that who
wasn't?

Malone starts to walk on.

NESS

What's your name and unit... ?

Malone turns around, gestures to his insignia.

MALONE

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

NESS

How did you know I had a gun?

(CONTINUED)

66 CONTINUED:

66

MALONE

Whaddaya want, a free lesson in
Police Work?

(Smiles. He
looks at Ness)

You okay, pal?

NESS

(beat)

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

MALONE

You going home now?

NESS

(nods)

I was about to.

MALONE

(smiles again)

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

(beat)

Here endeth the lesson.

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

67 ANGLE

67

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

68 INT. LEXINGTON HOTEL LOBBY - DAY - INS

68

A man's suitcoat pocket, a chewed pencil protruding.

69 ANGLE

69

The bookkeeper, at the newsstand in the lobby, takes two
newspapers, folds one, puts it in his pocket, opens the
other, takes out the chewed pencil, starts making notes on
the paper. He goes through the lobby. CAMERA FOLLOWS him
up an ornate staircase. He nods at the bodyguard on the
way up, as he annotates the paper. He knocks on a door
on the second floor. He is scrutinized and allowed to
enter. CAMERA FOLLOWS him into a large kitchen where
uniformed help are preparing a breakfast tray.

(CONTINUED)

69 CONTINUED:

69

The bookkeeper puts the paper from his pocket down on the breakfast tray. He takes off his coat and hat and puts on an eyeshade. He opens a door off the kitchen and proceeds into what WE SEE, beyond, is his office. A butler picks up the tray. CAMERA FOLLOWS him down the hall, and through the lavishly appointed salon WE SAW Al Capone in earlier.

He goes down another hall, CAMERA FOLLOWS, and then knocks discreetly at a door. He waits a second, then goes in, carrying his tray.

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

70 ANGLE

70

Al Capone, sitting in bed, laughing, holding the paper. A young woman lying next to him in bed, the butler pouring the coffee.

71 INT. READYROOM - DAY

71

Ness walking. A row of tommy guns on the wall. Charts, diagrams, arrayed on the wall. On the blackboard someone has reproduced the "Crusader Cop" cartoon. CAMERA FOLLOWS Ness through the readyroom, back to his own office. He enters his office, sits at a utilitarian desk, on which is the framed photograph of his family. He takes out a sheet of paper. He takes a pen out of his jacket pocket, writes.

72 ANGLE POV

72

The letter he is writing. "To William F. Bagwell, Office of the Treasury. From E. Ness."

73 INT. HALL OUTSIDE READYROOM - DAY

73

Ness walking into the readyroom. CAMERA FOLLOWS him in. Ness' attention is drawn to something.

74 ANGLE

74

Ness is looking at the readyroom blackboard on which is reproduced, large, in chalk, the "Crusader Cop" caricature of Ness which appeared in the paper. The caption is "The Cavalry Has Arrived."

(CONTINUED)

74 CONTINUED:

74

We are in the office. Ness has closed the door. He sits down, and begins to write a letter.

75 ANGLE INS

75

The letter. "To the Office of the Treasury. From E. Ness." He finishes writing, takes out an envelope, folds the paper. He starts to rise. Preseuski comes over to him. Hands him a sealed memo.

PRESEUSKI

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

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

NESS

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

He moves back into the readyroom, folding his resignation, puts it into the envelope. A YOUNG WOMAN stands up as he enters the room. Ness stops, looks at her. Beat.

MRS. BLACKMER

I came here to thank you.

Beat.

Ness is puzzled.

MRS. BLACKMER

(continuing)

It was my little girl they killed with that bomb.

(beat)

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

(beat. She nods)

And I know you will put a stop to them.

(she nods again)

And now you do that, now...

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

(CONTINUED)

LIEUTENANT ALDERSON

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

NESS

We can't meet with him.

Pause.

LIEUTENANT ALDERSON

I... ?

Ness gestures to the memo he has been reading.

NESS

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

(beat)

Would you excuse me please... ?

Alderson nods. Leaves the office. Ness looks at the envelope, which holds his resignation. Sighs.

NESS

(continuing)

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

He opens the envelope.

76 ANGLE INS

76

The resignation.

77 EXT. RUNDOWN RESIDENTIAL STREET - DAY

77

Ness coming up the walk to a house. Stops, takes a sheet of paper out of his jacket pocket, reads it.

78 ANGLE INS

78

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

79 ANGLE 79

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

80 INT. HOUSE - KITCHEN 80

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

81 ANGLE 81

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

82 ANGLE 82

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

83 ANGLE REVERSE 83

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

MALONE

What is it?

CAMERA FOLLOWS Ness into Malone's livingroom.

NESS

I'd like to talk to you.

84 INT. LIVINGROOM - LATER- ANGLE 84

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

Beat.

Malone smiles.

MALONE

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

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

NESS

Work with me.

Beat. Malone looks at him.

MALONE

Why should I, though?

NESS

Because you're a good cop.

MALONE

How do you know that?

NESS

You told me.

MALONE

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

NESS

You want to tell me?

MALONE

(archly)

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

NESS

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

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

MALONE

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

Beat.

NESS

I don't understand.

(CONTINUED)

84 CONTINUED: (2)

84

MALONE

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

(beat)

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

Malone stands. Ness stands.

85 INT. NESS' OFFICE - DAY

85

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

MAN (OSCAR WALLACE)

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

NESS

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

WALLACE

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

NESS

A return... ?

WALLACE

An income tax return.

NESS

Income tax.
(pause)

WALLACE

Yessir.
(beat)

NESS

What, what do you do at the Bureau?

WALLACE

I'm an accountant.
(pause)

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

(CONTINUED)

85 CONTINUED:

85

NESS

An accountant...

WALLACE

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

NESS

Would you excuse me, please... ?

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

86 ANGLE POV

86

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

87 ANGLE

87

Ness walks over to Malone. Malone stands very close to him. Under his breath, intensely:

MALONE

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

(beat)

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

NESS

Everything within the law.

MALONE

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

(pause)

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

(pause)

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

Pause.

NESS

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

(CONTINUED)

MALONE

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

NESS

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

MALONE

(sighs)

Waal, the Lord hates a coward.

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

MALONE

(continuing)

You know what a "Blood Oath" is?

NESS

Yes.

MALONE

You just took one. Come on, walk with me...

NESS

Where are we going?

MALONE

We're going outside, my friend, because the walls have ears.

The two men walk out of the building.

88 EXT. POLICE DEPARTMENT - DAY

88

Ness and Malone walking.

MALONE

How do you think that Capone knew about your raid last night?

(CONTINUED)

NESS

(pause)

Someone on the cops must have
told him.

MALONE

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

(beat)

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

NESS

I...

MALONE

(interrupting him)

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

NESS

Then why are you helping me?

MALONE

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

NESS

I can trust nobody.

MALONE

(nods, satisfied)

That is the sorry truth.

NESS

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

MALONE

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

He starts to walk Ness toward a building. The two men
walk down a set of stairs. CAMERA FOLLOWS them down.
Over the stairs is a sign proclaiming the building to be
the "POLICE ACADEMY."

89 INT. SHOOTING RANGE - DAY

89

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

(CONTINUED)

The RANGEMASTER barking commands.

Ness and Malone enter and wait by the door.

RANGEMASTER

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

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

RANGEMASTER

(continuing)

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

Malone and Ness come up to the Rangemaster. Malone makes introductions.

Ness

Elliot Ness, Treasury. We require
 a recruit on extended duty,
 seconded to Treasury.

(Ness produces a
 document)

We have the full cooperation of...

MALONE

(interrupting him)

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

The Rangemaster checks his records.

RANGEMASTER

Williamson and Stone.

MALONE

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

RANGEMASTER

Williamson!

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

90 ANGLE - POV INS - THE TARGET

90

It is one large jagged hole in the ten ring.

91 ANGLE

91

Malone, Ness, Williamson.

NESS

Very impressive.

MALONE

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

The young man is obviously flustered.

WILLIAMSON

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

MALONE

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

WILLIAMSON

I, uh...

MALONE

(not unkindly)

Okay, that's all.

Williamson retreats to the line of recruits. The Rangemaster is, at the same time, barking commands to the next group.

RANGEMASTER

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

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

MALONE

(to Rangemaster)

Who's the other high-score... ?

RANGEMASTER

Stone. He's a real prodigy...

MALONE

Which one?

(CONTINUED)

The Rangemaster points out a young man on the firing line. Ness and Malone walk over to Stone, a dark, intense young man.

MALONE

(continuing)

Why do you want to join the force?

STONE

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

MALONE

Waste my time with that bullshit...

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

MALONE

(continuing)

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

STONE

That is my real name, sir.

MALONE

What was it before you changed it?

Beat.

STONE

Guisseppe Petri.

MALONE

Well, that's what I thought...

(to Ness)

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

STONE

(stunned)

What did you say... ?

MALONE

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

STONE

Better'n you, you stinkin'
Irish pig...

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

(CONTINUED)

91 CONTINUED: (2)

91

MALONE

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

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

MALONE

(continuing)

He'll do.

(to Stone)

Son, you just joined the Treasury Department.

92 INT. NESS'S OFFICE - DAY

92

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

LIEUTENANT ALDERSON

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

NESS

Thank you, Lieutenant

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

NESS

(continuing)

What do you think?

MALONE

I think there's nothing like vaudeville. Are you ready to go to work?

Malone stands.

NESS

Where are we going?

MALONE

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

Wallace enters. Holding papers.

WALLACE

Mr. Ness. The financial disbursement pattern...

(CONTINUED)

92 CONTINUED:

92

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

MALONE
(to Wallace)
Come on.

WALLACE
I... uh...

MALONE
You carry a badge?

WALLACE
Yes.

MALONE
(nods)
Carry a gun.

93 EXT. FEDERAL BUILDING - DAY

93

Malone, Ness, Stone and Wallace coming out of the Federal Building.

The CAMERA PANS with them as they go 20 feet and turn into an alley filled with Postal trucks, unloading and loading. Malone stops them outside a door marked "Postal Employees Only."

NESS
What are we doing here?

MALONE
Liquor raid.

NESS
Here... ?

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

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

NESS
Yes. I do.

CAMERA FOLLOWS all four into a room full of Postal employees.

(CONTINUED)

On the door in the room has a sign hung on it "Out Of Order. Please Go Around".

MALONE

(over his shoulder)

Draw your guns.

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

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

MALONE

(continuing)

Federal Officers. This is a raid.

A very Fat Man comes over to Malone.

FAT MAN

What are you doing here?

MALONE

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

FAT MAN

(uncertain)

This is no good! You got a warrant?

MALONE

Here's my warrant.

He hits the Fat Man viciously in the stomach.

MALONE

(continuing; to the other men in the warehouse)

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

NESS

(to Wallace)

Arrest them.

Wallace and Stone start rounding up the culprits.

MALONE

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

95 INS SHOT 95

Hands holding a box under the arm. The hands slowly present the box.

96 ANGLE 96

The four Untouchables looking on, in tableau, at the box. They lean toward it.

97 ANGLE INS 97

The hands open the box. It is full of gaudily banded cigars.

98 ANGLE - THE UNTOUCHABLES 98

revealed at a table in a private room of a rundown Italian restaurant, leaning over the remains of an Italian dinner, lean toward the box and choose cigars. The Waiter lights them with a flourish and disappears. The Untouchables lean back, smoking reflectively.

99 ANGLE 99

Malone smiling, smoking his cigar. Picks up the remains of a chickenwing, gnaws at it, throws it back on the table.

MALONE

"A Good Conscience and a Good Digestion!"

CAMERA PANS around the table to Wallace, who is unbuttoning his vest. Wallace thinks a moment, puts his feet up on the table, puts his thumbs through his suspenders, his suitcoat falls open, to reveal a new and shiny pistol in a new and shiny shoulder holster. CAMERA PANS to Stone, smoking his cigar and smiling and CONTINUES to Ness, at the head of the table.

NESS

What could be better?

100 ANGLE 100

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

(CONTINUED)

STONE
(In ITALIAN)
What is that?

WAITER
(in ITALIAN)
What do you think, you got to put
the icing on the cake!

STONE
(in ITALIAN)
No, no, please. Just take it out
of here.

The Waiter turns to Ness.

WAITER
(in English)
Here she is, Mister, a nice glassa
grappa, wash the meal down.

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

WAITER
Then whadda you gonna have to
end the meal?

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

WAITER
Tea??? Whadda for you drink Tea?

NESS
Because it's the Cup That Cheers...

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

MALONE
I like you, Mr. Ness. You're
alright.

The lobby. Several bodyguards come down the ornate
staircase, spread out across the lobby. The chief body-
guard nods back toward the staircase. Beat. Al Capone
and Frank Nitti, surrounded by several men, one of whom
is the bookkeeper, comes down the stairs, turns. CAMERA
FOLLOWS him and his entourage, into a small banquet room.

(CONTINUED)

101 CONTINUED: 101

There are ten or twelve men sitting around a table, eating and drinking, they look up as Capone comes in. One of them is the very Fat man from the Post Office.

102 ANGLE 102

Capone looking at him.

103 ANGLE 103

The other man lowers his eyes.

104 ANGLE 104

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

CAPONE

Life goes on.

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

CAPONE

(continuing)

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

(pause)

Enthusiasms.

(pause)

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

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

CAPONE

(continuing)

A man. A man stands alone at the plate. This is the time for what? For individual achievement. There he stands alone. But in the field, what? Part of a team. Looks, throws, catches, hustles, part of one big team. He bats himself the live-long-day, Babe Ruth, Ty Cobb, and so on: if his team don't field... you follow me? What is he?

(MORE)

(CONTINUED)

104 CONTINUED:

104

CAPONE (CONT'D)

No one. Sunny day, the stands are fulla fans. What does he have to say? I'm goin' out there for myself. But I get nowhere unless the team wins!

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

105 ANGLE

105

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

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

106

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

LITTLE GIRL

Amen.

CATHERINE

Amen.

LITTLE GIRL

Goodnight, Mommy.

CATHERINE

(rising)

Goodnight.

LITTLE GIRL

Goodnight, Daddy.

NESS

Goodnight, little girl.

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

107 ANGLE

107

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

(CONTINUED)

107 CONTINUED:

107

CATHERINE

Where are you going?

NESS

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

CATHERINE

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

NESS

Yes. I certainly did.

CATHERINE

And you've still got some energy left?

NESS

Lots of work to do.

Catherine smiles, takes his hand, nods.

CATHERINE

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

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

CATHERINE

(continuing)

You "Detective" ...

108 INT. NESS' OFFICE - DAY

108

Wallace sitting at a desk, shirtsleeves, ledgers spread out before him. A policeman comes in with some more ledgers.

WALLACE

Just drop them on the desk.

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

109 ANGLE POV

109

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

Ness, smiling with Wallace.

NESS
(of ledgers)
How are you doing?

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

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

NESS
(over his shoulder)
Aha! I have to get a present
for my daughter.

STONE
How old is she, sir?

NESS
Six.

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

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

Ness stops, turns. Wallace gestures at the ledgers.

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

POLICEMAN
Mr. Ness: you have a visitor.

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

Beat.

(CONTINUED)

110 CONTINUED:

110

ALDERMAN

Mr. Ness... ?

NESS

I'm Ness.

ALDERMAN

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

NESS

Yes, Alderman. I know who you are.
(Beat. To his men)
Would you excuse us... ?

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

NESS

(continuing)

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

ALDERMAN

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

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

111 ANGLE POV

111

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

112 ANGLE

112

Ness looking at the envelope.

NESS

And what is that... ?

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

NESS

(continuing; of
envelope)

What is that?

(CONTINUED)

ALDERMAN

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

Ness goes to the door, opens it.

NESS

(to his men in the next room)

Would you come in here, please.

They come back in.

NESS

(continuing)

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

WALLACE

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

NESS

Why do you suppose that?

WALLACE

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

NESS

Why would he bring me paper?

WALLACE

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

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

(CONTINUED)

112 CONTINUED: (2)

112

NESS

(to Alderman)

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

ALDERMAN

You're making a mistake.

NESS

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

ALDERMAN

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

NESS

... and you tell Al Capone...

ALDERMAN

... Hey, everybody can be gotten to.

NESS

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

He turns his back on the Alderman.

NESS

(continuing)

Good work, Mr. Wallace.

WALLACE

(to Ness)

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

Malone and Ness exchange a look.

113 EXT. RESIDENTIAL STREET - NIGHT

113

Ness, walking alongside a high iron fence. He carries a gift-wrapped package. A man walking on the other side of the fence falls in step with him. The man nods. Ness nods. The man nods toward the package Ness is carrying.

MAN (NITTI)

... birthday... ?

(CONTINUED)

113 CONTINUED:

113

NESS
(smiles)

Yep.

NITTI
Nice to have a family.

NESS
Yes. It is.

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

The high iron fence has connected to a high stone fence. The man on the far side is obscured from view. Ness stops, pulls his pistol, looks for the man who has just threatened him. The man is nowhere to be seen.

114 EXT. NESS HOUSE - NIGHT

114

Ness, bursting up the stairs, opens the door, CAMERA FOLLOWS him inside. His wife, in a robe, is sitting listening to the radio. She jumps up, frightened.

NESS
Where's the baby... ?

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

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

115 ANGLE POV

115

She is sleeping peacefully.

116 ANGLE

116

His wife has come up behind him.

CATHERINE
What is it... ?

Ness goes across the hall to his study.

NESS
Pack for the country. Both of
you. Right now.

(CONTINUED)

116 CONTINUED:

116

He rummages in his closet. Finds a shotgun and a box of shells. He goes to the telephone, picks it up.

NESS

(continuing; into phone)

Dearborn, Two Eight Three One.
(he loads the shotgun)

CATHERINE

Elliot, what is it?

NESS

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

(into phone)

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

117 ANGLE

117

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

118 INT. NESS HOUSE - NIGHT - LATER - IN AN ANGLE OF THE STAIRCASE

118

Catherine is reading a book to her daughter, who is wrapped in a quilt. They are sitting on suitcases.

CATHERINE

"... but should you ever go down to the Sea again, remember me; and take these things: a ball of yarn, a needle, and a Mirror Bright."

(She hears a car. She looks up.)

119 ANGLE POV

119

Ness, standing at the front door, holding the shotgun. He parts the curtains, looks out.

NESS

Alright.

(he gestures back to them)

Stay here a minute.

(he opens the door)

120 EXT. ANGLE

120

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

WALLACE

It's alright, Elliot.

Ness gestures back into the house.

NESS

Alright, let's go...

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

NESS

(continuing)

Stay there and keep your eye on the street.

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

DAUGHTER

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

NESS

Just a little while.

DAUGHTER

Will you come up and be with us?

NESS

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

WALLACE

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

NESS

(of Cop)

Who is this guy?

WALLACE

One of the men on his list.
He's alright.

NESS

(to Cop)

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

(CONTINUED)

120 CONTINUED

120

COP

Yes, Mr. Ness.

NESS

Get that jacket off.

The Cop starts taking off his jacket.

NESS

(continuing)

Anything happens you shoot first,
you understand?

COP

Yessir.

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

121 INT. THE CAR - ANGLE

121

Ness saying goodbye to his family.

DAUGHTER

Daddy, you're going to miss my
birthday.

NESS

Yes, sweetie, I am, but I'll make
it up to you next year. Ah.
Ah. Ah.He reaches behind him. Hands her birthday present in
through the window.

CATHERINE

Take care of yourself.

NESS

Oh, I'm going to.

122 EXT. THE CAR - ANGLE

122

NESS

(to Cop)

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

(CONTINUED)

The car screeches to a sliding halt halfway down the block, the driver gets out. It is Malone, hands high, signaling "Don't Shoot"... he comes jogging down the street, carrying a submachine gun. He motions the driver of the car to follow.

MALONE

Are they okay?

WALLACE

They're fine. Is the cop okay?

MALONE

He better be -- he's my cousin.

NESS

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

MALONE

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

The car arrives, Stone is driving.

MALONE

(continuing; to Stone)

Tell 'em...

STONE

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

MALONE

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

NESS

How do you come by this information?

MALONE

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

NESS

Let's go.

They swing up onto the car. They drive off.

- 123 EXT. SMALL AIRPORT - DAY - ANGLE 123
The car speeding by the small control tower.
- 124 ANGLE 124
Hands spin a wooden propeller which bursts into life.
- 125 ANGLE 125
The Ness car speeding up to a Ford Trimotor, a Mechanic starting the final engine, an Airline Attendant holding open the door to the plane. Ness and his Untouchables quickly leave the car and enter the plane.
- 126 ANGLE TIGHT 126
The plane door, from the outside, being quickly bolted and shut.
- 127 INT. FORD TRI-MOTOR - NIGHT 127
CAMERA MOVES down the aisle. Malone and Stone asleep under the blankets. Ness looking out the window. Wallace, across the aisle from him, reading light on, working on books. Wallace leans across and nudges him. Ness turns over.

WALLACE

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

NESS

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

WALLACE

It's better than nothing.

NESS

(beat)

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

Wallace shakes his head.

WALLACE

I don't know.

(sighs, he goes back to his books)

51.

128 ANGLE 128

In cockpit... Tri-Motor.

Dawn. The pilot points down, the Co-pilot nods, gets up out of the seat, goes back into the cabin. All four men are asleep, the Co-pilot starts waking them.

129 EXT. MOUNTIE BARRACKS - DAWN - ANGLE 129

A HAND slaps the butt of a rifle as a MOUNTIE comes to "present arms".

130 ANGLE 130

The Tri-Motor, banking, making a final approach. A bleak, snow-covered field.

The plane lands and taxis TOWARD THE CAMERA. Stops.

131 INT. ANGLE 131

The CO-PILOT opens the door. Ness and his men descend.

132 ANGLE - POV 132

A squad of ten Mounties at attention.

MOUNTIE CAPTAIN
(salutes)
Mr. Ness... ? Welcome to Canada.

133 INT. MOUNTIE BARRACKS - DAY - ANGLE INS 133

A steaming cup of coffee. It is picked up.

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

He looks to Malone.

MALONE
A high level member of the Capone organization.

(CONTINUED)

NESS

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

The Mountie Captain comes up to the blackboard.

MOUNTIE CAPTAIN

We will be in uniform, and will await your signal on the American side, when you and your men are on the road, and have given the signal, we will engage from the Canadian side of the railroad bridge.

(he points to the blackboard)

As per the plan, we gauge that their defenses will be down, as save for the railroad bed, the area is inaccessible by road.

MALONE

If it's inaccessible by road, how do we get there?

134 EXT. HORSE DRAWN SLED - DAY

134

Ness, his men, and the Mounties on the back of a large work-sled, pulled by two horses. They are moving through huge snowy woods. Ness and his men are dressed as trappers.

WE WATCH them for a while. The sled stops. The Mountie Captain jumps down from the box, and comes around to the back. He points over a rise.

The Mounties and Ness' men get down from the sled. Malone opens a large case, and takes out and starts assembling Thompson submachine guns. He slaps a round magazine into one. He sees a YOUNG MOUNTIE looking at him.

MALONE

(cheerily)

Load it on Sunday and shoot all week!

He passes out the submachine guns to his men. He goes deeper in the case and hands each two hand grenades.

WALLACE

What are these for?

(CONTINUED)

134 CONTINUED:

134

MALONE

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

The Mountie Captain lines up his men. They all start to
the rise of the hill. CAMERA FOLLOWS. The men look down.

135 ANGLE - POV

135

Below, a small railroad bridge over a river. On the top
of the far bank, a small cabin.

136 ANGLE

136

All the men standing on the rise, looking down.

MOUNTIE CAPTAIN

Surprise is half the battle.

NESS

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

The Captain salutes. He and his men descend the bank, move
across the railroad bridge. They move past a marker on
the far side of the bridge. The marker reads "You are
entering the United States of America." Ness' men start
to climb the hill.

137 EXT. HILL OVER THE BRIDGE - DAY

137

A light rain is falling. Ness and his men in the snow
above the railroad bridge. Ness checks his watch.

MALONE

(softly)

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

NESS

Are you my "tutor"...

(CONTINUED)

137 CONTINUED:

137

MALONE

Yes, sir, that I am.

Beat. Stone starts to check his gun.

MALONE

(continuing)

Did you already check it?

STONE

Yes.

MALONE

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

(beat)

You cold?

STONE

A little cold, sir.

MALONE

Stamp your feet. It'll keep you warm.

(shrugs)

You learn something walking a beat twenty years.

They all resume their watch of the bridge. HOLD.

MALONE

(continuing;

to himself)

Snitches and standing in the rain.

138 EXT. HILLSIDE - LATER - ANGLE

138

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

139 ANGLE

139

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

WALLACE

(giving up)

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

(CONTINUED)

139 CONTINUED:

139

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

140 ANGLE

140

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

141 ANGLE

141

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

142 ANGLE

142

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

MALONE

Show me where your spare shells
going to be.

The men pat their pockets.

MALONE

(continuing)

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

Shoot to kill. Did you hear
what I said?

STONE

Yessir. I did. Shoot to kill.

MALONE

(nods)

Mr. Ness... ?

(CONTINUED)

NESS

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

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

MALONE

Well, hell, you got to die of something.

Malone starts over the rise, SHOOTING, and starts down the hill. Ness follows him, and points to the car of the Man in the raccoon coat.

NESS

(to his men)

Stop the car.

Malone rises, FIRING.

WALLACE

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

143 ANGLE

143

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

144 ANGLE

144

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

STONE

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

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

(CONTINUED)

144 CONTINUED:

144

STONE

(under his breath)

... Oh, my God...

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

145 ANGLE

145

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

146 ANGLE

146

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

147 ANGLE

147

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

148 ANGLE

148

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

149 ANGLE

149

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

(CONTINUED)

149 CONTINUED:

149

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

150 INT. CABIN - ANGLE

150

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

NESS

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

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

NESS

(continuing)

Didn't you hear what I said? Are you deaf... what is this... A game...

(pause)

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

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

151 ANGLE - PORCH - LATER

151

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

MALONE

Stone's going to be alright.

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

NESS

I had to kill him.

(CONTINUED)

151 CONTINUED:

151

MALONE

Yeah, he's as dead as Julius
Caesar.

(beat)

Would you rather it was you... ?

(beat)

NESS

No, I would not.

MALONE

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

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

152 ANGLE INS

152

The satchel. Stacks and stacks of hundred dollar bills.

153 ANGLE

153

The cabin. Malone walks over to the Man in the raccoon coat.

MALONE

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

(Beat. To the Man
in the coat)

Long way from the South Side,
George...

(Beat)

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

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

NESS

I want you to write down the
names of your superiors. I
want you to write down the
names of your contacts.

GEORGE

Why don't you kiss my ass...

(CONTINUED)

153 CONTINUED:

153

NESS

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

MALONE

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

NESS

... is that what you want...

Wallace looks up from the satchel.

WALLACE

... Elliot...

Ness goes over.

154 ANGLE INS

154

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

155 ANGLE

155

Wallace and Ness looking at the ledger.

WALLACE

What can it be that we have here?

They turn the pages.

156 ANGLE INS

156

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

The letterhead side reads "Walter Payne" and an address in Chicago. On the back is written the word "Paymaster" and, beneath it, column of figures and dates.

157 ANGLE

157

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

(CONTINUED)

NESS

What is this?

(Beat)

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

GEORGE

(panicking)

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

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

NESS

(of the ledger)

Is this what I think it is?

WALLACE

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

Ness and Wallace go back inside, followed by Malone.

NESS

(to George)

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

MALONE

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

NESS

I want you to translate this ledger for us.

GEORGE

In hell...

MALONE

(furious)

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

(CONTINUED)

GEORGE
(scornfully)
"Be yourself... "

Malone takes Ness aside. Ness looks, "Well, what do we do?"

WALLACE
(under his breath)
This man can finger Al Capone.
(Beat)
This man can put Al Capone
behind bars.

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

MALONE
(slaps him)
Mister hardcase... We have to
have that information.
(Beat)
I am not fuckin' with you.

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

MALONE
(continuing)
Mr. Ness... ?

NESS
... not that way.

MALONE
The hell you say.

He turns back to George.

MALONE
(continuing)
You going to talk?
(Beat)
You're gonna talk, pal. You're
gonna beg to talk.

Malone nods. Takes the ledger, walks O.C., out onto the porch. WE HEAR him talking.

MALONE (O.C.)
(continuing)
We need you to translate this book.
And you are going to. I won't ask
you again.

158 EXT. THE CABIN - ANGLE 158

Malone has picked up the dead body of the slain bootlegger and is holding him up by the chin, while holding a pistol in the other. Malone heaves the body toward the open door, while FIRING at it.

159 INT. THE CABIN - ANGLE 159

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

MALONE

You got one second to talk.

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

GEORGE

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

MALONE

(to Wallace)

... Don't let him clean himself until after he talks. Tell him what you want to know.

WALLACE

(to George as he passes him the notebook)

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

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

160 EXT. THE FRONT PORCH - ANGLE 160

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

MOUNTIE

I do not approve of your methods.

NESS

Yes, well, you're not from Chicago.

161 INT. CAPONE'S LAVISH SITTING ROOM AT THE LEXINGTON HOTEL 161

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

(CONTINUED)

161 CONTINUED:

161

CAPONE
 (enraged, stands,
 screaming)
 WHAT!!!!????

OVERCOAT
 They got the shipm...

CAPONE
 (kicks over the tea
 table)
 I WANT THE SONOFABITCH DEAD. I
 want him dead, I...

OVERCOAT
 We're trying to locate...

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

OVERCOAT
 No, Al, I...

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

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

162 ANGLE - CLOSEUP - OVERCOAT

162

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

163 ANGLE - THE TABLEAU

163

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

164 INT. NESS' OFFICE - NIGHT

164

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

165 ANGLE

165

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

WALLACE

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

... testimony from...
(points toward the back
of the room)

166 POV - ANGLE

166

On a cot, the Man in the raccoon coat, chained by handcuffs to the cot. Stone sitting by him.

WALLACE

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

167 ANGLE

167

Wallace, speaking to the District Attorney.

WALLACE

... we have figures totaling, IN
THIS MONTH ALONE, two hundred
twenty thousand dollars dispersed
to Al Capone and...

(points toward Man)

... his testimony that he delivered
much of the money himself...

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

168 POV - ANGLE

168

The paper reads "Paymaster", with various dates and figures.

DISTRICT ATTORNEY (V.O.)

What is this? "Paymaster?"

(CONTINUED)

WALLACE

He says he doesn't know. Part of the pay-off scheme...

DISTRICT ATTORNEY

Does it refer to the, to Capone's...

WALLACE

Capone's bookkeeper, according to our man, is one Walter Payne.

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

STONE

Who is it?

JANITOR (V.O.)

Janitor.

Stone motions for the door to be opened, and an ELDERLY BLACK JANITOR enters, starts emptying the wastebasket.

WALLACE

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

DISTRICT ATTORNEY

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

WALLACE

Yessir.

BEAT.

DISTRICT ATTORNEY

And why should I indict now?

WALLACE

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

DISTRICT ATTORNEY

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

WALLACE

You try him on four counts.

(CONTINUED)

168 CONTINUED: (2)

168

DISTRICT ATTORNEY

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

WALLACE

Yes, sir. It is.

Beat.

DISTRICT ATTORNEY

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

(Beat)

Where is Mr. Ness... ?

WALLACE

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

169 INT. CABIN IN THE WOODS - NIGHT

169

In the bedroom. Ness and his wife, half-clothed, making out. She looks at him.

CATHERINE

And are you being careful?

NESS

Careful as mice.

They make it a bit more.

CATHERINE

And are you making progress?

NESS

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

She laughs and they recline on the bed.

170 EXT. THE CABIN

170

The Chicago Cop (Malone's Cousin) checks a pocketwatch. CAMERA FOLLOWS him as he goes to a doghouse and lets out a German Shepherd. He and the dog start off into the woods making sounds.

171 ANGLE 171

The window of Ness's daughter's bedroom, seen from outside showing the little girl asleep on her bed.

172 ANGLE 172

Reflection. The face of Frank Nitti.

173 ANGLE EXT. 173

Nitti looking in the window, moves down the side of the house. O.S. the DOG BARKS. Nitti hears it and retires to the woods.

174 INT. THE NESS'S BEDROOM 174

Ness and his wife making love. Ness stops, sits up.

NESS

What was that?

CATHERINE

Just the dog.

NESS

The dog?

CATHERINE

Our watchdog.

NESS

When did you get a watchdog?

CATHERINE

In town. We...

NESS

You went to town...???

He gets quickly out of bed, draws the shades, takes a tommy gun off of the wall and cocks it.

NESS

(continuing)

Get up quickly. Get dressed.
We have to get out of here...

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

A PRESSCARD.

176 ANGLE

176

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

DISTRICT ATTORNEY

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

REPORTER

... what would be the maximum...

DISTRICT ATTORNEY

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

177 INT. NESS' OFFICE - DAY

177

Stone, George, and Wallace getting ready to leave.

STONE

(to Wallace)

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

WALLACE

... yes...

STONE

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

WALLACE

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

STONE

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

WALLACE

(smiles)

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

STONE

(smiles)

You kind of enjoy the tactical aspects of Law enforcement, is that it, Arthur?

(CONTINUED)

WALLACE

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

STONE

(smiling)

Okay? We'll see you tonight...

The men come out of the readyroom. CAMERA FOLLOWS them out into the hall. At a turn in the hall, WE CAN SEE the District Attorney talking to the reporters. Stone and the group turn the other way. Stone walks them down to a large loft service elevator, pushes the button.

GEORGE

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

STONE

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

The elevator arrives, operated by the FAT "PENSIONER" Policeman who doesn't wear a gun. Wallace, leading the manacled George, gets on the elevator.

WALLACE

(sotto, to Stone)

Much more diverting than accounting.

Stone smiles.

WALLACE

(continuing; to the Fat Policeman)

... down to the basement and no stops.

STONE

(as the elevator door closes)

We'll see you tonight.

Wallace nods. Stone starts back toward the District Attorney, who is still talking to the reporters. CAMERA FOLLOWS.

DISTRICT ATTORNEY

... write an end to the Reign of Lawlessness which has enveloped our City for so long. So that a man can say -- when he sees Terror... when he sees Coercion... when he sees Crime, he can say "I will speak up!"

(MORE)

(CONTINUED)

177 CONTINUED: (2)

177

DISTRICT ATTORNEY (CONT'D)

For which I must commend the
excellent work of Elliot Ness
and his squad of...

178 ANGLE

178

Stone smiles, shakes his head slightly.

179 INT. ELEVATOR - DAY

179

Wallace and George, the Fat Policeman.

GEORGE

(frightened)

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

WALLACE

Everything is going to be fine.
Take it easy now...

The elevator stops.

FAT POLICEMAN

Basement...

Wallace motions George to the rear of the elevator. The
doors open.

180 ANGLE - BASEMENT

180

Wallace comes out of the elevator. A car is parked next
to the elevator. Wallace goes to the car, starts it,
beckons George to come out. George comes out of the
elevator.

181 REVERSE ANGLE

181

The Fat Policeman, beyond him, George walking out to the
car. Wallace backing back to the car, from the overhead
door. The Fat Policeman reaches in his pail of rags, takes
out a long barrelled target revolver.

182 TIGHT ANGLE

182

The Fat Policeman as he rests the revolver against the
frame of the elevator to steady it. He SHOTS TWICE, and
then TWICE again.

183 INT. BASEMENT - later

183

Ness and Malone looking on.

184 ANGLE

184

They are looking at a TECHNICIAN, drawing in chalk, the outlines of the two murdered men on the floor of the basement. Ness, followed by Malone, walks away from the scene. Beat.

MALONE

You gonna be alright?

NESS

No one saw anything?

MALONE

That's what the guy says -- left 'em off, he started up again, he heard the shots...

Beat.

MALONE

(continuing)

How is your wife and kid?

Ness nods.

MALONE

(continuing)

... The police will keep 'em under tight...

NESS

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

The District Attorney comes up to them. Hurriedly.

DISTRICT ATTORNEY

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

Ness walks away from him.

Beat.

(CONTINUED)

184 CONTINUED:

184

DISTRICT ATTORNEY
(continuing)
Mr. Ness... ?

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

POLICEMAN
(to Malone)
Terrible thing...

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

185 INT. HOTEL LEXINGTON - LOBBY - DAY

185

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

NESS
(to the desk clerk)
Al Capone...

CLERK
We have no Mister Capone
registered h...

Ness grabs him by the tie.

NESS
Get him...

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

NESS
(continuing)
GET HIM!!!

CLERK
... we have no...

The clerk sees something over Ness' shoulders.

186 ANGLE - THE CLERK'S POV

186

The elevator doors opening, several bodyguards coming out, followed by Capone and Frank Nitti, who are joking with each other.

187 ANGLE - THE LOBBY

187

Capone and Nitti freeze as they see Ness.

HOLD

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

BODYGUARD

Something you want here... ?

NESS

My friend was killed today.

BODYGUARD

(playing to the group)

I don't care...!

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

NESS

Now you do...

Ness starts screaming at Capone.

NESS

(continuing)

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

Capone's bodyguards look to him for instructions.

NESS

(continuing)

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

Capone is being restrained by his bodyguards.

CAPONE

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

NESS

You guinea sonofabitch, I'm --

CAPONE

And fuck your family...

188 ANGLE INS

188

Ness' hand starts to go for his gun.

189 ANGLE

189

Malone has come up behind Ness and is restraining him.

190 ANGLE - TIGHT ON MALONE & NESS

190

MALONE

(sotto)

Listen to what I'm going to
tell you. Not that way.

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

CAPONE

(recovering himself)

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

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

CAPONE

(continuing)

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

191 INT. NESS' HOME - STUDY - NIGHT

191

Malone and Stone sitting in the study, piles of papers
all around them, several packages just arrived from the
printer. Stone on the telephone.

STONE

(on phone)

... you call this number here, or
our office at... you have that
number... ?

sound of a KEY TURNING in the lock. The two men look up.

192 ANGLE

192

Ness, dejected, coming into his home.

STONE

(hanging up phone)

Thank you.

Ness comes over to the two men in the study, sits down. Stone opens one of the packages of papers, takes out a newspaper clipping.

193 POV - ANGLE

193

The clipping, Al Capone at a banquet. Behind him in glasses, the Bookkeeper we saw earlier. His head circled in red grease pencil.

194 ANGLE

194

The sheet of paper with the legend "Paymaster" and the letterhead "Walter Payne." The clipping is moved aside. Beneath it are many blowups of the section of the photo which shows the Bookkeeper's head. In white space on each sheet is written "Walter Payne, wanted. Contact U.S. Treasury Department 427, Chicago, immediately."

195 ANGLE

195

Ness holding the sheet.

STONE

I've got them out to the Chicago Police, Chicago, Indiana, Michigan State Police.

NESS

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

(Beat)

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

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

MALONE

What is it that the guys says... ?

NESS

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

(CONTINUED)

MALONE

He's going to give up?

NESS

He will not go into court without
a witness.

Malone picks up the ledgers.

MALONE

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

The TELEPHONE RINGS.

NESS

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

(picks up phone.

Into phone)

Hello. Hello. Yes.

(pause)

No, he didn't have a family.

How is everything there.

(pause)

Uh huh. Uh huh. I will.

(pause. Sighs)

You give her my love.

He hangs up. Stone picks up the ledger.

STONE

We have: a ledger, listing payoffs
to Chicago City Officials, and
payments to: Al Capone, Frank
Nitti, etcetera. We have one sheet
of stationery, used as a bookmark
from the desk of Walter Payne,
marked "Paymaster"...

NESS

I think that's enough for one
night.

(Beat)

We'll meet in the morning.

Beat. Stone gets up.

STONE

But if we don't...

NESS

Thank you. We'll meet in the morning.

(CONTINUED)

195 CONTINUED: (2)

Beat.

STONE

Yes, sir. I'll just wash up
and go home.

Stone leaves the room.

MALONE

Is that it... ?

NESS

I'm sorry... ?

MALONE

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

NESS

Yes. I think we're done.

MALONE

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

NESS

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

MALONE

Well, he's dead...

(Beat)

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

NESS

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

Ness picks up the sheet of paper.

196 POV ANGLE

196

The sheet, "From the desk of Walter Payne", on one side,
and the handwritten word "paymaster", and the set of
figures on the other.

197 ANGLE

197

Ness looking at the sheet. Malone absently takes the sheet.

(CONTINUED)

197 CONTINUED:

197

Beat.

Stone reenters and stands looking on.

MALONE

What did your wife want?

NESS

She wanted to know if I was
alright?

MALONE

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

NESS

She's sitting in a Wisconsin jail,
... and she's looking over paint
charts for the kitchen, and the
names of paint sound like the
names of horses.

(pause; sighs)

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

Ness sighs. Gets up, grinds out his cigarette.

NESS

(continuing)

Well, sir...

He starts out of the room.

NESS

(continuing)

We have fought and lost.

MALONE

(staring at the sheet
of paper)

Cluld it be a horse... ?

198 POV - ANGLE

198

The sheet, the word "paymaster."

199 ANGLE

199

Malone and Ness. Malone still holding the sheet. Looks
up at Ness.

MALONE

Could Payne be following a horse...?
Could "paymaster" be a horse...?

(CONTINUED)

199 CONTINUED:

199

Ness comes over and looks at the sheet. They drop the sheet and start looking around the study for something. Malone finds it first, it is a section of the newspaper.

200 ANGLE

200

Malone holding the sports page, flipping through it, comes to the racing page.

201 ANGLE

201

Malone and Ness, looking over his shoulder.

202 ANGLE INS

202

THE RACING PAGE, RACING RESULTS. His finger moving down the page. His finger stops.

203 ANGLE

203

Malone looks up.

MALONE

Nothing here...

He looks down again.

204 ANGLE INS

204

THE PAPER. His finger moves from the left page to the right page. Headlines "Races Tomorrow". His finger moves down the page, stops at an entry -- "Second Race". CAMERA ZOOMS IN ON the horse's name: "Paymaster". WE HEAR Ness on the telephone.

NESS (V.O.)

Give me the District Attorney,
please.

205 ANGLE

205

Ness, Stone, Malone. Malone holding the "Paymaster" sheet and the newspaper.

MALONE

Lookit this, this guy is a
gambling degenerate.

(CONTINUED)

205 CONTINUED:

205

Ness comes back, hands the phone to Stone. Ness goes over to Malone and looks at the figures he is pointing out.

MALONE

(continuing; of the newspaper)

This guy's been following this horse... what? Two months...

STONE

(into phone)

Yessir. Agent Stone. We have just discovered that Walter Payne has been following a horse, and that "paymaster" represents.

Ness looks up, hurries over to Stone.

NESS

Not on the phone, not on the phone...

Ness takes the phone.

NESS

(continuing; into phone)

Yessir, this is Elliot Ness. We, I think that we have your man. We'll have the man for you. No... you'll have your case, we will deliver the bookkeeper, well, I'll tell you tomorrow morning.

(Beat)

Alright...

He holds out his hand for the paper. Malone passes it to him.

206 ANGLE INS

206

Ness holding the racing page "Paymaster" underlined.

NESS (V.O.)

Walter Payne. Bookkeeper for the Capone Organization. He's a horse-player...

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

REPORTER

Frank, Frank...

NITTI

You boys know the rules...

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

NITTI

(continuing)

I said get back.

(to Bodyguards)

Get them back...

REPORTER

(calling)

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

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

Beat. To Bodyguards.

CAPONE

Let 'em through...

Nitti and the Bodyguards look to Al to reconsider.

CAPONE

(continuing)

I said let 'em through.

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

CAPONE

(continuing; suddenly
furious)

I'll tell you something: someone messes with me, I'm going to mess with him.

(MORE)

(CONTINUED)

207 CONTINUED:

207

CAPONE (CONT'D)

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

Beat. Capone smiles.

CAPONE

(continuing)

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

Capone nods, goes into the hotel.

208 EXT. RACETRACK - DAWN

208

Ness, standing in the deserted winner's circle, looking up at the deserted stands. He holds a diagram. He looks down at the diagram.

209 POV - ANGLE INS

209

"ARLINGTON PARK RACEWAY", printed. A plan of the stadium, Ness, makes a checkmark on the plan.

210 ANGLE

210

A UNIFORMED SECURITY MAN comes up beside Ness, Ness nods, the two of them move on.

211 INT. TICKET TAKERS' BOOTH - RACETRACK - DAY

211

The TICKET TAKER arranging himself in the booth to greet the customers. A LONG LOUD BELL goes off. The Ticket Taker looks up.

212 ANGLE

212

Above his window, the clock reads twelve, just below it is posted the picture of Walter Payne. The Ticket Taker looks up at the first customer.

TICKET TAKER

How many?

213 POV - ANGLE

213

Many customers, lined up to get into the racetrack.

214 INT. RACETRACK SECURITY OFFICE - DAY

214

Racetrack SECURITY GUARDS, the SECURITY CHIEF, Ness and Stone. The Security Chief lecturing.

SECURITY CHIEF

... of the Fourth Race, at which time...

The PHONE RINGS, one of the Guards answers it.

SECURITY CHIEF

(continuing)

... all the exits will be sealed. This includes...

The Guard comes over to Ness, taps him, Ness goes to the phone, picks it up.

NESS

(into phone)

Hello...

215 INT. NESS' OFFICE - DAY - ANGLE

215

Malone on the phone.

MALONE

We have the safe house arranged. No, I am not going to say it. I will be down in...

(he checks his watch)

Twenty-five minutes and will meet you where... ?

216 INT. SECURITY OFFICE - DAY

216

Ness on the phone.

(CONTINUED)

216 CONTINUED:

216

NESS

... Westgate "A". Alright.

He hangs up the phone, he rejoins the lecture. Ness takes over the lecture.

NESS

(continuing)

To reiterate: The importance of this man cannot be overstressed. We must take him alive. He may and probably will be guarded, but this man is unlikely personally to be armed. You must take him... alive...

217 ANGLE

217

One of the Security Guards looks down at the sheet of paper in his hand.

218 POV - ANGLE - THE PICTURE OF WALTER PAYNE

218

219 EXT. POLICE STATION - DAY

219

Malone coming down the stairs hurriedly. He is accosted by the Policeman we saw in the garage when Wallace was killed.

POLICEMAN

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

Beat. Malone, impatient, nods.

POLICEMAN

(continuing)

I didn't mean to imply differently.

Malone nods, starts to move past the man.

POLICEMAN

(continuing)

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

(beat)

I would do whatever I can to prevent that.

Beat. Malone stops. Interested.

(CONTINUED)

219 CONTINUED:

219

POLICEMAN

(continuing)

I would hate to see that happen
to a guy I know. And sometimes
it's a good idea not to get involved.

(Beat)

To take a day off. Do you know
what I mean? To relax.

(Beat)

And to go to the movies, or
something.

(Beat)

But not to go to the "track...".

Malone's eye grows wide, he shoves past the Policeman and
gets into his car.

220 INT. RACETRACK SECURITY OFFICE - DAY

220

Ness and the Security Chief and Stone watching the crowd
in the grandstand through binoculars.

RACETRACK ANNOUNCER (V.O.)

... results of the third race are
now official, the winner, "Crying
Time", paid...

The PHONE RINGS, the Security Chief goes to the phone,
Ness looks on. The Security Chief nods at Ness.

221 INT. TICKET TAKER'S BOOTH - DAY - ANGLE

221

The Ticket Taker talking on the phone, the picture of
Payne above him. The Ticket Taker inclines his head
toward the outside of the stadium.

222 POV - ANGLE

222

Walter Payne, nervous, looking around, standing outside
of the stadium, looks at his watch, looks at the stadium.

223 INT. THE TICKET BOOTH - ANGLE

223

The man hanging up the phone, looking around nervously.

224 ANGLE

224

Ness and Stone and the Security Chief coming up behind the
booth. The Ticket Taker turns to them, nods toward the
outside. Ness looks on.

225 POV - ANGLE

225

Payne, still undecided, outside the stadium.

226 ANGLE

226

Ness and Stone and the Security Chief, behind the Ticket Booth, conferring.

SECURITY CHIEF

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

NESS

Why doesn't he have a bodyguard?

STONE

(suggesting)

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

RACETRACK ANNOUNCER (V.O.)

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

SECURITY CHIEF

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

NESS

(nods)

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

SECURITY CHIEF

(starts to remonstrate)

We should...

NESS

I said right now. Come on.

Ness starts out of the stadium.

227 EXT. STADIUM

227

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

RACETRACK ANNOUNCER (V.O.)

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

228 ANGLE 228
 Walter Payne checks his watch again, looks down at his Racing Form, puts it in his suitcoat pocket, starts across the stretch of concrete toward the turnstile. An oil delivery truck comes into the area, and starts for the side of the stadium slowly.

229 ANGLE 229
 Down at the end of the parking lot, a car driving furiously toward the stadium.

230 INT. ANGLE 230
 It is Malone driving the car, he looks toward the stadium.
 SEES:

231 POV - ANGLE 231
 Ness et cetera, advancing on Payne.

232 ANGLE 232
 The oil delivery truck, CAMERA PANS AROUND TO SHOW the back of the truck. SEVERAL MEN with automatic weapons clinging to the back of the truck. The truck stops by the side of the stadium, the men get down and stand along the back of the truck.

233 ANGLE 233
 Malone in his car.

234 ANGLE P.O.V. 234
 The man hiding behind the oil truck, Ness, etc., in the B.G.

235 ANGLE 235
 Malone crashes his car into the oil truck, diving out at the last moment. The truck BURSTS INTO FLAMES.

236 ANGLE 236
 Malone, torn and bleeding, approaches Ness, yells:

(CONTINUED)

MALONE

It's a trap, it's a trap,
get clear!!!

Malone turns and FIRES as the Capone men come around the flames of the oil truck. The GUN BATTLE ERUPTS, leaving the bookkeeper standing in the middle. One of the mob men tries to drag the Bookkeeper to cover. He is shot down. Stone and Ness sprint to the side of the stadium, CAMERA FOLLOWS them as they try to flank the oil truck. They jump over a turnstile, run through the lobby of the stadium, and back out another turnstile. CAMERA FOLLOWS as they come out behind the oil truck, where two of the mob men, faced away from them, are FIRING AUTOMATIC WEAPONS.

STONE

Surrender!

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

Beat. Silence.

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

NESS

We're coming around.

MALONE (O.C.)

Come around...

237 ANGLE

237

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

NESS

(to Malone)

Let's get him to safety...

Malone and Stone holster their guns.

STONE

Mr. Payne... ?

238 ANGLE

238

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

90.
239 ANGLE 239
Ness takes aim, his GUN CLICKS on an empty chamber. He draws another pistol from the small of his back, and FIRES, killing Payne.

240 ANGLE 240
Malone, the dead Payne, Ness and Stone. Beat. They advance on the fallen body. They pause above the body. They turn the body over.

241 ANGLE 241
The fallen Walter Payne.

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

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

244 ANGLE 244
Malone stands.
Beat.

NESS

Well.

(pause)

Well.

(pause)

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

MALONE

(Beat)

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

STONE

(Beat)

I stopped fighting too soon.

(CONTINUED)

244 CONTINUED:

244

NESS

Mr. Stone, yes, you did.

(Beat)

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

MALONE

I didn't know you carried a second gun.

NESS

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

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

245 INT. D.A.'S OFFICE - DAY

245

Ness and the D.A.

NESS

Because you're going to fight this thing out.

DISTRICT ATTORNEY

Yes, but, again, on what basis?

(he checks his watch)

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

NESS

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

246 INT. POLICEMANS' BAR - DAY

246

TWO MEN in suspenders over heavy undershirts, shooting pool. One of them is the Policeman who spoke to Malone about not going to the racetrack.

247 ANGLE

247

Malone steps through a doorway. Looking on at the pool game. He is standing next to the coatrack that holds the men's police tunics, hats, nightsticks and pistol belts.

POLICEMAN

Cross-the-side, one time...

He shoots, he sinks the shot.

POLICEMAN

(continuing)

Two ball, down.

Malone walks up to the other man, who is waiting to shoot. It is the Policeman who earlier advised him to quit working with Ness. Malone whispers to him.

MALONE

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

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

MALONE

(continuing)

... you got a minute... ?

The shooter shoots again.

SHOOTER

Nine ball, straight in...

He shoots, sinks the shot.

MIKE

(to Malone)

Yeah.

Malone pulls him toward a door.

MALONE

Let's step outside.

MIKE

(half-jocularly)

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

Malone motions him, again, to come along.

MIKE

(continuing; playing
the room)

I got nothing to say to you...

He shrugs, follows Malone out into the alley.

MIKE
(dropping his "tone")

What?

MALONE
I just need one more piece of
information.

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

MALONE
I need to find that bookkeeper.

MIKE
(incredulous,
shakes his head)
Are you crazy, Bo...
(in a whisper)
I warned you away from the track...
if they knew it was me I'm dead...

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

MALONE
I need to find that bookkeeper.

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

He starts past Malone again. Malone stops him.

MALONE
My people have been killed.

MIKE
Your people? We're your people,
Jimmy.

MALONE
You're my people? You run with
the dagos, and then you're my
people? Mike? Mike. THEY RUINED
THIS TOWN, MIKE!
(takes out his badge)
You see this badge? This was my
father's badge, this is my badge.
For the last ten years, Mike, I
can't eat my food, the shit that's
goin' on and I say I'm a cop...

(CONTINUED)

MIKE

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

MALONE

(pushes him)

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

MIKE

This is a dead man talking to me, Jimmy.

He takes a step to go past Malone.

MALONE

Is it... ?

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

MALONE

(continuing)

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

HOLD.

249 INT. NESS' OFFICE - NIGHT

249

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

YOUNG POLICEMAN

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

250 EXT. CURBSIDE PHONE BOOTH - NIGHT - ANGLE

250

Malone, his car running at the curb, talking into the phone.

MALONE

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

Hangs up.

251 INT. DISTRICT ATTORNEY'S OFFICE - DUSK

251

Ness and the D.A. come into the office carrying mugs of coffee. The D.A.'s Secretary hands a message slip to Ness. He glances at it and runs out of the room.

252 INT. MALONE'S HOUSE - NIGHT

252

Bedroom. A pair of freshly pressed pants lying on the bed. A fresh sportcoat -- thrown on the bed.

253 ANGLE

253

Malone, half dressed, throwing new clothes on the bed. He strips off his belt, throws the revolver and holster on the bed, walks out of the room. CAMERA FOLLOWS him into the bathroom, which is steaming up from the hot water filling the tub. Malone takes off his pants, throws them in the corner. He picks up a waterglass on the ledge beneath the mirror. There is a half-inch of whiskey in the bottom. He swizzles the swizzle stick in the whiskey, licks the swizzle stick and throws it on top of his pile of clothes. He drains the whiskey, tests the water, wraps a towel around himself, picks up the glass and starts out of the room. CAMERA FOLLOWS him into the kitchen. In the kitchen, he takes a half-empty bottle of Scotch off the sideboard near the sink, and pours himself a stiff drink.

254 ANGLE

254

The front door opening.

255 POV - INTRUDER - ANGLE

255

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

256 ANGLE - KITCHEN

256

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

257 ANGLE INS

257

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

258 ANGLE

258

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

MALONE

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

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

259 EXT. MALONE'S HOUSE - ANGLE

259

Malone coming out of the door by the house number... 1634... In the bushes is the man with Nitti holding a submachine gun, which is trained on Malone.

260 ANGLE - CLOSE UP

260

The submachine gun is raised.

261 ANGLE - CLOSE UP

261

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

262 EXT. MALONE'S HOUSE - NIGHT

262

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

ANGLE POV

The door to Malone's house, open.

97.

263 ANGLE 263

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

264 ANGLE POV 264

A TRAIL OF BLOOD.

265 ANGLE 265

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

STONE
(in ITALIAN)
Holy Mother of God. What
have they done to you -- ?

266 INT. THE BEDROOM - ANGLE 266

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

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

267 ANGLE 267

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

268 ANGLE INS 268

A train schedule, bloody, an entry circled in pencil.

269 ANGLE 269

The three men, Malone holding the train schedule, trying to communicate to Ness. Stone crying.

MALONE
(pointing to the train
schedule)
"The Bookkeeper".

(CONTINUED)

269 CONTINUED:

NESS
 (softly, looking at the
 dying Malone)
 It's alright... it's alright...

270 EXT. LAKESHORE DRIVE - DAWN

270

A car speeding down the drive.

271 INT. THE CAR - ANGLE

271

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

272 ANGLE POV

272

The schedule, the entry circled reads: "Departs
 Northwestern Station 6:04."

273 ANGLE

273

Stone looking up.

NESS
 What time is it... ?

274 ANGLE

274

Stone looking at his watch.

STONE
 We can just make it.

275 ANGLE INS - THE WATCH

275

reads 5:58.

NESS (O.S.)
 NO!!!

276 ANGLE

276

Ness looking out the window as the car slows. The bridge
 across the Chicago River is up, and the car can progress
 no further.

99.
277 INT. RAILROAD STATION - DAY 277
An OLD MAN in a wheelchair, accompanied by a PRIEST and two ELDERLY LADIES, goes through the gate and is rushed toward a train which is about to depart. CAMERA FOLLOWS. The Priest turns around to look behind him as he walks.

278 ANGLE - CLOSEUP 278
As the Priest's cassock blows it reveals a submachine gun held under his arm.

279 ANGLE 279
The invalid and the group, TIGHT, from in front. Two porters helping the man in the wheelchair onto the train.

280 ANGLE - TIGHT CLOSEUP 280
The invalid (Walter Payne, the bookkeeper). One of the women leans her face next to him to kiss him goodbye.
WOMAN
Don't worry, everything is going to be alright.

281 EXT. BRIDGE OVER THE CHICAGO RIVER - DAY 281
A large boat has just passed under the bridge, and the bridge is being lowered the last few feet. The car with Ness and Stone speeds up onto the bridge and onto the other side even before the two halves of the bridge have met.

282 INT. NORTHWESTERN STATION - DAY 282
The Brakeman at the end of the train looks down at his watch, signals ahead to the Conductor. The train starts to pull out of the station.

283 INT. COMPARTMENT ON THE TRAIN - DAY 283
Wallace and three bodyguards, one of them the Priest, looking out of the window of the train.

284 EXT. LAKESHORE DRIVE - DAY 284
The car with Stone and Ness.

100.
285 INT. CAR - ANGLE 285
Stone looking at his watch.

286 ANGLE POV 286
The watch reads 6:06.

287 ANGLE 287
Stone looks up.

NESS
What's the next station... ?

288 INT. TRAIN COMPARTMENT - DAY 288
Payne and the bodyguards. One of them hands Payne some sheets of paper.

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

Payne looks up.

289 INT. NESS' CAR - DAY 289
Ness speeding through a small residential community, scattering pedestrians, makes a screaming turn, CAMERA FOLLOWS. As they turn we see the sleepy suburban station. The car screams to a halt beside the tracks. Ness jumps out, he runs toward the station. He turns back to Stone, yells.

NESS
Put the car on the tracks!

Stone hesitates.

NESS
(continuing)
PUT THE CAR ON THE TRACKS.

290 INT. THE STATION - ANGLE 290
Several people transact business at the ticket window. Ness runs in screaming, flashing his badge.

NESS
Everybody out! Get the hell out of here!!! Now!!!

- 291 EXT. THE STATION - ANGLE 291
- Ness runs out of the trackside door. Stone has parked the car on the track. Ness starts running down the track, calls back to Stone.
- NESS
- Come on!!!
- The two men run down the track.
- 292 INT. PAYNE'S COMPARTMENT - ANGLE 292
- Payne working on his bookkeeping, the bodyguards looking out of the window.
- 293 INT. THE CAB OF THE LOCOMOTIVE - ANGLE 293
- The Engineer looks ahead, disturbed.
- 294 ANGLE - THE ENGINEER'S POV 294
- The station, and beyond it the car parked on the track.
- 295 ANGLE 295
- The Engineer starts to slow down blowing his WHISTLE.
- 296 INT. PAYNE'S COMPARTMENT - ANGLE 296
- The train WHISTLE BLOWING, the bodyguards look alerted. One checks his watch, nods his head as if to say, "It's alright."
- 297 EXT. THE ROADBED - ANGLE 297
- The train slowing. Stone and Ness, as the train moves slowly past. Ness indicating Stone should swing up onto the train at the start of the passenger cars. Stone does so. The train continues to move past, Ness swings up onto the end of the passenger cars.
- 298 INT. THE TRAIN - ANGLE 298
- Stone flashing his badge to the Conductor, who points him down the car.

102.

299 ANGLE 299

Ness, his gun drawn, at the other end of the cars, working his way down the open car, past rows of seated people who turn to look at him.

300 ANGLE 300

Stone, proceeding through the dining car, gun drawn, the one or two diners in the car looking up at him.

301 INT. PAYNE'S COMPARTMENT - ANGLE 301

One of the bodyguards rises, goes over and pulls down the shade, starts to step out into the corridor.

302 ANGLE 302

Ness, finished scanning the first car, goes into the next car, FOLLOWED by the CAMERA. As Ness passes into the firstclass compartments car, the door to one of the compartments opens and the bodyguard looks out. He glances casually to his right, sees Ness, and FIRES.

303 ANGLE 303

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

304 ANGLE - PAYNE'S COMPARTMENT 304

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

305 ANGLE - THE CORRIDOR 305

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

306 ANGLE 306

Stone, who has secured himself in the car's toilet, breathing heavily. Revolver in his hand. Reaches into his coat pocket and takes out another small revolver, checks the loads. Peeks out through a crack in the curtains.

- 307 ANGLE 307
- Stone hears a NOISE around him, turns back to see a small boy who has been peeing. Stone holds his finger to his lips. He peeks out through the curtains.
- 308 ANGLE POV 308
- Payne and the bodyguards proceeding up the aisle. They move past Stone's curtain. Stone steps out into the corridor.
- 309 ANGLE 309
- The corridor, Stone, two guns in his hands. Payne and the two bodyguards behind him.
- STONE
Federal officers...!
- The bodyguards turn and FIRE on him. He RETURNS their FIRE. One of them falls, dead. The other and Payne run up the aisle.
- 310 ANGLE 310
- Ness, between the cars, sees something to his left.
- 311 ANGLE POV 311
- Payne and the bodyguard run into the train station.
- 312 ANGLE 312
- Ness moves to run after them, a HAIL OF GUNFIRE comes through the door.
- 313 ANGLE 313
- The bodyguard with the submachine gun watching the door behind which Ness is hiding.
- 314 ANGLE 314
- Ness. Thinking. He lowers himself to the floor and opens the door and is greeted by more GUNFIRE. Beat. He takes off his hat. He opens the door again and sails his hat through the door.

- 315 ANGLE - IN THE CORRIDOR 315
- The hat comes sailing through, the gunman sprays it with the submachine gun. The submachine GUN CLICKS empty. The man starts to change the magazine. Ness steps through the door and SHOOTS the man dead.
- 316 EXT. THE TRAIN STATION - ANGLE 316
- Stone standing by the door. Ness runs up to him, nods inside to indicate "They're both inside." Beat. They both go through the door into the waiting room.
- 317 INT. THE WAITING ROOM - ANGLE 317
- The bodyguard has Payne around the neck, and he has a gun to his head.
- BODYGUARD
I'm coming out with the Bookkeeper and the bookkeeper and we are driving away. Or else he dies. he dies and you got nothing. You got five seconds to make up your mind.
- 318 TIGHT - NESS AND STONE 318
- Ness, out of the corner of his eye, gives Stone a questioning look. Stone, without looking back, nods imperceptibly.
- 319 ANGLE 319
- The two men, facing the bodyguard and Payne.
- BODYGUARD
I am not kidding you. ONE!
- Stone raises his gun and FIRES, and the bodyguard's head disappears in a shower of blood.
- 320 ANGLE IN THE WAITING ROOM 320
- Payne, Ness and Stone.
- HOLD
- Ness walks down to Payne, who is visibly shaken
- Beat.
- He looks down.

321 ANGLE - POV

321

Payne is holding a small revolver on Ness.

322 ANGLE - PAYNE AND NESS

322

PAYNE

(softly)

I... I...

NESS

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

(Beat)

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

Beat.

NESS

(continuing)

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

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

NESS

(continuing)

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

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

323 POV - ANGLE

323

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

106.

324 ANGLE 324
 Ness, shaking, tries to light a cigarette. He cannot.
 He buries his head in his hands.

325 ANGLE - COURTHOUSE - GROUND LEVEL 325
 A large crowd of people trying to get into the courthouse.
 A REPORTER, with a large microphone, speaking into it.

REPORTER
 Where today the trial of "The
 Big Guy", Al Capone, the trial
 of Al Capone for Tax Evasion is
 due to begin. Security is
 incredibly tight, with units
 of the Illinois State Police,
 the National Guard, and...

326 INT. COURTROOM - DAY - ANGLE INS 326
 The ledger being handed up to the Judge.

327 ANGLE INS 327
 The D.A. handing the ledger to the Judge. Payne on the
 witness stand.

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

PAYNE
 That is correct.

The D.A. looks over his showroom.

328 ANGLE POV 328
 Capone, his lawyer, Nitti seated next to Capone. Capone
 impassive.

D.A. (V.O.)
 Excuse me?

329 ANGLE 329
 The D.A. looking back at Payne.

(CONTINUED)

PAYNE

I said that is correct.

D.A.

And you will decipher these coded entries for us.

PAYNE

I will.

D.A.

You were in charge of disbursements for Mister Capone.

PAYNE

I was.

D.A.

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

Beat.

PAYNE

Yes. I did.

D.A.

And would you tell us the amounts...?

PAYNE

In a, uh, over a 3 year period I personally disbursed monies to Mr. Capone in excess of one and one third million dollars.

D.A.

Thank you.

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

D.A.

(continuing; to
Ness, sotto)

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

The D.A. looks around at Capone.

330 ANGLE - POV

330

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

D.A. (V.O.)

What does Capone have in reserve... ?

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

331 ANGLE - NESS AND D.A.

331

NESS

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

332 ANGLE

332

Ness, leaving the room.

333 ANGLE

333

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

BAILIFF

(to Nitti)

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

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

334 ANGLE - THE HALL

334

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

BAILIFF

(to Nitti)

Get up against it...

NITTI

(resisting)

Hey, who the hell...

The Bailiff rips off Nitti's jacket to reveal the gun in the shoulder holster, throws him against the wall, removes the pistol. Continues frisking him.

(CONTINUED)

334 CONTINUED:

334

NITTI
(continuing)
I've got a license for it. I'm
not under indictment here...

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

335 ANGLE INS

335

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

336 ANGLE

336

Ness and the Bailiff and Nitti. The Bailiff reading the card. The Bailiff nods, shrugs. Nitti starts putting his possessions back in his pockets. Ness sighs deeply. Takes out a cigarette, pats himself down for a match, cannot find one. Reaches down where Nitti's possessions are on the table, picks up a matchbook, lifts it, tears out a match, lights his cigarette. Beat. Ness stares transfixed at the inside of the matchbook.

337 POV - ANGLE

337

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

338 ANGLE

338

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

NESS

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

Beat. Nitti turns, with a smart comment on his lips, then he realizes what Ness has said. He bolts down the corridor. Ness follows.

339 EXT. ROOF OF THE COURTHOUSE - DAY - ANGLE

339

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

110.
340 ANGLE 340
Nitti FIRING at Ness. Ness returns the FIRE. The chase takes the two men around the dome of the courthouse. There is arrayed various tools of a crew which is repairing the dome. Nitti FIRES on Ness again. He finds his gun is empty, throws it down, casts about for a means of escape. Ness FIRES at him again. Nitti looks down over the edge of the roof.

341 POV - ANGLE 341
A balcony fifty feet beneath him.

342 ANGLE 342
Nitti looks down over the edge. Looks up. Sees Ness advancing on him.

343 ANGLE 343
Ness, advancing slowly, getting ready for the kill.

344 ANGLE 344
Nitti looks down at his feet.

345 POV - ANGLE 345
A block and tackle and hundreds of feet of rope, left by the roofers.

346 ANGLE 346
Nitti hooks the tackle into the scaffolding, plays out the line over the side of the building.

347 ANGLE 347
Ness advancing, Nitti tests his weight on the tackle, and starts down the rope over the edge of the roof.

348 ANGLE 348
Ness raises his pistol, takes careful aim, pulls the trigger. The gun is empty. Ness pats himself down for spare magazines. Finds none.

111.

349 ANGLE 349

Nitti going down the rope. The rope is much too short to reach down to the next setback in the building. Beat. Nitti realizes this. He starts to shinny up the rope.

350 ANGLE 350

Ness on top of the building, looking down.

351 POV - ANGLE 351

Nitti going up the rope. Nitti transfers himself from the rope to the ledge below Ness. As he does so, he loses his grip.

352 ANGLE 352

Ness looking down.

353 ANGLE 353

Nitti trying to hold on for his life on the bridge. He looks up at Ness.

354 ANGLE 354

Ness looking down.

355 ANGLE - CLOSEUP 355

Nitti's hands slipping.

356 ANGLE - CLOSEUP 356

Nitti silently pleading for his life.

357 ANGLE 357

Ness standing above Nitti. HOLD

358 ANGLE 358

Nitti's hands about to slip.

359 ANGLE

359

Ness reaches down and hoists Nitti up on the roof. Ness strips Nitti's jacket off him, pats him down for weapons, thrusts him toward the door leading down to the court. CAMERA FOLLOWS them across the roof toward the door leading down to the court. Ness thrusts Nitti toward the door. Nitti comes up to the door leading down the stairs. He tries it. It is stuck, or he is too winded to open it on the first attempt.

HOLD. Nitti and Ness by the door. Nitti tries again, and gets the door open. He pauses for a moment to compose himself before going down the stairs. He starts inside the door.

NESS

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

NITTI

(softly, viciously)

He died like a pig.

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

NESS

What did you say?

NITTI

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

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

360 ANGLE

360

Nitti falling to his death, Ness standing above him.
HOLD.

361 INT. COURTHOUSE CORRIDOR - DAY

361

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

STONE

I think you'd better see this.

(CONTINUED)

- 361 CONTINUED: 361
- Beat. Ness is still in another world.
- STONE
(continuing)
You'd better see this.
- Ness takes the sheet of paper.
- 362 ANGLE INS 362
- THE SHEET OF PAPER. It is the same jury list which we have seen before. Next to each juror's name is an amount. \$5,000.00, \$1,500.00... etc...
- 363 ANGLE 363
- Ness looking at the list.
- NESS
What is it?
- STONE
It's the jury list. They've been bribed.
- 364 INT. COURTROOM - DAY 364
- The trial is in session. Ness enters, slides next to the District Attorney, pulls the list out of his lapel pocket and shows it to the District Attorney.
- 365 ANGLE INS 365
- THE PROSECUTION DESK, THE JURY LIST. Ness slides the other jury list, bearing the amount of the bribes, next to it.
- 366 ANGLE 366
- Ness and the District Attorney. The District Attorney looks up. Looks at the jury. Looks back at Ness. Ness nods, "That's right..." The District Attorney clears his throat. Rises.
- DISTRICT ATTORNEY
Your Honor, excuse me. May I approach the bench?
- The District Attorney picks up the list, walks toward the bench?

367 INT. JUDGE'S CHAMBERS - DAY - INS

367

THE TWO LISTS, the jury list and the list with the amounts of the bribes.

368 ANGLE

368

The Judge holding the lists, sitting in his chair. The District Attorney standing before the desk. Ness standing back by the door.

Beat.

The Judge looks up from the list.

JUDGE

This constitutes no evidence, it has no provenance, and I'm not about to...

NESS

Your Honor. The truth of the case is that the man Capone is a killer and he will go free. There is only one way to deal with such men and that is hunt them down. I have... I have forsworn myself, I have... broken every law that I swore to defend, I have become what I beheld, and I am content that I have done right. Now: THAT MAN MUST BE STOPPED and you must...

JUDGE

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

NESS

(to Prosecutor,
et al)

Would you excuse us?

All leave save Ness and the Judge.

369 INT. THE COURTROOM - DAY - INS

369

THE GAVEL BANGING.

370 ANGLE

370

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

(CONTINUED)

370 CONTINUED:

370

JUDGE

Bailiff.

BAILIFF

Yes, sir?

JUDGE

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

The Prosecutor leans over to Ness.

371 ANGLE

371

Ness and the Prosecutor.

PROSECUTOR

What did you tell him?

NESS

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

JUDGE (V.O.)

Bailiff: are those instructions clear???

PROSECUTOR

But his name isn't in the ledger.

NESS

The Evil Flee where no man Pursueth.

JUDGE (V.O.)

Bailiff? I want you to switch the juries.

372 ANGLE

372

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

CAPONE

Hey: wait a second!!!

(CONTINUED)

372 CONTINUED:

372

Capone's Counsel tries to hush him.

CAPONE

(continuing)

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

DEFENSE COUNSEL

I think that we have...

CAPONE

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

The Defense Attorneys try to bring Capone under control.

DEFENSE ATTORNEY

... Your Honor... ?

373 ANGLE

373

The courtroom. Capone fuming, his lawyer standing.

DEFENSE ATTORNEY

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

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

374 ANGLE

374

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

NESS

(nods)

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

Ness continues out of the courtroom, as Capone raves.

375 INT. NESS' OFFICE - day - INS

375

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

376 ANGLE

376

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

377 ANGLE INS

377

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

378 ANGLE

378

Ness at his desk.

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

Beat.

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

379 ANGLE

379

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

380 ANGLE

380

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

NESS
... Cleaning up a little...

Beat. Stone nods.

(CONTINUED)

380 CONTINUED:

380

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

Beat.

STONE

Goodbye, sir.

NESS

Goodbye, George.

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

331 ANGLE INS

381

THE MEDALLION.

382 ANGLE

382

Stone and Ness.

STONE

He would have wanted you to have it.

NESS

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

Beat.

Stone takes the medallion and chain. Beat.

STONE

Thank you.

NESS

Thank you. Goodbye.

Ness smiles.

STONE

Goodbye.

Ness presses Stone's hand around the medallion.

333 INT. READYROOM - DAY - ANGLE

383

Ness walking out of his office into the Readyroom, which now is shorn of the guns and maps and blackboards, and is quite bare.

(CONTINUED)

Ness walks toward the door. At the door is the Reporter who followed Ness to the raid on the ship. The Reporter opens his notepad.

REPORTER

Any comment for the record... ?

Ness shakes his head.

REPORTER

(continuing)

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

NESS

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

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

REPORTER

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

Beat. Ness smiles.

NESS

I think I'll have a drink.

Ness moves past the Reporter down the corridor and out the double glass doors.

SCREEN FADES TO BLACK AS TITLE CARD APPEARS

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

FADE OUT.

THE END

THE UNTOUCHABLES
Screenplay by David Mamet