

# THE LIFE OF DAVID GALE

by

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FIRST DRAFT

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**FOR EDUCATIONAL PURPOSES ONLY**

FADE IN:

EXT. TWO-LANE HIGHWAY - SUNRISE

A dishevelled WOMAN in a business suit (27) runs down a lonely highway in Texas hill country, moving desperately through the thick morning fog. She's carrying a VHS cassette. The sounds of her breathing and SHOES HITTING the PAVEMENT ECHO into the mist.

She runs, and runs.

She slows, out-of-strength, looks up and down the highway. Both in front and behind, it leads straight into the mist, a tunnel of fog. She stumbles on, a final effort.

She runs. Sees something. Stops cold.

DISSOLVE TO:

WHITE

DISSOLVE TO:

INT. OFFICE OF "DEATHWATCH AUSTIN" - SUNRISE

A clock on the wall: 6:11.

Beneath the clock a simple banner reads "DeathWatch Austin."

YOUNG MAN (O.S.)  
It's probably been about seven  
minutes...

The office is small, cheaply furnished. One wall is filled with neat rows of 8x10's of death row inmates. About 30 percent have red crosses over their faces.

Five people wait in tense silence. A SKINNY COLLEGE GUY with a mullet and pinch of Skoal in his mouth looks at a computer screen. A co-ed cuddles a Styrofoam cup of coffee, sobs quietly. A matronly woman sits quietly at a desk holding a phone to one ear.

The clock's minute hand changes from :11 to :12.

CONSTANCE HARRAWAY (36), bookish, sits beside DAVID GALE (31). He wears a blue Yale sweatshirt. They both stare at nothing. She bites her lip.

(CONTINUED)

CONTINUED:

COLLEGE GUY

Okay. Okay. We've got  
pronouncement. 6:12. Roughly  
eight minutes.

(a beat as he records  
the time)

Number 36 this year for the Great  
State of Texas.

They all exchange looks: they've lost. David stands.

CONSTANCE

David, don't start throwing  
things.

A PHONE RINGS. David controls himself.

DAVID

I'm going home. Let's do the  
press fax tomorrow.

Another PHONE RINGS. Constance stands.

CONSTANCE

Go. I'll do it.

He nods to her, exits.

She walks to the photo wall. With a red magic marker she  
marks a cross over the photo of a Hispanic male.

The wall clock reads 6:13.

EXT. PARKING LOT IN FRONT OF OFFICE - SUNRISE

The office is in a largely abandoned mini-mall. It's  
going to be a clear summer day. David hurries through the  
empty parking lot to Volvo station wagon.

As the car exits the lot, we see the Austin skyline with  
the capitol building in the distance.

INT. DAVID'S CAR - SUNRISE

David drinks from a travel cup as he drives, windows down.

EXT. INTERSECTION - SUNRISE

David stops at a red light beside a squad car with one cop  
inside. The cop gives him a cursory glance.

INT. DAVID'S CAR - SUNRISE

He stares at the cop. The cop looks neutrally ahead; behind him the buckle of his seatbelt shoulder strap catches the reflection of the rising sun.

BACK TO DAVID

He stares, then:

DAVID

Hey!

The cop ignores him.

DAVID

Yo! Officer!

The cop looks over; his face says he expects a confrontation. David points to the seatbelt buckle.

DAVID

Your seatbelt.

The cop nods, weary, embarrassed. He reaches back for the belt. David takes a sip and drives on.

DISSOLVE TO:

WHITE

DISSOLVE TO:

CLOSE ON TELEVISION

Court TV reporter, Roberts, stands in front of the Supreme Court.

ROBERTS (V.O.)

The high court also refused to stay Friday's execution of former philosophy professor, David Gale.

FEMALE (O.S.)

(with her mouth full)

Christ doin' Karaoke.

PULL BACK to reveal we are in:

INT. NEWS MAGAZINE OFFICE - DAY

KRUGER (47) watches with a leg up on her messy desk, eating low-fat tortilla chips and massaging a knee with an electric massager. A name plate on her desk reads "Barbara D. Kruger, Crime and Courts Editor." News magazine covers are on the walls. Kruger is black, short, overweight, wears an old jogging suit and new oversized athletic shoes. She has half-frame granny glasses on a cord around her neck.

ROBERTS (V.O.)  
Gale had sought a review of his  
1993 conviction for the rape and  
murder of University of Texas  
colleague, Constance Harraway.

Kruger reaches for a phone, hits four numbers, takes a chip.

ON TV

A book-jacket photo of Constance.

BACK ON ROBERTS

ROBERTS (V.O.)  
Defense lawyers had hoped to argue  
that Gale's former activism  
against capital punishment unduly  
prejudiced...

ON KRUGER

She waits impatiently, munching, swallowing.

ROBERTS (V.O.)  
... the Texas judicial system.  
Citing 'discriminating purpose' --

KRUGER  
(into the phone)  
Hey, they're not gonna stay Gale.  
It's on Court TV right now,  
listen.

She holds the phone out in the direction of the TV, uses the opportunity to eat another chip.

ON TV

We see old footage of David on a TV talk show.

(CONTINUED)

CONTINUED:

ROBERTS (V.O.)  
... clear political gain in  
executing its leading opponent of  
the death penalty...

ON KRUGER

KRUGER  
(into the phone,  
swallowing)  
So, what's it gonna be? Belyeu  
said to call after the decision...  
No, they said only Bitsey.

ROBERTS (V.O.)  
(in b.g.)  
... Further failed to consider  
that the victim was herself an  
abolitionist activist...

KRUGER  
It means only Bitsey. Bill, I  
don't get to make the rules, I'm a  
fat black woman.

Bitsey Bloom (The runner from the opening) enters. She  
wears, as always, a tailored suit.

KRUGER  
(into the phone)  
... What we need is to put her on  
a plane to Houston.

BITSEY (WOMAN)  
Gale's going down.

Kruger shushes her with a we-know-already gesture.

KRUGER  
(into the phone)  
Why do you always get lordosis  
around legal? She's here.

She puts him on SPEAKER, and reaches for a chip.

BITSEY  
(to the phone)  
Hi. What's lordosis?

BILL (V.O.)  
Female ape's posture when  
preparing for intercourse. Hello,  
Bitsey.

(CONTINUED)

CONTINUED:

Bitsey shoots Kruger a look, mouths "you're sick."

BILL (V.O.)

Look, kids, setting aside the cost issue, though half-a-million dollars for three two hour interviews is not only illegal it's obscene--

KRUGER

Market value. Guy's never talked.

BILL (V.O.)

That aside, I, we are still uncomfortable with the arrangement.

BITSEY

Meaning?

BILL (V.O.)

Meaning you've just spent a very public seven days in jail for a very public contempt of court citation.

BITSEY

Protecting sources, even kiddie porn scumbags, is magazine policy.

BILL (V.O.)

And I, we continue to appreciate your decision. We're just concerned. A rapist slash murderer, five days before he's executed, demands a reporter known for protecting sexual deviants. A reporter who is also a very attractive woman --

Bitsey and Kruger moan in unison.

KRUGER

This is disparate treatment.

BITSEY

I could go if I were an ugly blabby guy?

BILL (V.O.)

There's an agenda issue here which would be diffused with an older male...

(CONTINUED)

CONTINUED:

KRUGER

I hear lawyers gleefully saying  
the words Bloom vs. News Magazine  
Inc.

BITSEY

'Well, Your Honor, I started to  
notice that my assignments were  
evaluated on the basis of my sex.'

KRUGER

You've gotta let her go now.

BILL (V.O.)

That's not quite what I meant.

KRUGER

He's gotta let you go.

BITSEY

'Certain references were made -- '

BILL (V.O.)

(interrupting)

All right. All right. Enough.  
The intern is with you at all  
times?

Bitsey vehemently shakes her head "no" to this idea.

KRUGER

Yes. I, we are hanging up. 'Bye.

Kruger hangs up the phone before he can respond.

BITSEY

I'm not baby-sitting.

Kruger reaches for a chip.

INT. RENTAL CAR - NIGHT

ZACK (boyish, 24) sits in the passenger seat, smoking and  
looking at a case file in his lap. He holds the cigarette  
just outside the slightly open window. Zack has a  
bohemian grunge thing going -- long hair, ultra-hip  
glasses. As Bitsey drives, she keeps looking down at the  
dash's instrument panel. We hear strained patience in her  
voice.

BITSEY

Gale was seen leaving the house.

EXT. INTERSTATE 45 - NIGHT

The car's lights move past a sign: "Huntsville 27 Miles."

BITSEY (V.O.)  
His sperm was inside her.

INT. RENTAL CAR - NIGHT

BITSEY  
His prints were all over the  
kitchen, including one on the bag.

Zack has a police photo: a woman naked on a kitchen floor, hands handcuffed behind her. Over her head is an opaque white plastic bag, sealed around the neck with duct tape.

ZACK  
Half-a-thumb print.

BITSEY  
Okay, half-a-thumb print.

ZACK  
Could have touched it before it  
was a murder weapon.

BITSEY  
Do you fondle your friends'  
garbage bags?

ZACK  
Yeah, I get very touchy around  
household plastics. 'Hello,  
everybody -- ooooh, Tupperware.'  
Chill. I'm just saying the bag  
could have been out on the counter  
or something.

She looks at him a beat.

BITSEY  
Hey, Zack?

ZACK  
Yeah.

BITSEY  
He did it.

(CONTINUED)

CONTINUED:

ZACK

But the murder's way too fucking clumsy. And this guy's a major intellectual. Top of his Yale class, a Rhodes gig, tenured at 27, two books. He's an academic stud.

BITSEY

And, empirically speaking, a psychotic.

Zack picks up another file photo: Christmas shot of the Gale family: David (31), his wife (Sharon, beautiful, 29), and son (Chase, 6).

ZACK

Look at his wife, she's a regular Grace Kelly. Old money svelte. Father was Ambassador to Spain --

BITSEY

(looking at the car's  
instrument panel)  
Shit! The light's on again.

CLOSEUP - OVERHEAT LIGHT

is on.

BACK TO SCENE

ZACK

Ignore it. It's a rental.

BITSEY

Thanks, Zack. Do you smell anything?

ZACK

No. Besides the guy's a flaming liberal.

Bitsey keeps looking down at the light.

BITSEY

A person's politics has nothing to do with their propensity to commit crime.

(beat)

Aren't we supposed to smell it if it's overheating?

(CONTINUED)

CONTINUED:

ZACK

Wrong, seventy-three percent of  
all serial killers vote  
republican.

BITSEY

Throw the cigarette out so we can  
smell.

Zack reaches for the car ashtray.

BITSEY

No! You'll stink up the car.  
Throw it out!

ZACK

I'm not gonna fucking pollute.

BITSEY

Zack!

Zack pinches the cherry off, lets it drop out the window.  
He shows her the filter, animatedly puts in the ash tray.  
She gives him a look. They ride a beat in silence.  
Bitsey sniffs.

BITSEY

We better pull off. Shit, this is  
so irritating.

ZACK

How far to Huntsville?

BITSEY

Look.

She points to an approaching rest area exit sign. They  
share a glance, then a laugh. Zack affects an evil,  
maniacal cackle.

ZACK

('Hard Copy'  
announcer's voice)  
'NEWS Magazine reporters Bitsy  
Bloom and Zack Stemmons entered  
the rest area with car trouble...

EXT. REST AREA EXIT - NIGHT

The car exits for the rest area.

(CONTINUED)

CONTINUED:

ZACK (V.O.)  
Little did they know their  
troubles were just beginning.

Zack mimics the OPENING MUSIC to "Dark Shadows."

EXT. REST AREA - NIGHT

Well lit and empty. The rental car is parked with the  
hood up. They stand looking at the radiator.

BITSEY  
Is it hot?

He puts his hand on it.

ZACK  
Oww! Jesus, yes. Isn't it  
always?

Bitsey shrugs.

ZACK  
So what do I do?

BITSEY  
I don't know, something male.

Zack animatedly adjusts his balls, spits.

ZACK  
Now what?

Bitsey's not paying attention. She's watching headlights  
coming toward them.

BITSEY  
Company.

ZACK  
I hope whoever it is never saw  
Deliverance.

A late model pickup pulls up behind them. They shade  
their eyes from its headlights. The lights go off. An  
OLDER COWBOY (mid-60's, Stetson, lizard skin boots) steps  
out.

OLDER COWBOY  
You folks need some help?

BITSEY  
Actually yes.

EXT. HUNTSVILLE MOTEL SIX - NIGHT

The motel lies adjacent to Interstate 45 and a Kettle restaurant. The rental car pulls up to the reception building.

EXT. HUNTSVILLE MOTEL SIX - NEXT DAY

The rental car is parked in front. The morning is overcast, it's sprinkling. Bitsey emerges from one of the rooms on the second floor carrying an umbrella.

INT. KETTLE RESTAURANT - DAY

Bitsey enters and sees Zack in a booth, smoking and reading. The hyper-smiley TEENAGE HOSTESS approaches her.

HOSTESS

How are you this morning?

Bitsey ignores her, takes a menu without comment. She goes and sits across from Zack; he's reading Dialogical Exhaustion by David Gale.

BITSEY

Little early, isn't it?

ZACK

The non-smoking section's over there.

BITSEY

I meant the book.

ZACK

Oh.

Bitsey opens the menu; he puts the book down.

BITSEY

What time is it?

ZACK

9:15. The waitress says the Ellis Unit is about fifteen minutes out of town, so we've got like five and half hours. I --

BITSEY

Never eat where the menus have pictures of the food.

(CONTINUED)

CONTINUED:

ZACK

I was thinking we should drive to Austin, check out the crime scene. Could be some story stuff for us.

BITSEY

(without looking up)

First, this isn't a story. It's an interview. We come, I listen, you watch, we go home. Second, there is no 'us' in the assignment.

ZACK

Okay, what do I watch you do for the next five hours?

BITSEY

(closing the menu)

Drive around looking for decent restaurant.

ZACK

You know, your reputation as Siberian-Female-Dog-Person doesn't do you justice.

She's unsure how to interpret his comment. He smiles.

BITSEY

My reputation got us invited here. I play by the rules. It's called objectivity.

They stare at each other. Zack picks up his book, starts to read, affects a shiver.

EXT. ELLIS UNIT DRIVE GUARDHOUSE - DAY

Drizzle. The prison and adjacent parking lot can be seen a few hundred yards down the road. In front of the guardhouse is a sign: "TDC Ellis Unit. All visitors must report."

SUPERIMPOSE: "DAY ONE"

The rental car ENTERS the FRAME, brakes briefly for the empty guardhouse, and moves on toward the prison.

EXT. ELLIS UNIT PARKING LOT - DAY

Bitsey and Zack get out of their car. She has an umbrella.

ZACK

So where do we report?

Three razor wire fences surround the prison. Guard towers rise at the corners. Outside the fence sits a small building with a sign: "REPORT HERE."

Bitsey makes a there-you-have-it face. They move toward the building.

Someone hawks. They look over. Within the fence, a skinny Hispanic inmate (50's) spits. He's hunched in the rain thirty yards away. He watches them neutrally.

CAMERA TRACKS Bitsey and Zack as they walk nervously past a series of kennel-like pens that run along a long building. Inmates watch them pass: A smoking, tattooed white male (30's) stands by his door. A muscular black man (30's) with a Muslim skullcap speaks quietly to the forty-something redneck beside him. A paunchy Hispanic (20's) with a shaved head sits back against the building, making clicking sounds. A skinny white guy with his shirt off tosses a tennis ball against the building. At the closest end of the last pen, a gang-banger (20's) watches as he stands with his fingers clutching the chain-link above his head. Rain runs down his face.

INT. ELLIS RECEPTION OFFICE

As Bitsey and Zack enter, a clean-cut man in his forties is on the phone (DUKE GROVER). He waves them in and holds up a wait-just-a-second finger.

GROVER

Well, I don't rightly know one fraternity from another. But if we catch any those boys out here again, we're gonna Arrest and Prosecute... You do that, Susan... Bye now.

The office has cheap wood paneling and a tired shag carpet. A portrait of GOVERNOR HARDIN (female, mid-50's) is on the wall, a large aerial photograph of the prison on the other. At a desk sits a WOMAN WITH TEXAS HAIR (40's). Grover hangs up.

(CONTINUED)

CONTINUED:

GROVER  
 (to the Woman)  
 Thank you, Margie.  
 (turning to Bitsey  
 and Zack)  
 Correspondents Bloom and Stevens I  
 presume.

BITSEY  
 Yes, hello.

They shake hands.

ZACK  
 Stemmons.

GROVER  
 Stemmons. Sorry, won't happen  
 again. I'm Duke Grover, T.D.C.  
 community relations.

Grover's demeanor suggests a successful Little League  
 coach, his suit suggests J.C. Penny. He speaks quickly.

MARGIE (WOMAN)  
 He's usually real good with names.

GROVER  
 (to Bitsey)  
 And these days I always like to  
 ask, now do you prefer Miss, Mrs.  
 or Ms.?

BITSEY  
 Bitsey.

GROVER  
 Bitsey it is. Margie, I'm  
 stealin' your umbrella.

MARGIE  
 Okeydokey.

EXT. ELLIS UNIT ENTRANCE

Bitsey and Grover walk beneath their umbrellas toward the  
 Unit gate -- Grover walks as fast as he talks. Zack  
 follows, turns his collar up.

GROVER  
 Bitsey, you ever been in a prison?

(CONTINUED)

CONTINUED:

BITSEY

Yes.

Zack smiles to himself.

GROVER

On death row?

BITSEY

No.

GROVER

Well, we house 422 inmates here. Average stay with us is nine years. Some get commuted, move on, most get killed. It'll put you off your supper, but then it's supposed to.

The unit fence gate parts as they enter. The older gate guard nods as they pass.

GROVER

(to the guard)

Afternoon, Earl.

(back to her)

We've got three concerns here: safety, safety and safety. The visitation area is entirely secure -- we just ask you don't touch the glass. Windex gets expensive.

They come to the door of the entrance area.

GROVER

Rules say seven days prior to execution inmates must be interviewed in a cage.

The DOOR BUZZES, Grover opens it.

INT. ELLIS ENTRANCE LOBBY - DAY

The lobby has institutional chairs and few vending machines. To one side is a guard's counter and a walk-through metal detector. They enter and make their way toward the counter.

GROVER

This changes for no man. You're not carryin' a weapon are you?

(CONTINUED)

CONTINUED:

BITSEY

No.

GROVER

Mr. Stemmons, you packin'?

ZACK

No, sir.

They arrive at the counter. Behind it are two GUARDS, one male, one female.

GROVER

(to the guards)

Clarence. Karla. New York guests  
for Mr. Gale.

CLARENCE (GUARD)

May I see your purse, ma'am.

GROVER

(to Bitsey, indicating  
the metal detector)

Go on and walk through.

Grover keeps talking as he walks around the detector and waits for her.

GROVER

Now, should any kinda of  
unpleasantness occur in the  
visitation area, we ask that you  
stay put. Come on through, Mr.  
Stemmons. And please follow the  
instructions of these fine  
correctional officers should they  
see fit to give you any.

CLARENCE

(handing her the purse)

Here you go, ma'am.

He leads them down the hall.

GROVER

Anythin' you say can be overheard.  
And any discussion of criminal  
activity on your part is  
admissible. Not plannin' a jail  
break are you, Bitsey?

INT. ELLIS VISITATION AREA - DAY

The door guard gets up from his small table and opens the door for them.

GROVER

Here we are.

The visitation hall has the linoleum-and-fluorescent feel of an empty school cafeteria. It is seamlessly intersected by curved wall of sheer glass. Across the hall a guard's booth is built into the concrete wall; the two guards inside look like they are in a sound booth.

Every fifteen feet, the glass has small sound holes. On the visitors' side, chairs (with lap desks) cluster at each section. Just getting up from a chair in the hall's center is a big man wearing an expensive suit and black cowboy boots. This is David's lawyer, BENJAMIN BELYEU (late 30's).

On the prisoner's side of the glass, a row of ten chairs trace the outline of its curve. Above each chair a microphone hangs from the ceiling. The center chair is in a stainless steel cage. Inside sits David Gale.

GROVER

(calling out to  
Belyeu)

All yours, Mr. Belyeu.

(to Bitsey and Zack)  
You folks have safe visit now.

BITSEY

Thank you.

He exits as Bitsey and Zack make their way toward Belyeu and David; it's a walk of about twenty-five feet. Belyeu's voice is a thick combination of Cajun and Harvard Yard.

BELYEU

Miss Bloom?

BITSEY

Yes.

Belyeu speaks as slowly as Grover did quickly. David stands up politely in his cage -- he's too tall and has to hunch.

BELYEU

Did that P.R. man validate your  
parkin'?

(CONTINUED)

CONTINUED:

BITSEY

He said the gift shop could do it.

Belyeu laughs, smiles pure Old New Orleans charm.

BELYEU

(to David)

She's a smart one.

Belyeu takes a few steps toward them, extends his hand.

BELYEU

Benjamin Belyeu, Mr. Gale's  
attorney.

BITSEY

This is Zack.

BELYEU

Pleasure.

(turning)

And this is the man of the hour.

They move toward David. A SPEAKER-SYSTEM LOUDLY (really  
loudly) interrupts:

GUARD (V.O.)

Sit down, Gale.

All wince. David sits, smiles, a bit embarrassed.

DAVID

Hello.

BITSEY

Hello.

ZACK

Hi.

BELYEU

Now, why can't they turn that  
thing down?

DAVID

(to the microphone  
above him)

My lawyer respectfully suggests  
you adjust the speaker-system  
volume.

A beat. They all look over at the guard's booth. One of  
the guards makes a get-on-with-your-business gesture.

(CONTINUED)

CONTINUED:

DAVID

They're practicing being cruel and unusual.

BELYEU

Mrs. Bloom, I'm sure you're a bitin' at the bit.

Belyeu collects papers from the chair he was using and starts to stuff them into his antique carpetbag.

BELYEU

Now, it is our understanding that you are to have three two-hour sessions. Today, tomorrow and Thursday, all at three in the P.M. I'm sorry we can't afford you more time, but contrary to popular rumor we have not yet begun to fight. Furthermore, it's our understanding that you will do this with no recording equipment of any kind.

(to David)

You have my Gregg book?

DAVID

I need it for Billy's appeal.

BELYEU

(to Bitsey)

My client's got a ten pound bass on the line and he's worried about baitin' his neighbor's hook.

(takes out his planner)

Now, I have some papers for which I need your Jo Ann Hancock.

(handing her a business card)

Come by my Austin office at your earliest convenience. Thursday mornin', say.

Bitsey's confused. Belyeu just smiles at her, then looks up at the microphone. She understands, nods.

BELYEU

Fine, till Thursday then.

Belyeu picks up his bag. He and Zack start the hike to the door. Belyeu turns, walks backwards.

(CONTINUED)

CONTINUED:

BELYEU

Good luck, Miss Bloom.

(to David)

I'll come by later. We can play a game of hangman, take up smokin'.

David waves "get lost." Belyeu turns.

BELYEU

Bye, ya'all.

They watch him walk away. Bitsey turns to David. He's looking at the floor, caught in a thought.

BITSEY

So...

DAVID

Sorry. Have a seat.

She does so. David smiles at her, he has a beautiful smile, sincere, charming, vaguely devilish.

BITSEY

He's a character.

DAVID

Yeah, known Benny most my life. Met the summer after 4th grade, spent the day burning ants with his dad's magnifying glass. We called it playing 'Execution.'

David looks at her a beat, lets the irony of this sit in the air. Uncomfortable, Bitsey starts to look in her purse.

DAVID

Since I grew up in foster homes, he's become the only family I have.

BITSEY

Where's your ex-wife?

Bitsey takes a pad out of her purse, looks for a pen.

DAVID

We agreed minimal contact would be easier. Please don't mention her, or my son.

(CONTINUED)

CONTINUED:

BITSEY

All right. Anything else, just clearly say, 'off the record.' I'll take it to my grave. But then you know that about me. Otherwise I wouldn't be here.

David smiles, nods.

BITSEY

(referring to the pen)

Is this recording equipment?

He shrugs.

DAVID

How should we start?

BITSEY

I'd say you're a man with a story to tell, Mr. Gale. You chose the magazine, the format. You chose me.

She sits with pen on paper, poised for dictation.

BITSEY

Go.

David looks at her a long beat, then gives her the smile.

DISSOLVE TO:

WHITE

DISSOLVE TO:

# TRANSITION MONTAGE

CAMERA starts TO ROTATE and ROLLS THROUGHOUT until the LAST SHOT COMES TO REST UPRIGHT.

## A) OVERHEAD

Belyeu gets in his Cadillac in the wet Ellis Unit parking lot.

## B) ELLIS UNIT (RAINY DAY)

from the air.

(CONTINUED)

CONTINUED:

C) AUSTIN FROM AIR (SUNNY DAY)

D) OVERHEAD

SEXY FEMALE GRAD STUDENT (over-dressed in a mini-skirt and heels) moves hurriedly through the University of Texas (U.T.) campus.

E) FROM BEHIND TWO GRADUATE STUDENTS

attending class in an U.T. lecture hall -- they are laughing as David entertains from a mike at the podium.

DISSOLVE TO:

INT. U.T. LECTURE HALL - DAY

Thirty animated students (circa 1992) are listening to David lecture. He's younger (31), vibrant -- looks like a grad student himself. On the white board behind him are phrases: "Lucan," "objet petit a," "Fantasy Theory."

DAVID

Think. What do you fantasize about? World peace?

(as no one responds)

Thought so.

(light laughter)

Money-Fame-Ferrari?

(as some guys applaud loudly; others then boo them)

A Pulitzer? Nobel? M.T.V. Music Award?

(applause)

A genius hunk -- ostensibly bad but secretly simmering with noble passions, and willing to sleep on the wet spot?

As women applaud...

LARGE WOMAN

(yells)

I'll take two!

Laughter.

(CONTINUED)

CONTINUED:

DAVID

A Victoria's Secret model -- just  
slumming between law school and  
running her family's Vastly  
Endowed Foundation for Tragically  
Sad-Eyed Children?

The crowd laughs, David changes tone.

DAVID

Okay, good, you see Lacan's point.  
Fantasies must be unrealistic.  
The minute you get something, you  
don't, you can't, want it anymore.  
To exist, desire needs absent  
objects. So desire supports  
itself with crazy fantasies...

The over-dressed Sexy Grad Student enters loudly from a  
side door, out-of-breath and discombobulated. The crowd  
laughs at the timing. David pauses.

STUDENT

Sorry.

He animatedly gestures to the seats, waits a beat as she  
moves towards them.

DAVID

This is what Pascal means when he  
says the only time we're truly  
happy is when day-dreaming about  
future happiness.

The Sexy Student sits, adjusts herself.

DAVID

Or why we say, 'The hunt is  
sweeter than the kill' or 'Be  
careful what you wish for.'

A guy behind the Sexy Student taps her on the shoulder,  
she turns and he hands her letter from the registrar's  
office. It's from a girl friend two rows back. The girl  
friend mouths, "It came today?"

DAVID (O.S.)

Not because you'll get it, but  
because you're doomed not to want  
it if you do. Think about it next  
time you're at a wedding.

Laughter. The Sexy Student turns back around, throws the  
letter in a book.

INT. U.T. HALLWAY - DAY

Students pour out of the double doors leading from David's class. The hall is crowded. Standing waiting for him against the wall is Constance (glasses, granola clothes). She's looking at a document, holds a file.

INT. U.T. LECTURE HALL - DAY

The students are leaving. David is quickly erasing the white-board. The Sexy Student approaches him (her name is Berlin).

BERLIN (SEXY STUDENT)

Sorry about being late. There was, you know, a thing.

DAVID

There usually is, Berlin.

BERLIN

Look, I know I'm not doing well.

He turns, nods, takes his books and papers from the podium.

BERLIN

And to torture a cliché, I'd do anything to pass.

He looks at her a beat, starts to walk toward the door.

BERLIN

Anything, Professor Gale.

He stops, turns.

DAVID

Anything, huh?

BERLIN

(suggestively)

Anything.

DAVID

(the smile)

Anything?

She affects a solicitous shyness -- then goes all sex.

BERLIN

Any thing.

He checks the room, then comes over to her, close.

(CONTINUED)

CONTINUED:

DAVID

Tell you what, I'll give you good grade, a really good grade, if you will...

(leans down to her ear,  
whispers sensually)

... study.

He smiles, turns, walks away. As she watches, anger builds.

INT. U.T. HALLWAY - DAY

David comes out the room. Constance sees him, hurries to him. She's excited, and speaks now -- as always -- with absolute authority. They talk as they walk down the crowded hall.

CONSTANCE

David!

DAVID

Hey.

CONSTANCE

The T.A. finished transcribing the Governor's radio and TV comments. Listen: 'I hate killing, that's why I'm willing to kill to stop it.' The woman breathes in sound-bites.

She hands him a copy.

DAVID

(pretends to read  
a quote)

'Yes, Virginia, the people of this State have overwhelmingly affirmed the reality of Santa.'

CONSTANCE

You might can use some of her pre-Centrist stuff.

DAVID

Tell me again why you aren't doing the debate.

CONSTANCE

Telegenics. You have a cuter butt.

(CONTINUED)

CONTINUED:

DAVID  
I hadn't noticed.

CONSTANCE  
I know.

DAVID  
That's not what I meant.

EXT. U.T. CAMPUS - DAY

David and Constance exit the building into the sun.

CONSTANCE  
She's gonna do the whole mother thing. She empathizes with you completely, but experience has given her the courage to take the tougher road, ta-da, ta-da. Keep it rational. And flirt politely.

DAVID  
'Governor, you bat a lovely lash for a woman who executed thirty-eight last year.'

They've come to a sidewalk junction, stop.

CONSTANCE  
And watch your ego. Don't come across as one of those I-hate-authority-because-nobody-in-charge-reads-the-New Yorker types.

DAVID  
Anything else?

CONSTANCE  
Yeah, don't fall into one of your brooding silences. Oh, I'm getting new federal stats from Amnesty tonight.

DAVID  
I'm going to Greer's party. Fax them to Sharon's number at the house.

She looks at him sternly over the top of her glasses.

CONSTANCE  
If you have a hang-over tomorrow --

(CONTINUED)

CONTINUED:

DAVID  
(hangs up, walking  
away)  
Apropos playing Mother.

CONSTANCE  
(calling after him)  
Ten o'clock!  
(beat)  
Bright-eyed and bushy tailed!

EXT. GALE HOME - ESTABLISHING - NIGHT

The house is an immaculately restored two-story Victorian, far better than what a university professor can afford. The grounds are perfect. David's Volvo is in the driveway, his wife's new Laredo beside it. On the street out front sits a new VW Beetle.

INT. KID'S ROOM - NIGHT

David's son -- CHASE -- sits in bed holding a stuffed sheep in the air. David turns off the light in the adjacent bathroom, comes in holding his son's jeans and shoes. David wears a t-shirt which says "Evil-Doer & Curious Person." The room is over-decorated with boy stuff.

DAVID  
Did you mark your calendar?

CHASE  
(looking up at it)  
Yep.

INSERT - KID'S CALENDAR

hangs above the bed, opened to the month of March. It has a felt-tipped pen hanging from a piece of string taped to it. Ten frowny faces cover ten consecutive days, then there are three empty days before a large smiley face awaits on the fourth. The frowny faces are in a kid's hand, the smiley face in an adult's.

BACK TO SCENE

CHASE  
(counting on his  
fingers)  
Only... three more Spain days.

(CONTINUED)

CONTINUED:

David puts the jeans and shoes away.

DAVID  
Only three. That's great, huh?

David comes and sits beside his son. Points to an African statue (a man holding a spear) on the bedside table.

DAVID  
What's he doing in here?

CHASE  
Mommy said I could. Just till she gets back.  
(touching the spear)  
That's a special-duper monster laser knife.

DAVID  
Where's your laser gun?

Chase reaches under the sheets, searches, finally pulls out a laser pointer.

CHASE  
Here.

He "shoots" some toys in the corner with the red laser dot.

CHASE  
Tussshh, tusssshh, tussshh. I never shoot them in the eyes, Daddy.

DAVID  
That's 'cause you're a special-duper-super-quadruper boy. Who's now going to sleep.

He tucks his son in.

DAVID  
Who loves you?

Chase giggles, points at his dad, then pokes his nose.

DAVID  
Ooooh.  
(kissing him)  
Good night, son.

(CONTINUED)

CONTINUED:

CHASE  
(holding up his  
stuffed sheep)  
Do Cloud Dog.

DAVID  
(kissing the sheep)  
Good night, Cloud Dog.

INT. LIVING ROOM - NIGHT

Obsessively cool, full of designer furniture and rough fabrics. The art is mostly contemporary and conspicuously lit -- a Damien Hirst piece sits in one corner. A few African antiquities are scattered throughout.

A BABYSITTER sits on the couch reading a school textbook, holding lip gloss and absentmindedly applying it as she reads. David passes on his way to the door.

DAVID  
Back before midnight.

BABYSITTER  
It's cool, Mr. Gale.  
(calling after him)  
Don't do anything I wouldn't.

DAVID (O.S.)  
Rest assured.

He exits. When she hears the DOOR CLOSE, the Babysitter reaches for the TV remote.

INT. DUPLEX - LIVING AREA - NIGHT

The duplex is upscale, two-story with a vaulted ceiling. Scattered about are forty party-goers, mostly grad students. Some spill out onto the back patio and around the pool. Everyone has a t-shirt with a philosophic idea ("Yawnic," "Mad, Bad and Dangerous to Know," "[Philosophic t-shirt]"). LEONARD COHEN MUSIC PLAYS.

FROM FRONT DOOR

GREER (late 20s, Persian, "Host" t-shirt) escorts David into the living room.

(CONTINUED)

CONTINUED:

GREER

The guy's the Immanuel Kant of the  
N.F.L. Consistent, accurate,  
effective, and boring, boring,  
boring.

Greer leaves him at the sofa where an OLDER PROFESSOR  
(60s, homemade t-shirt -- "Pre-Socratic" -- over his shirt  
and tie) stands speaking with ROSS (late 40s,  
"Homosexualist" t-shirt).

DAVID

Meinen Herren.

ROSS

(has an Oxford accent)  
Hello, David.

OLDER PROFESSOR

Professor Gale. Where's your  
better half?

DAVID

Spain.

OLDER PROFESSOR

Again?  
(a beat)  
Well, I was just off for air.

He moves to the patio. They watch him go.

DAVID

(under his breath)  
Looks like Sharon's affair is an  
open secret.

ROSS

(under his breath)  
Hermeneutical bias: the only fun  
truths are the ones someone's  
trying to hide.  
(normal tone)  
Have a seat.

They sit on the sofa.

ROSS

Listen, Berlin's here -- and  
livid. Probations suspended her.  
She received the letter today,  
took the opportunity to throw a  
fit in my office. You should --

(CONTINUED)

CONTINUED:

BERLIN (O.S.)

Talking about me?

She's standing behind them. David tilts his head back.

DAVID

Yep.

She's tipsy, brings her face down between their heads.

BERLIN

(to David)

He tell you I said when you were  
circumcised they threw away the  
wrong part.

DAVID

He mentioned it.

An uncomfortable beat. She reaches over and takes Ross's  
drink from his hand, drinks the rest, puts it back.

DAVID

It's called schmuck.

BERLIN

What?

DAVID

The part of the foreskin that gets  
thrown away. I think it's called  
schmuck.

BERLIN

Aren't we so fucking clever.

ROSS

(standing, escaping)

I suppose I should get us another.  
David?

DAVID

Black Bush.

Ross walks to the bar. Berlin comes around and sits in  
his seat. Her mid-drift T-shirt reads "Sex is Power."

BERLIN

You were a jerk this afternoon.

A beat. She's turned facing him, he looks forward.

(CONTINUED)

CONTINUED:

DAVID

For what it's worth, I didn't know  
about the suspension.

BERLIN

Is that supposed to be an apology?

DAVID

More like a conciliation.

ON FOOD AND DRINKS TABLE

Ross has two gin-and-tonics and is finishing pouring David's Black Bush. He moves away. The table is neatly laid with snacks and bottles. The flower arrangement is perfect.

SAME SCENE - LATER

The table is now in mid-party chaos. Food spilled, bottles empty, the flowers in disarray. "I'M TOO SEXY" PLAYS LOUDLY in the background. Berlin takes a bottle of Red Label from the table.

CAMERA TRACKS her THROUGH the living room, where a few people now dance, and out onto the patio.

A crowd well on their way to being drunk gathers by the pool. They surround two patio chairs which face each other, one with David, the other with Ross. The men are playing an Irish drinking game -- the crowd has chosen favorites.

ROSS

(slurring a bit)

All right.

(clears his throat)

As the poets have mournfully sung,  
Death takes the innocent young,  
The screamingly funny,  
The rolling in money,  
And those who are very well hung.

Laughter, a few animated moans. David raises his glass to Ross and downs a whiskey. Someone starts to chant:  
"Gale! Gale! Gale!"

(CONTINUED)

CONTINUED:

DAVID  
 (feeling good but  
   very much in control)  
 There once was a lesbian from  
   Canjuom,  
 Who took a young man to her room,  
 And they argued all night,  
 As to who had the right,  
 To do what, how, and to whom.

Laughter. Two women holding each other boo. Ross drinks.

BERLIN  
 One more. C'mon, one more.

DAVID  
 Enough. That's enough.

The crowd wants more. Someone makes chicken sounds.

ROSS  
 Do you bow to the Queen?

David looks at him, contemplates, then smiles. He holds his glass out for a refill. The crowd applauds.

FULL SHOT OF PATIO

The crowd is chanting: "Ross! Ross! Ross!"

SAME SCENE - LATER

The crowd has dispersed. A couple of small groups converse. Someone is being thrown into the pool. TECHNO MUSIC PLAYS. Inside the duplex a few dancers are still going at it.

INT. BATHROOM

David is washing his face. As he dries, the TECHNO MUSIC downstairs gets BRIEFLY LOUDER. He looks from beneath the towel into the mirror. Berlin has entered the bathroom.

DAVID  
 I'm done.

She locks the door, leans back against it. She's flushed. He folds the towel.

(CONTINUED)

CONTINUED:

BERLIN

I'm not a student anymore.

DAVID

Don't think I want to know what  
that means.

David lays the towel down, leans back against the sink --  
they face each other on opposite sides of the bathroom.

BERLIN

There once was woman named Berlin,  
Who liked a bit now and again.  
Not now and again,  
But Now! And Again!  
And Again! And Again! And Again!

He laughs.

BERLIN

Cute, huh?

DAVID

Cute.

BERLIN

I have a secret. But I have to  
come over there to tell you.

He makes an I'm-not-so-sure face. She moves playfully  
toward him.

BERLIN

Here I come.

She comes up to him, leans into him as she puts her mouth  
close to his ear. He keeps his hands back on the sink  
counter.

BERLIN

(whispering)  
I wasn't after the grade.

She stands with her body against him, looks into his eyes.

DAVID

Berlin, this, this is not...

She puts her fingers over his mouth, keeps them there.

BERLIN

Ssshhhh.

(CONTINUED)

CONTINUED:

With her free hand she takes one of his, rubs it against her face and lips as she speaks.

BERLIN  
We'll just talk, analyze,  
contemplate. Or... you can put  
your mouth on my body.

She moves his hand down, brushing it against her breast and to her groin. She brings her mouth toward her fingers -- which are still against his lips.

BERLIN  
(softly, vulnerably)  
Don't reject me. Please.

With her eyes open, she kisses the back of her own fingers, runs her tongue between them, opens them to reach his mouth.

INT. HALLWAY

A Hispanic woman (T-shirt: "DerriDa-Da") bee-bops to the bathroom door. Tries the handle, then dances away.

INT. LIVING ROOM

About eight dancers dance to the TECHNO MUSIC -- its pace increasing. A couple of them are really into it.

INT. BATHROOM

Berlin and David are against the sink, kissing in full passion. The MUSIC from downstairs seems LOUDER. Her T-shirt is off. Panting, he turns her against the sink. Pulls her skirt up, reaches for her panties.

BERLIN  
Rip them.

DAVID  
What?

BERLIN  
Rip them off.

He does so.

## INT. KITCHEN

Ross sits at the kitchen table, holding his throbbing head against the POUNDING MUSIC. Greer sets a cup of coffee in front of him, sits across. A long beat. They seem like parents waiting out a teenager's party.

## INT. BATHROOM

Berlin is back against the sink, undoing David's fly as he takes his T-shirt off. The MUSIC from downstairs seems even LOUDER. His pants and underwear fall. He starts to penetrate her.

BERLIN

No. From behind.

She turns, faces the mirror. He positions himself behind, enters her.

BERLIN

Yes.

He moves against her.

BERLIN

Do it hard.

He looks at her in the mirror, then continues. She watches him.

## ON PATIO

A guy sits alone at the far end of the pool on a lounge. The dancers can be seen in the living room behind him.

## INT. BATHROOM

David thrusts against Berlin, her thighs pound against the edge of the sink. The MUSIC is as LOUD as it is downstairs.

BERLIN

Harder.

He looks at her in the mirror, unsure.

BERLIN

Harder.

He thrusts harder.

(CONTINUED)

CONTINUED:

BERLIN

Yes.

They continue in rhythm. She reaches back and pulls him into her.

BERLIN

Bite me. Bite my shoulder.

She watches him do so in the mirror.

INT. LIVING ROOM

The dancers dance -- the TECHNO PACE has INCREASED even more. One dancer is a blur.

INT. BATHROOM

Berlin is pulling David into her. They approach a climax. She scratches him on the small of the back. Blood trickles.

INT. LIVING ROOM

The MUSIC and dancers are in pure FRENZY. Suddenly, the MUSIC STOPS. Greer stands by the STEREO, his hand coming back from the power button. He gestures "that's-all-folks."

INT. BATHROOM

David and Berlin stand still and apart, breathing heavily into the reality-inducing silence. He looks at her in the mirror, a look of shame. She gives him an odd smile.

SMASH CUT

TO:

BLACK

FADE IN:

INT. CONSTANCE'S BEDROOM - NIGHT

Constance wakes with a jolt, sweating. She gets up and goes into her bathroom.

INT. BATHROOM - NIGHT

She turns on the light, moves to the sink, opens the medicine cabinet. It's stacked with prescription medicines. Suddenly, she turns to the toilette, vomits.

FADE TO

BLACK.

FADE IN:

INT. BARNES & NOBLE COFFEE HOUSE - DAY

David and Constance sit by a window, the U.T. campus in the b.g. David's distracted, wearing a suit and a long face. She's wearing the closest thing she has to business attire. She has stacks of paper spread in front of her.

CONSTANCE

Okay, let's say we find an innocent on death row. Wouldn't matter. Corrections would let him go. Governor Harding would go on TV, say, 'Thanks to the good people at DeathWatch, the system works.' Yeah, if they executed an innocent, and we had absolute, undeniable, in-your-face proof, we could demand abolition. Just like happened in England. Are you okay?

DAVID

(coming out of it)  
Sorry. Yeah.

He makes an effort, plays the "good listener."

CONSTANCE

But it hasn't happened, not since '76. And won't happen.

David nods.

CONSTANCE

Dead men can't make a case.

DAVID

And 'Almost Martyrs' don't count.

CONSTANCE

Just keep it rational. The death penalty is expensive and ineffective. No one wants to see a murderer as a victim.

(CONTINUED)

CONTINUED:

DAVID

Um-hum.

CONSTANCE

And stop that.

DAVID

What?

CONSTANCE

Active listening. I hate active listeners. Makes me feel like I'm with a Dale Carnegie grad who cares more about appearing to listen than actually listening. Did you bring the Amnesty fax?

DAVID

I can listen and appear to listen at the same time. Yeah, no. Damn, I left it home.

CONSTANCE

I have a copy.

She looks through her papers, finds the copy in the stack beneath her coffee cup. She starts to hand it to him. He is looking out the window, caught in a thought.

CONSTANCE

You want to tell me what's up.

DAVID

Nothing. Everything. Something profoundly stupid happened last night.

CONSTANCE

(teasing)

I hope you used a condom.

A beat. His reaction tells her the jest hit home.

CONSTANCE

Jesus Christ, David. Was she one of yours?

A longer beat. He holds her eyes.

DAVID

It was Berlin.

She's stunned, then genuinely angry.

(CONTINUED)

CONTINUED:

CONSTANCE

Oh, that's great, great. I can hear the grapevine now. They suspended her so Gale could dick her with a clear conscience.

He looks at his coffee, which he hasn't touched.

CONSTANCE

A power differential equals coercion. Great. You are so weak.

DAVID

Constance, you're not my wife. Thank God.

CONSTANCE

I know you can tell yourself it's a position I aspire to, but believe me, I would rather...

She trails off. They stare at each other a beat. Then, she starts to collect the papers.

DAVID

I didn't mean --

CONSTANCE

Let's go.

As she collects, she winces, grabs her side.

DAVID

Are you okay?

CONSTANCE

Yes, let's just go.

INT. TELEVISION STUDIO - CONTROL BOOTH - DAY

Two people sit in front of monitors displaying various angles on sound stage. The main monitor is playing the end of the show's signation.

ASSISTANT DIRECTOR

In three, two...

ON SOUND STAGE

A camera operator cues the host (50s, male, bow tie). The host is flanked by David and Governor Hardin.

(CONTINUED)

CONTINUED:

The set has an upscale regional television look. The Governor has the rare ability to look comfortable while David fidgets.

HOST

(to camera)

Welcome back to 'Batter's Box.'  
Tonight we continue our very  
special four-part series with the  
Governor Hardin. Arguing capital  
punishment with her is DeathWatch  
coordinator, Professor David Gale.  
Governor, you're up.

GOVERNOR HARDIN

Alan, let me say somethin' I  
always say.

Constance stands behind the cameras. She motions to David  
-- something about the papers in front of him.

GOVERNOR HARDIN

And I'm gonna keep on sayin.' And  
that is I hate killin.' That's  
why my administration is willing  
to kill to stop it.

DAVID

So you don't subscribe to the idea  
that 'a good state is one that  
protects its most despised  
members'?

GOVERNOR HARDIN

It's a nice liberal idea, but like  
most nice liberal ideas, naive.

DAVID

It's a quote from you, Governor,  
from your first state attorney  
campaign.

Constance is biting her lip, breaks into a smile. The  
Governor is unsure how to react, then laughs. The host  
chuckles with her.

GOVERNOR HARDIN

You've got me, Professor. But let  
me, in my defense, give you a  
quote. Winston Churchill: 'If  
you're not a liberal at twenty,  
you've got no heart, if you're  
still a liberal at thirty, you've  
got no brain.'

(CONTINUED)

CONTINUED:

The host's laughter is overdone. David smiles. Constance bites her lip.

DAVID

So, basically you feel, to choose another quote, 'society must be cleansed of elements which represent its own death.'

The Governor makes an animated thinking face.

GOVERNOR HARDIN

Well, yes. I would have to agree.  
(chuckles again)  
Did I say that, too?

DAVID

No, ma'am. That was Hitler.

Constance makes a "Yes!" gesture with her hands. The Governor is surprised into silence. The host laughs and, noting her reaction, trails off. David becomes more confident, his tone more sincere.

DAVID

Governor, can't we examine the possibility that capital punishment isn't working. That murderers aren't deterred by the law because they have about as much forethought as lemmings. That it's expensive, inequably administered, that...

David cuts his eyes briefly to Constance.

DAVID

... that we may even be killing innocents.

Constance rolls her eyes. The Governor is ready for this.

GOVERNOR HARDIN

All righty, Mr. Gale, I'll play your game. Name one. Name one innocent man Texas has put to death in my tenure. One.

A beat. David doesn't respond.

GOVERNOR HARDIN

Name one in the last twenty years. In any state in this country.

(CONTINUED)

CONTINUED:

A long, miserable beat.

HOST  
Well, Mr. Gale?

DAVID  
Dead men can't make a case.

GOVERNOR HARDIN  
Well, as my daddy used to say: If  
you can't find a problem, there  
probably isn't one.

Constance shakes her head in irritation.

BACKSTAGE - LATER

The show is over. David and the Governor are shaking  
hands. Constance stands nearby.

GOVERNOR HARDIN  
Well, you certainly had me on that  
Hitler quote.

DAVID  
Thank you, Governor.

GOVERNOR HARDIN  
These debates are awfully good for  
the state, don't you think?

DAVID  
Of course.

GOVERNOR HARDIN  
Well, I've got to buzz.

She moves toward her handlers.

GOVERNOR HARDIN  
You folks keep up the good work.  
We need that opposition.

Constance's and David's polite smiles follow her.

EXT. TELEVISION STATION - DAY

Constance and David argue as they walk the sidewalk to the  
parking lot.

(CONTINUED)

CONTINUED:

CONSTANCE

Your exact words were, 'Just tell me when my ego gets in the way of the work.' Now I'm telling you: Your ego's in the way of work.

DAVID

(indicating the station)

Look, I wanted you to do this anyway.

CONSTANCE

You put up precisely two seconds of protest at the thought of a televised debate.

DAVID

What's that supposed to mean?

CONSTANCE

It means DeathWatch suffers because you're so anxious to finger authority, to publicly prove that David Gale is so much fucking smarter than the powers that be. Learn to work without an audience. Try squeezing money from the donor list. Have you ever licked one single mail-out envelope?

They come to the end of the sidewalk, where two SUITS are standing -- one Hispanic, one white (30s).

MAN #2 (SUIT)

Mr. Gale?

DAVID

Look, guys, there's not much more to say --

MAN #2

Rameriz, Austin police. This is Officer Haslinger.

The officers show their Ids. Constance takes one to examine it more closely.

DAVID

What, arguing with the Governor is a crime?

The officers exchange a look.

(CONTINUED)

CONTINUED:

MAN #3 (SUIT)  
No, sir, rape is.

Constance and David look at each other, stunned.

OVERHEAD SHOT

CAMERA QUICKLY CRANES UP and ROTATES.

DISSOLVE TO:

WHITE.

DISSOLVE TO:

INT. ELLIS VISITATION AREA - OVERHEAD SHOT - DAY

CAMERA CRANES DOWN and ROTATES, ENDING UPRIGHT BY Bitsey as she listens to David.

GUARD (V.O.)  
(over the loudspeaker)  
Gale, time's up.

The speaker, loud as ever, startles Bitsey. David nods over to the guard's booth.

DAVID  
Berlin had my bite marks, bruises, ripped clothing. My skin was beneath her nails. It didn't look like anything but rape. Two days later she called the D.A., said she wouldn't testify, too drunk to be sure, etc. On the plane home, Sharon read about her husband's rape case being dropped.

BITSEY  
Why'd she do it?

A guard approaches. David stands up and moves to the back of his cage, puts his hands behind him and out the slot in the back to be handcuffed.

DAVID  
(shrugs)  
Finger authority, show she was smarter than the powers that be.

BITSEY  
Do you know where I can find her?

(CONTINUED)

CONTINUED:

DAVID

First year in here I received a card postmarked San Francisco. It wasn't signed, but I suspect it was from her -- the front had the text 'Sex is Power.'

Cuffed, David stands aside for the cage door to be opened.

BITSEY

Anything written on it?

DAVID

Yeah. It said, 'I'm sorrier than you can know.'

(exiting the cage)

See you tomorrow, Ms. Bloom.

EXT. MOTEL SIX PARKING LOT - NIGHT

Bitsey and Zack are walking from the Kettle to their rooms. Zack is lighting a cigarette. The rain's stopped, but the lot is wet.

BITSEY

Try phone records, a net search.

ZACK

Fucking better than watching you work.

They walk a beat in silence.

ZACK

You think he's telling the truth?

BITSEY

Don't ask me that. I don't know. There is no truth, only perspectives.

ZACK

Can't say that. If you say 'there is no truth,' you're claiming it's true that there is no truth -- it's a logical contradiction.

BITSEY

Working on our philosophy merit badge, Zack?

(CONTINUED)

CONTINUED:

ZACK

I, on the other hand, think Gale's  
telling the truth.

They come to the stairs and start up.

BITSEY

This you know telepathically?

ZACK

It's just my perspective.

In a dark corner of the parking lot sits the pickup from the rest area. The older cowboy watches Bitsey and Zack climb the stairs. On his STEREO, PUCCINI plays. Once they are in their rooms, he TURNS UP the opera, closes his eyes, feels the music.

INT. RENTAL CAR - DAY

The car moves through an older Austin suburb with wood-framed houses (circa 1950) in varying states of repair. It's an overcast day. Zack drives, slowly, searching. Bitsey has the passenger seat fully reclined, lies with her eyes closed.

SUPERIMPOSE: DAY TWO.

ZACK

Thirty-three o what?

BITSEY

Seven.

(then)

'Check out the crime scene in  
Austin.' You made it sound so  
close. Shit, two and half hours  
and that damn lig --

ZACK

Bitsey.

She looks up. Zack is pointing at house 3307, which needs paint and a lawn mower. In front of the house is a homemade sign which reads, "David Gale Death House and Museum" See where it happened!" Beneath are the opening hours (12-8); someone has marked them out and scribbled "ring bell."

They share a look.

EXT. PORCH OF HOUSE 3307 - DAY

Bitsey rings the bell. Zack stomps out a cigarette, points out a worn "Block Home" sign in the window, raises his eyebrows. As Bitsey straightens her skirt, the door is opened by a GOTH GIRL, probably not quite eighteen. She has jet-black hair, nose piercings, tattoos, a Nine Inch Nails T-shirt. METAL MUSIC comes from within.

The Goth Girl just looks at them. After an uncomfortable silence, Bitsey extends her hand.

BITSEY

Hi. I'm Bitsey Bloom and this is Zack Stemmons. We --

GOTH GIRL

You want the tour?

Her voice is slacker monotone.

BITSEY

Uh, yes.

GOTH GIRL

There's a twenty-dollar mandatory donation, apiece. But you get a re-enactment photo packet. It's got five pictures.

BITSEY

Okay.

A beat.

GOTH GIRL

I gotta collect first.

BITSEY

Oh, sure.

Bitsey reaches in her bag.

INT. LIVING ROOM - DAY

They enter. The room is dark, messy, with an old couch and TV/VCR. A kitchen is adjacent. The walls are full of Goth bric-a-brac: London Batcave poster, one from Burton's Frankenweenie, a couple of fan-zine pictures of Siouxsie and the Banshees. In one corner is a very expensive STEREO, from which THE CURE plays. In another, a dead plant. The Goth Girl turns the MUSIC DOWN.

(CONTINUED)

CONTINUED:

A table near the door has numbered photos beneath a torn and curling sheet of plastic. Small packets of snapshots sit on the table along with a few hand-labelled videos and a book of clippings. There's also a guest book.

GOTH GIRL

You gotta sign the book. Doesn't have to be your real name, though.

Bitsey signs in.

GOTH GIRL

First page says you're here to do research on violent crime. The state requires it for nonprofit shit.

Zack signs in.

GOTH GIRL

Take a re-enactment photo packet.

Bitsey does so. As does Zack.

GOTH GIRL

If you guys could share one, it would be really cool. The butt-wipes where I do prints kinda jerk my chain.

Zack puts his back. Bitsey is looking at a photo: the Goth Girl in her panties and bra laying on the floor with plastic wrap over her head. She's handcuffed and wearing a platinum blonde wig. The pose is half-corpse, half-pinup.

GOTH GIRL

That's me. My boyfriend took it. We also did a video. It's fifty bucks 'cause you can see my tits. There's a version without tits, that's thirty-five.

Zack looks at a video, hand-labelled: "Constance Harraway Murder (with breasts)! Copyright 1997! Svengali Productions!"

BITSEY

Do many people take the tour?

(CONTINUED)

CONTINUED:

GOTH GIRL

Not so much anymore. We thought this would be like a busy week -- Gale gettin' the prune juice and all. Prune juice is what death row dudes call the poison, 'cause it gives you the shits. Most jerks just take a photo from the street. They shot a 'Real Crimes' episode here, but the owner didn't give us dick.

ZACK

You don't mind living here?

GOTH GIRL

I'm cool with ghouls. Beats livin' with my dickwad parents. It starts over here.

She takes them to the coffee table. Among her own things, a dusty Johnny Walker Black Label bottle sits beside a tumbler (an index card with the #1 leans against it). The area has been outlined on the table with white shoe polish.

GOTH GIRL

She let him crash here sometimes. He was like constantly wasted. Drank Black Label religiously.

Bitsey and Zack exchange a look. The Goth Girl moves into the kitchen. It's cluttered and dirty except in the various areas which at one point had been outlined and indexed -- the cards are all dirty. A sliding glass door leads onto the patio. The backyard hasn't been mowed in years; roughly twenty pots with dead plants lying around. By the door, three small taped Xs are on the floor, outlined and indexed (#2).

GOTH GIRL

This is where the tripod was. My boyfriend borrowed the one we usually show folks. They never found a camera, photos, or videos or anything. Gale must have buried them. These serial killer dudes take photos to whack off to later.

ZACK

He's not exactly a serial killer.

(CONTINUED)

CONTINUED:

GOTH GIRL

Whatever.

She moves to the sink. On the linoleum, the position of Constance's body has been chalk-lined (#3). In this area are a pair of handcuffs (#4). Not far off is a roll of packing tape (#5). A pair of latex kitchen gloves are crumpled on the sink counter (#6).

GOTH GIRL

She was like totally naked right here. The meter man saw her through the door. Gale handcuffed her, taped her mouth, then taped a bag over her head so she couldn't breathe. My boyfriend says that's probably when he fucked her. Your muscles tense up when you die -- the sex is better.

(pointing)

He used those housewife gloves so he wouldn't leave prints. They found sticky stuff from the tape on them.

Zack picks up the gloves.

GOTH GIRL

We ask folks not to touch the exhibit.

ZACK

Right.

He puts them back.

GOTH GIRL

The totally sick part was where they found the key --

BITSEY

We know, you can save that.

ZACK

What? Where was it?

GOTH GIRL

It was in her stomach, dude. He made her swallow it before he bagged her.

A beat. Zack's shocked.

GOTH GIRL

That's pretty much the highlight. Got questions?

INT. RENTAL CAR - DAY

Bitsey drives. They are on the two-lane highway to Huntsville. Zack smokes out the window.

BITSEY  
It was in the case file.

ZACK  
Fuck, in her stomach? That's colder than Wisconsin.

BITSEY  
(looking in the rearview mirror)  
Zack, open your vanity.

ZACK  
What?

BITSEY  
The vanity mirror, pull it down.

He does so.

BITSEY  
See that truck behind us?

ZACK  
Yeah.

BITSEY  
Isn't that the cowboy from the rest area?

They look in their respective mirrors. Some distance behind them is the older cowboy in his pickup.

ZACK  
Same truck.

BITSEY  
Weird coincidence, huh?

ZACK  
(turning)  
Coincidences are always weird, that's why they're coincidences.

INT. ELLIS VISITATION AREA - DAY

Bitsey sits in front of David. He's less animated than the day before, drained. He rubs his wrists. They are speaking in hushed tones.

(CONTINUED)

CONTINUED:

DAVID  
Off-the-record?

BITSEY  
Alright, we're off.

DAVID  
Constance was murdered with what's called the Securitat Method. You're hand-cuffed, forced to swallow the key, taped at the mouth, a bag's sealed over your head and you're left to suffocate. The Securitat did this to Romanians who wouldn't inform or confess. Sometimes the bag was ripped off at the last second, you got a second chance. If not, you die knowing the 'key' to your freedom was inside you the whole time. A cheap-but-effective metonym. Problem is I mentioned the method in an early article. The prosecution never knew.

BITSEY  
You're telling me someone's framing you?

DAVID  
It's more than that.

A beat.

DAVID  
There was a tripod.

BITSEY  
Right, facing her body. Are we on?

DAVID  
(nods agreement)  
Not a single print was found on it. Someone brought it, wiped it, left it. Why? It's as if they wanted me to know that somewhere there's a record of what really happened that afternoon. As if they wanted me to die knowing the key to my freedom was... out there.

(CONTINUED)

CONTINUED:

BITSEY

Maybe you're being paranoid?

DAVID

Ms. Bloom. I'm an anti-death row  
activist on death row. Doesn't  
that strike you as odd?

A beat. She nods.

BITSEY

Any ideas who 'they' are?

DAVID

No.

A beat.

DAVID

But I have someone on it, someone  
I'm hoping will one day find an  
answer.

BITSEY

Belyeu's hired a detective?

He shakes his head.

DAVID

A journalist.

It takes Bitsey a second to understand. David smiles.

DAVID

(mimicking Belyeu)  
'She's a smart one.'

ACCELERATED ROTATING ZOOM OUT TO LONG SHOT.

DISSOLVE TO:

WHITE.

DISSOLVE TO:

INT. U.T HALLWAY - LONG SHOT - DAY

ACCELERATED ROTATING ZOOM IN.

David and Constance stand by the double doors. He's  
concentrated; she's biting her lip. They're looking onto  
a large parking lot.

(CONTINUED)

CONTINUED:

The lot is practically empty except for Sharon and Chase, who stand near their Jeep. It's packed with various household items, things not entrusted to movers.

CONSTANCE

I'll drop by your officer after.

He nods and goes out.

EXT. U.T. PARKING LOT - DAY

As David approaches them, Chase runs to them -- still carrying Cloud Dog. He jumps on his dad.

CHASE

Wear me like a fur, Daddy! Wear  
me like a fur!

As he walks, David drapes the boy sideways over his shoulders (like a fur). Chase squeals with pleasure.

DAVID

Who's your hero?

Chase bonks him on the nose. David sets Chase down when he reaches his WIFE. He kiss him goodbye as the boy struggles to move on to something else. A long beat as David and his wife stand uncomfortably.

DAVID

Call me when you get to Boston?

SHARON (WIFE)

Yeah.

A beat.

DAVID

I wish you --

SHARON

Don't.

She turns and walks to the Jeep. The door's open.

SHARON

Chase, get in, Sweetie.

Chase climbs in, sits in the driver's seat.

CHASE

(turning to his dad)  
See ya later, Alli-gator.

(CONTINUED)

CONTINUED:

DAVID  
After awhile, Crocodile.

CHASE  
Take it easy, Japa-ne-se.

DAVID  
Okey-dokey, Artichokey.

SHARON  
(to Chase)  
Scoot.

Chase scoots over to the passenger seat. Sharon gets in the driver's seat.

SHARON  
I sent you an e-mail.

DAVID  
Okay?

SHARON  
Just read it.

She closes the door. Suddenly, Chase opens the passenger side door, runs around the Jeep carrying Cloud Dog. He runs to his dad, hugs him one last time.

SHARON  
(cracking her window)  
Come on, Chase.

Chase starts to go back, turns and hands David his Cloud Dog without comment. He then quickly runs back around the Jeep and gets in.

David watches them drive away. Chase's hand waves out the window until they are out of the parking lot.

INSERT - COMPUTER SCREEN

with an e-mail message: "David, I want a divorce. I'm sorry to say it so plainly, but that's how I feel it. I don't need time to think, this whole 'rape' thing has only forced..."

INT. DAVID'S U.T. OFFICE - DAY

David sits in front of his computer, staring into space. The office is institutional, cramped. Books line the walls, fill the desk.

(CONTINUED)

CONTINUED:

There's a framed poster (Warhol-style) of Socrates. He reaches into his desk for a bottle of Black Bush and fills his glass. There's a KNOCK on the door. Constance enters.

CONSTANCE  
You could at least hide the  
bottle.

David closes the e-mail. She collapses in the chair opposite his desk, exhausted.

DAVID  
Well?

CONSTANCE  
Officially, you're on sabbatical.  
Unofficially, they want you to  
look for another position. It was  
four to two.

A beat as he absorbs the information.

DAVID  
How did Ross vote?

CONSTANCE  
You're not supp... Against you.

David nods.

DAVID  
And you?

CONSTANCE  
Against my politics.

David mouths a "thank you."

EXT. GALE HOUSE - DAY

A Century 21 real estate agent is putting a "For Sale" sign in the front yard.

INT. UPSCALE RESTAURANT - DAY

David is having lunch with an IVY LEAGUE-LOOKING MALE in his fifties. Only water and bread are on the table.

DAVID  
So, I wanted to get your feedback  
on the idea.

(CONTINUED)

CONTINUED:

The Ivy Leaguer vigorously butters his bread.

IVY LEAGUER

Look, Professor Gale, I could sit here, as I'm sure others have, and plead departmental cutbacks. Claim you need more publications, or I need a minority, whatever. All bull-geschichte. Your record's brilliant. You're an original voice worth -- in the scarcity-defines-value capitalist system under which we toil -- your weight in gold. Hell, it's not even the alcohol. It'd be nice to have faculty whose crutch wasn't Prozac. But, to speak plainly, if I hire you, in the eyes of the regents, alumni and every freshman with an ear for gossip, I'd be hiring a rapist.

He takes a bite of bread.

IVY LEAGUER

You're not politically correct, Dr. Gale. Welcome to the club.

EXT./INT. DAVID'S APARTMENT - DAY

David stands on the balcony of a sparsely-furnished 420-a-month apartment. Books are stacked everywhere. An Interstate runs nearby. He holds a phone, looks down in the pool area.

DAVID'S POV

A horribly-tanned man in his seventies (wearing a Speedo) attempts to do Tai Chi.

CHASE (V.O.)

(on his mom's  
answering machine)

We aren't home. Please, tell us a message.

SHARON (V.O.)

(cueing him in the  
b.g.)

At the beep.

CHASE (V.O.)

At the peep.

ON DAVID

David lets the PHONE BEEP, just stares down at the man, saying nothing.

EXT. APARTMENT COMPLEX PARKING LOT - DAY

As David gets out of his Volvo, a SORORITY PLEDGE (funny clothes, Greek letters on her cheek) quickly approaches. She takes his picture with a Polaroid camera.

She runs to a waiting convertible, where two other girls sit.

SORORITY PLEDGE

I got it! I got it!

She jumps in the car and they speed away.

INT. HIGH-RISE OFFICE - DAY

The office is Philip Stark chic with large window walls -- Austin stretches into the distance. David sits on a sofa across from an exceedingly ATTRACTIVE WOMAN (early 40s).

ATTRACTIVE WOMAN

What exactly attracts you to the bond market?

He's staring into space.

ATTRACTIVE WOMAN

Mr. Gale?

He looks at her. She forces a strained smile.

INT. DAVID'S APARTMENT - NIGHT

Dark. David lies on the floor, his head propped against a wall. He's in his underwear and drinking from a Black Bush bottle. The phone's beside his ear and Chase's MESSAGE on his wife's MACHINE TWEAKS out of the receiver speaker. After the BEEP, David hangs up, gets a DIAL TONE, and punches re-dial. The MESSAGE STARTS again. After the BEEP, he hangs up, gets a DIAL TONE, and punches re-dial.

INT. SMALL OFFICE - DAY

David is in the office of an overdressed YUPPIE BLACK MAN (early 20s). David is doing his active listening thing.

(CONTINUED)

CONTINUED:

YUPPIE MAN  
(over-articulating)  
Now, Mr. Gale, I want you to tell  
me three personal qualities you  
have that would make you a  
successful Radio Shack manager.

EXT. GOLF COURSE - DAY

David and Belyeu approach a ball fifty feet from the  
green.

BELYEU  
Because divorce proceedings do not  
require her presence in the  
country. For a custody hearin',  
yeah, she'll have to return.

David chooses a club.

BELYEU  
But without successful completion  
of an alcohol treatment program,  
you'll be lucky to get the odd  
Thanksgivin'.

David walks to the ball.

DAVID  
So my chances of getting partial  
custody aren't good?

BELYEU  
Roughly the same as you sinkin'  
that from here.

David looks at him, then concentrates on the ball --  
suddenly it has meaning. He swings. The ball lands in a  
water trap.

INT. PICTURESQUE MOUNTAIN ROAD - DAY

David's Volvo winds up the road, enters through a gate. A  
sign beside the gate: "The Golightly: A Recovery  
Clinic."

FADE TO

BLACK.

FADE IN:

EXT. CONSTANCE'S HOUSE (3307) - DAY

It's a beautiful day. The house looks much different than in the Goth Girl's care -- flower bed, well-manicured lawn, fresh paint. The "Block Home" sign is in the window. David's Volvo pulls up in front.

INT./EXT. CONSTANCE'S FRONT HALLWAY - DAY

Constance opens the door for David. He's wearing a short-sleeved Radio Shack shirt and tie. She's taken aback. Looks at him a beat, bites her lip, suppresses a laugh.

CONSTANCE

I'm sorry.

He plays hurt, then they both burst out laughing.

LONG SHOT - CONSTANCE AND DAVID

She hugs him as they laugh on the porch.

INT. CONSTANCE'S LIVING ROOM - DAY

The living room is now Laura Ashley cozy. The sliding door is open so the room's sunny, breezy. Constance leads David in. She looks tired but is animated, a bit too much so. Her hair is different.

CONSTANCE

You look good.

DAVID

I feel... washed.

She smiles at him maternally, touches his face. They hug again.

CONSTANCE

(lightly, in his arms)

I need you. DeathWatch needs you,  
now more than ever.

DAVID

Nothing like I need you, both.  
You're all I have.

CONSTANCE

Look.

(CONTINUED)

CONTINUED:

She moves from him, takes a photo from a case file on her kitchen table.

CONSTANCE  
Jo Ann Johnson's been re-scheduled.

INSERT - PHOTO

of a young black women -- pleasant, timid.

BACK ON SCENE

CONSTANCE  
I've got a call with Hawkins tonight, and if national will commit emergency funds...

She lifts a small plant, moves to the porch.

DAVID  
Jo Ann will be commuted and you'll only prove the system works.

He notices she has bruises on her arms.

CONSTANCE  
But I'll save a life.

DAVID  
(referring to the bruises)  
Where'd you get those?

CONSTANCE  
Spring cleaning.

EXT. CONSTANCE'S PORCH

CONSTANCE  
She went up at 18, she's 26 now.

She sets the plant down among others. At the very back of the yard, the Older Cowboy spades in a vegetable garden.

DAVID  
(calling to the Cowboy)  
Hey! She ever not make you work when you come by?

(CONTINUED)

CONTINUED:

                  OLDER COWBOY  
                  (raising his spade in  
                  greeting)  
Mornin', David.

                  DAVID  
                  (turning to Constance)  
What's her story?

                  CONSTANCE  
I really want us to get behind  
this one. She's articul --

                  DAVID  
Constance, who did she kill?  
  
Constance looks at him a beat, sighs.

                  CONSTANCE  
  
A cop.

                  DAVID  
She admit to it?  
  
Constance sheepishly nods.

                  DAVID  
You're a crazy woman. Not your  
medium grade thinks-she's-Teddy  
Roosevelt's-bathrobe, but stark-  
raving-loose-screws-in-the-belfry  
insane.

                  CONSTANCE  
You're mixing metaphors.

                  DAVID  
A real danger to flora and fauna.

                  CONSTANCE  
Are we gonna do this?

                  DAVID  
                  (the smile)  
And how.

He kisses her on the forehead -- he's surprised.

                  DAVID  
You're burning up.

## EXT. STARBUCKS - NIGHT

David exits the store carrying four large coffees in a cup-container, tries to sip one without spilling the others. He's still wearing the Radio Shack shirt, seems happier.

In the parking lot, a hip high schooler jumps out of his Camero and moves toward the store. As David comes in front of the car, he sees his former baby-sitter sitting in the passenger seat. Their eyes meet. He smiles. She smiles back, waves. As he passes, he hears the girl hit the car's automatic DOOR-LOCK BUTTON.

## INT. OFFICE OF DEATHWATCH (AUSTIN) - NIGHT

David enters carrying the coffee. The matron sits on a desk licking envelopes. The college guy is on the floor beneath a desk rewiring a computer terminal.

COLLEGE GUY  
(calling from beneath  
a desk)  
Howdy, Mr. Gale.

DAVID  
Hello, folks.

David goes to the Matron, gives her cup and three Sweet & Lows.

MATRON  
Hello. My, this is service.  
Thank you.

DAVID  
Gladly.

He takes one of the unsealed envelopes from her stack, then puts a cup beside the legs of the College Guy.

DAVID  
Latte on your left, partner.

David makes his way to the back office. The College Guy gives the Matron a look -- they're surprised, pleased.

## INT. BACK OFFICE - DAY

Constance sits at a spartan desk. Nothing is on the walls, though a window opens onto the alley behind. She's talking on the SPEAKER PHONE with the DeathWatch national director -- a social gathering is going on behind him.

(CONTINUED)

CONTINUED:

DIRECTOR (V.O.)  
... and see what kind of resources  
the religious groups can deliver.

David comes through the door. She waves him in.

CONSTANCE  
I'm sure we can get some pulpit  
time, maybe cable.

He sets her coffee in front of her. Then sits across from  
her.

DIRECTOR (V.O.)  
Cable's good. Listen, I need to  
run. For now, I agree the first  
press release should focus on the  
woman's youth.

David holds up the envelope for Constance to see, then  
animatedly licks and seals it. He then, literally, pats  
himself on the back.

DIRECTOR (V.O.)  
I'll have the Washington people  
look into counsel competency,  
though I'm almost sure she's  
exhausted this issue on appeal.

She smiles at him, shakes her head.

CONSTANCE  
(to the phone)  
John, David's going to --

DIRECTOR (V.O.)  
Oh, I almost forgot. He's not  
around, is he?

Constance hesitates, looks at David. He shakes his head  
no.

CONSTANCE  
No.

DIRECTOR (V.O.)  
Good, keep it that way. His  
relationship to DeathWatch is  
over, terminated. Last thing we  
need is this rape thing coming  
back to bite our butts.

Constance is not sure how to react. David just stares at  
her.

(CONTINUED)

CONTINUED:

DIRECTOR (V.O.)

These guys don't stay on the wagon  
for very long.

David stands up and leaves the room, quickly. His coffee  
spills. Constance can only watch.

DIRECTOR (V.O.)

I'm serious, Constance. Ban him  
from the premises. I realize you  
two...

EXT. DEATHWATCH OFFICE (AUSTIN) - NIGHT

Constance comes anxiously out the front door.

CONSTANCE'S POV

David's Volvo pulls out of the parking lot.

BACK TO SCENE

She stands watching it drive away, breathing heavily. She  
winces, grabs her stomach, vomits on the sidewalk.

EXT. AUSTIN STREET - NIGHT

The Volvo is parked on a seedy Southside street. David  
stands at a phone booth and dials a long-distance number  
and a calling code. He waits, impatiently, looks across  
the street: There's a liquor store.

CLOSEUP - RECEIVER

at his ear, Chase's MESSAGE BEGINS.

BACK ON DAVID

He speaks into the PHONE after the BEEP.

DAVID

Sharon, pick up. For once just  
pick up the goddamn phone! If you  
keep him in Spain, I'll... I'm  
begging you. He's my son!  
Please! Please.... Please.

(CONTINUED)

CONTINUED:

David starts to put the receiver back, then suddenly starts smashing it against the phone's body; he smashes it long after there is anything left to destroy, long after his hand bleeds.

EXT. CONSTANCE'S HOUSE (3307) - NEXT DAY

Constance walks with car keys and a large stack of mail toward her front porch. She looks like she hasn't slept in weeks. David is sitting on the porch beneath the Block Home sign, holding Cloud Dog. He wears the Yale sweatshirt, the Radio Shack shirt is wrapped around his injured hand. He's sloppy drunk.

DAVID

We're seeking refuse, refuge, uge.

CONSTANCE

Come on, come inside.

She opens the door as he stands.

DAVID

We fell off our wagon.

INT. CONSTANCE'S LIVING ROOM - DAY

David enters rambling, stands leaning against the back of the couch, holding the sheep.

DAVID

Know why Saint Jude is the patron saint of lost causes? 'Cause his real name was Judas. There were two Judases, Judai, the saint guy and the bad Judas who ratted on Jesus, and tried to kiss him. Medievalers wouldn't pray to good Judas for fear of getting bad Judas on the line by mistake. Ergo, they only gave him business when really desperate. That's why. Then they changed his name.

She's not in the room.

DAVID

Constance?

He looks back toward the entry hall. A small flyer lightly blows along the floor into the living room.

(CONTINUED)

CONTINUED:

DAVID  
Your mail's blowing.

He looks in the entry hall.

ENTRY HALL

Constance lies unconscious on the floor near the open door. The mail is scattered about her.

INT. HOSPITAL WAITING ROOM - DAY

David sleeps in a chair, on the floor beside him is a stack of vending-machine coffee cups. A typical hospital INTERCOM can be heard throughout the scene.

A female DOCTOR (mid-30s) sits beside him, lightly shakes his shoulder. He wakes, groggy.

DOCTOR  
How we doing?

DAVID  
Fine. How's Constance?

DOCTOR  
Sleeping.

A beat as he collects himself, sits up.

DOCTOR  
Mr. Gale, a leukemia patient's condition is highly susceptible to external stress. While we don't want to totally restrict Constance's life --

DAVID  
What?

DOCTOR  
Constance's illness requires a degree of regularity.

DAVID  
Constance has leukemia?

DOCTOR  
Acute. She was diagnosed last fall.

(CONTINUED)

CONTINUED:

A beat as the situation clarifies for both of them. David is stunned, the doctor embarrassed.

DOCTOR  
Have I created a problem?

DAVID  
No, no.

They sit in silence. The hospital intercom seems to say:

GUARD (V.O.)  
Gale, time's up.

CLOSEUP - DAVID

CAMERA SLOWLY ROTATES.

DISSOLVE TO:

WHITE.

DISSOLVE TO:

INT. ELLIS VISITATION AREA - CLOSEUP - BITSEY - DAY

CAMERA SLOWLY ROTATES. Bitsey stares at David, engrossed.

DAVID  
When I asked why she hadn't told me, she muttered, 'too busy.' I guess she figured as long as death was chasing her, she could help others escape.

He stands, goes to the back of the cage to be handcuffed.

DAVID  
Constance left the world better than she found it.  
(beat)  
It's a small, difficult thing.

EXT. ELLIS UNIT PARKING LOT - DAY

The rental car sits in a corner of the mostly empty lot, as far as possible from the razor-wire fence and exercise pens.

INT. RENTAL CAR - DAY

Zack waits in the driver's seat, smoking. He looks nervously through the windshield toward the pens. Bitsey raps on the window, startling him.

ZACK

Fuck.

Zack unlocks the door, throws his cigarette out. Bitsey opens the door and gets in.

ZACK

Hey.

BITSEY

(waving her hand at  
the smoke)

For God's sake, Zack.

ZACK

You're not a happy camper.

BITSEY

It's not a happy place.

He STARTS the CAR.

ZACK

Talked to the Austin prosecutor.  
Belyeu's a yokel. Prosecutor says  
he fucked up the penalty phase,  
says Gale probably would have  
gotten life on mitigating factors.  
Gale stuck with him, though, all  
through appeals, despite major pro  
bono offers.

BITSEY

What else?

ZACK

Notta on Berlin, we pick up the  
money in Houston tonight, overheat  
light came on twice, and you're  
about to get a surprise.

BITSEY

I don't want a surprise.

ZACK

(pointing ahead)

Too late.

EXT. ELLIS UNIT DRIVE GUARDHOUSE - DAY

The guardhouse is now occupied. The crossing guard is down. Across the drive sits a Texas Highway Patrol car.

All along the drive's left side, protest vehicles are parked in the grass. They stretch out to the two-lane highway, where another Highway patrol car is stationed. The drive's right side is also marked off, though the only vehicle on this side is a Houston TV news truck. Six people in ponchos discuss something in the middle of the drive.

The rental car ENTERS the FRAME.

INT. RENTAL CAR

Bitsey and Zack approach the guardhouse.

ZACK

This is mostly an Oklahoma caravan. I got stuck behind them on the way in.

The guardhouse attendant looks in, waves them through as the crossing guard lifts.

ZACK

Execution's not for another 36 hours. It's gonna be a zoo. There's the P.R. guy.

Standing among the six people in ponchos is Duke Grover. They pass him in SLOW MOTION. He sees them, smiles, makes a "Hello" shooting-gesture.

BITSEY

What a life, waiting around for someone to die.

ZACK

Fuck, look.

The next-to-last vehicle on the left is the Older Cowboy's pickup. He sits inside talking with another man. The Older Cowboy sees them, touches his hat as they pass.

BITSEY

This is a little too coincidental.

EXT. TWO-LANE HIGHWAY - DAY

The rental car passes a farmhouse.

INT. RENTAL CAR

Bitsey and Zack are headed to Huntsville.

ZACK

'Cause I couldn't see the license plate.

BITSEY

Forget it. What time is it?

ZACK

6:05. Why don't you have a watch?

BITSEY

It's a long story.

EXT. TWO-LANE HIGHWAY - DAY

The rental car passes a black teenager hitchhiking in front of an abandoned vegetable stand.

EXT. MOTEL SIX GANGWAY - DAY

Bitsey and Zack make their way to their rooms. Zack's is first.

BITSEY

Give me an hour.

INT. ZACK'S MOTEL SIX ROOM - DAY

Zack unlocks his door, enters. The room's a mess, papers everywhere. He walks toward a portable computer sitting on the room desk.

BITSEY

Zack!

Zack runs from the room.

EXT. MOTEL SIX GANGWAY - DAY

Zack runs towards Bitsey. She stands outside her room.

ZACK

What!?

BITSEY

It's open.

(CONTINUED)

CONTINUED:

ZACK

So? Maybe the maid forgot.

BITSEY

(pointing)

Look!

As he comes to her door, he sees what she's indicating: Between the door and its frame, someone has stuck a roll of duct tape.

INT. BITSEY'S MOTEL SIX ROOM - DAY

Bitsey pushes the door open, looks in and around. She sees something, enters. Zack enters behind her, sees what she sees.

ZACK

I'll check the bathroom.

He goes. She approaches the middle of the room.

The room, in contrast to Zack's, is perfectly neat. It has two twin beds. The nightstand has been moved to the center. On it is a lamp, turned on. Suspended just above the lamp, a VHS cartridge hangs from the ceiling by fishing line.

BITSEY'S BATHROOM

Zack checks behind the shower curtain.

ZACK

Clear in here! Don't touch it!

BACK IN BEDROOM

As Zack enters, he sees Bitsey holding the VHS Cassette.

ZACK

Fuck, Bitsey, there could have been prints.

BITSEY

Look.

She holds up the cassette. It has a label typed from an old typewriter: "For Bitsey Bloom."

EXT. MOTEL SIX RECEPTION - DUSK

Zack runs out the front door carrying a VCR, the cables drag the ground behind him. He runs toward the rooms.

INT. BITSEY'S MOTEL ROOM - DUSK

Bitsey unlocks the door, lets Zack in.

ZACK

She says no one asked for you.  
And all the room keys are  
different.

He goes to the TV.

ZACK

Just she and her husband have  
masters.

BITSEY

What did you tell her?

ZACK

That you have a jealous boyfriend.

He starts to hook up the VCR.

BITSEY

Thanks. How about the V.C.R.?

ZACK

She didn't ask. I think she  
assumed it had something to do  
with why he was jealous. I still  
say we should do this in my  
room -- this one's a fucking crime  
scene.

BITSEY

Whoever got in here -- without a  
key in broad daylight -- was  
probably smart enough not to leave  
prints. I have the remote.

He turns ON the TV.

ZACK

Maybe they could look for D.N.A.  
Try three.

BITSEY

(hitting the remote)  
They don't look for D.N.A. when  
someone breaks in to deliver,  
Zack. Here.

She hands him the tape. He starts to put it in,  
hesitates, looks back at her.

(CONTINUED)

CONTINUED:

ZACK

You sure you want to see what's on here?

BITSEY

No. Start it.

He puts it in, pushes play. She sits on the bed. He sits beside her. They watch the black leader appear.

BITSEY

I hope this isn't what I think it is.

CLOSEUP - TV

An image flickers in. It's a woman lying nude on the kitchen floor of house 3307, facing away from the camera. An opaque white kitchen bag is over her head, sealed at the neck with duct tape. Her hands are handcuffed behind her. She appears dead.

BITSEY (O.S.)

God, no.

ZACK (O.S.)

Fuck. Is it her?

BITSEY (O.S.)

Turn it up.

BACK TO SCENE

They stare at the screen, she bites a thumbnail. He turns the sound up.

INT. HOUSE 3307 - KITCHEN - DAY (ON TV)

Hi-8 video: The woman does not move. The kitchen is cleaner than we've seen it, but otherwise unchanged. Kitchen gloves can be seen -- laid upside down and inside out -- on the dish rack beside the sink. Near the body on the floor is a roll of duct tape. In the lower right corner of the screen is part of what looks like a towel.

The audio is full of ATMOSPHERIC HUM. A REFRIGERATOR contributes. BIRDS can barely be heard in the distance, so can what sounds like a LAWN MOWER.

(CONTINUED)

CONTINUED:

Suddenly, the woman makes a muffled sound, seems to come to life. Her wrists start to pull against the handcuffs, then jerk at them. She panics. Her legs flail, kick against the counter. She screams, muffled, frantic. She rolls onto her stomach, her whole body fights against the cuffs. She desperately rubs her face along the linoleum trying to rip the plastic. Soon, her energy wanes, she jerks less. Her covered face now points toward the camera. Her head seems to rock, a sleepy nod. Her body goes slack. Black.

EXT. MOTEL SIX GANGWAY - DUSK

Bitsey stands at the railing, looking out at the interstate and a thunderstorm gathering on the horizon. After a few seconds, Zack comes up beside her.

ZACK

Belyeu says to bring the tape first thing tomorrow. Also said you were right about not calling the police.

A beat, she keeps looking straight on.

ZACK

Are you gonna be okay?

Bitsey takes a deep breath, turns to him, holds his eyes. She shakes her head no. Her lips start to tremble. He puts his arms around her as she starts to cry.

INT. KETTLE RESTAURANT - NIGHT

Bitsey and Zack sit at a booth having coffee. Zack smokes. The VHS cassette is also between them, as is a small stack of crumpled tissues. The thunderstorm can be heard in the distance. The waitress is refilling their cups, and they wait until she leaves. Hushed tones.

ZACK

Let's say Gale's right. Some sick-fuck-Agatha Christie-wannabe set him up, arranged like the perfect murder. Why send a magazine journalist proof a few hours before he's won? Doesn't make sense.

(CONTINUED)

CONTINUED:

BITSEY

No, it's perfect. He knows News Magazine won't give the scoop to the dailies or nightly news, not after having paid for it. Probably guessed we wouldn't call the cops. And, most importantly, knows I'll tell Gale tomorrow.

ZACK

Why does he give a shit?

BITSEY

Zack, what if Harraway's murder was just a means to getting Gale. I mean sending him through hell, a sick cat and mouse game. You kill the one person he has left. Make sure he sits six years on death row for the murder -- a place he's made a public career of loathing. And then just let him die, die knowing everyone will remember him with disgust. You destroy his loved ones, his life's work, his memory -- and you make him watch.

ZACK

That's a lot of hate. You're talking beyond sadism.

Bitsey gestures to the tape, makes a need-I-say-more face.

ZACK

Then why release it?

BITSEY

If the mouse dies the game's over. Maybe the cat's enjoying himself. Or...

ZACK

Or?

BITSEY

(picks up the tape)  
Imagine walking to the chamber knowing this exists.

ZACK

The 'cat' is a fucking psychopath.

BITSEY

Yeah, but smart.

EXT. MOTEL SIX - NIGHT

The storm batters the motel. We see Bitsey's dark front window. Lightning. A figure stands looking out. More lightning. It's Bitsey, intently watching the night.

INT. RENTAL CAR - DAY

SUPERIMPOSE: DAY THREE

On the back seat is an aluminum suitcase. Zack sits beside it looking out the back window. Bitsey drives. It's still raining, hard. They're on the two-lane highway to Austin.

ZACK

Why do they call it check-book  
journalism if we always pay cash?

CLOSE ON DASH

The over-heat light is on.

BACK TO SCENE

ZACK

Woa, woa. Sadist at six o'clock!

BITSEY

Is it the truck?

ZACK'S POV

The cowboy's truck can be seen through the tire mist fifty yards behind them.

ZACK

Yep, and doing a lousy job of  
hiding.

Bitsey watches in the rearview mirror. Zack out the back window.

ZACK

He must think we're idiots. You  
think he's our fucked-up feline?

Bitsey doesn't respond, just watches in the mirror, then:

BITSEY

Is he gaining?

(CONTINUED)

CONTINUED:

ZACK

No. Just sitting back there.

BITSEY

Can you see the license?

ZACK

Too much mist. What the fuck does  
this guy want?

INT. LAW OFFICE OF BENJAMIN BELYEU - DAY

The office has a view of the rain-soaked capital.  
Expensively decorated. Dark woods and deep carpets --  
Belyeu's practice is clearly thriving. A sharp-looking  
CLERK sits at a corner table counting money from the  
aluminum suitcase. Bitsey sits on a huge sofa. Belyeu  
stands just outside his door.

BELYEU (O.S.)

Fine. Oh, and bring in Miss  
Bloom's original when that's done.

(entering, to

Bitsey)

Don't blame you for not watching  
that twice.

He goes to his desk and starts sifting through papers.

BITSEY

I couldn't sleep afterwards.

BELYEU

I understand. I generally tell  
folks I'm no more afraid of the  
grim reaper than I am of a  
Presbyterian on Mother's Day. But  
watching your tape... well. I had  
to keep tellin' myself 'that's not  
Constance' just to get through.

(a beat)

Unfortunately, others may argue  
the same.

BITSEY

Yeah, but it's her kitchen, in her  
house.

(CONTINUED)

CONTINUED:

BELYEU

Currently home to Weirdos Incorporated. Arguably, that tape could have been made by anybody with twenty dollars and a tolerance for vulgarity.

BITSEY

But it will at least get us a postponement?

BELYEU

I hope so, Miss Bloom, I certainly hope so. But you've got to remember that there's a machine a runnin'. And come six o'clock tomorrow mornin' that machine wants to be fed.

The Clerk puts the last of the money back into the suitcase.

CLERK

All here, Mr. Belyeu.

BELYEU

(to the Clerk)

Thank you, Joshua.

(to Bitsey)

To add to our troubles, your own credibility may come into question.

The Clerk exits.

BITSEY

Why?

BELYEU

You've been fraternizin' with the condemned. In the court's eyes, he's the most likely candidate to have put you onto the tape. He's a persuasive man, you're a out-of-state woman -- it don't look good on paper.

BITSEY

But someone put it in my hotel room.

BELYEU

A fact for which we have no evidence.

(CONTINUED)

CONTINUED:

A very professional-looking assistant enters, hands Bitsey her video.

BELYEU

Thank you, Bobbi.

BITSEY

Thanks.

BELYEU

(standing)

Well, let's not start readin' Kafka just yet. Could we find a sympathetic judge. I'll file within the hour. You headin' back over to Ellis?

BITSEY

(standing)

Yeah.

BELYEU

Fine. I'll call over at the motel later and give you an update.

INT. OFFICE HALLWAY - DAY

Bitsey comes out of two huge oak doors, walks past a gold "Belyeu and Crane" sign. She turns a corner.

At the end of another short hall, she comes to the elevator, pushes the call button. As she waits, she looks out an adjacent window at the capital in the rain. She remembers something, looks down -- she has her purse but no umbrella.

BITSEY

Shit.

She heads back toward Belyeu's office.

As she turns the corner, she sees the older cowboy enter the Belyeu and Crane office.

EXT. AUSTIN OFFICE BUILDING - DAY

Bitsey hurries umbrella-less through the rain to the rental car parked in the loading zone.

INT. RENTAL CAR - DAY

Bitsey opens the door. Zack's in the passenger seat. She doesn't bother to sit.

BITSEY

Did you see the cowboy go in?

ZACK

He went in Belyeu's building?

BITSEY

Into his office. Just saw him.

ZACK

Fuck!

BITSEY

Follow him. Find out who he is, where he lives -- what he --

ZACK

How are you gonna get to Ellis?

BITSEY

A taxi.

Zack makes a face.

EXT. ELLIS UNIT DRIVE - DAY

A taxi makes its way through the hundreds of protesters and press that now gather along the drive.

INT. ELLIS VISITATION AREA - DAY

Bitsey, wet and hugging herself, paces in front of David. She's upset.

DAVID

Okay, okay. Calm down. You have to sit.

Over the loudspeaker:

GUARD (V.O.)

Visitors need to stay seated.

She sits.

(CONTINUED)

CONTINUED:

DAVID  
(to the microphone  
above)

Sorry.

(to Bitsey)  
Look at me. He's not your man.  
His name is Dusty Wright,  
DeathWatch Director before  
Constance. He's a 'bullhorner,' a  
zealot who thinks a good  
demonstration has to end in a riot  
and arrests. 'Almost martyrs  
don't mean shit.' They fired him.  
Constance kept him in the  
organization, and he loved her for  
it. The man adored her.

BITSEY  
Then why was he following us? Why  
was he at Belyeu and Crane?

DAVID  
He and Benny used to work A.C.L.U.  
cases together, until Dusty  
punched a clansman in a federal  
court. Benny sometimes still  
gives him work, probably had him  
follow you.

BITSEY  
Why?

A beat. David looks up at the microphone.

DAVID  
To make sure you honored your  
agreement, one for which there's  
no contract.

BITSEY  
He would've said something.

DAVID  
He's a lawyer, Ms. Bloom.

BITSEY  
Maybe Dusty was jealous because  
you were seeing Constance.

DAVID  
I wasn't 'seeing' Constance.

BITSEY  
She died... she had your sperm --

(CONTINUED)

CONTINUED:

DAVID  
It's more complicated than that.

TWO SHOT

Rotates.

DISSOLVE TO:

WHITE.

DISSOLVE TO:

EXT. ALLEY - MED. SHOT - DAVID - SUNRISE (ROTATING CAMERA)

David sits in a lawn chair beside his Volvo. The tailgate's down, serving as a makeshift table for a coffee thermos and whiskey bottle. David stares off down the alley, clearly in pain. He holds a child's drawing.

INSERT - DRAWING

Has Gaudi's church and a matador in background. Prominent in the foreground are three labeled figures: Sharon ("Mommy"), Chase ("Me") and a dark-haired man ("Papa Jorge"). Jorge is dressed in a tux, Sharon seems to wear a bridal gown.

INT. DEATHWATCH AUSTIN OFFICE - SUNRISE (6:09)

The atmosphere is tense. Dusty Wright sits on a desk holding a red Magic Marker, the matron sits behind it. They look at the college guy, who closely watches a computer screen.

In the center of the room, a middle-aged priest sits and quietly prays while holding the hands of an overweight woman, she murmurs quiet affirmations.

Finally, the college guy looks up at Dusty, nods. The room's occupants all exchange glances.

Dusty walks to the photo wall, marks a cross through the photo of Jo Ann Johnson, then walks to the back office.

INT. BACK OFFICE - SUNRISE

Constance, wrapped in an afghan, sleeps on a futon. She's shockingly anemic.

(CONTINUED)

CONTINUED:

Dusty kneels beside her, watches her sleep. After a beat, she wakes with a slight jolt -- like someone whose been fighting to stay awake. She looks at him, then sees the marker in his hand. She looks away.

CONSTANCE

All I can feel is envy.

Dusty stands, goes to the alley window.

DUSTY'S POV

David's Volvo is parked just outside the window. David sits in a lawn chair behind it. David looks awful.

EXT. ALLEY - SUNRISE

In the window, Dusty holds up the marker. David nods.

EXT. HOUSE 3307 - CONSTANCE'S BACK YARD - DUSK

David sits on the porch holding a drink, a bottle of Black Bush in the chair beside him. He's staring at nothing.

Constance comes out the open sliding glass door, wearing a turtleneck sweater and wrapped in her afghan. She goes to the chair beside him, picks up the bottle and sits. They silently survey the yard, the sunset. She hugs the bottle, he sips his drink.

CONSTANCE

Remember those Kubler-Ross stages, the ones the dying go through?

DAVID

Denial, anger, bargaining, depression, and acceptance. Where are you?

CONSTANCE

Denial.

DAVID

Denial's my personal favorite.

(CONTINUED)

CONTINUED:

CONSTANCE

The whole idea of there being a process makes me tired. I'm not up to the job of Dying Person. Marveling at blades of grass. Lecturing strangers to relish every moment.

DAVID

Mending bridges.

CONSTANCE

Mending bridges. Confessing regrets. Uuuggh.

DAVID

No regrets?

CONSTANCE

Nope.

A beat.

CONSTANCE

Take that back. I wish I had a child.

DAVID

Me, too.

CONSTANCE

I'm sorry, David.

She reaches over and puts her hand on his arm.

CONSTANCE

I guess I just wish I would have risked more.

She has the bottle in her other hand, looks at it, takes a swig.

CONSTANCE

(making a face,  
swallowing hard)

Uumm, also not enough sex. Should have had more sex.

She puts the bottle down beside her chair.

DAVID

How much... how many lovers have you had?

(CONTINUED)

CONTINUED:

CONSTANCE  
Including college?

DAVID  
Including college.

Her hand (on his arm) holds up four fingers.

DAVID  
Well, it's... not every... yeah,  
you should have had more sex.

She laughs, coughs. He laughs. Their laughter trails off into the yard. He takes her hand in his.

CONSTANCE  
You work hard not to be seen as a  
sex object. Before long, you're  
not seen at all.

DAVID  
I see you.

They are holding hands in the air, their elbows on the chairs' armrests.

DAVID  
Want to make it five? Finish the  
hand?

CONSTANCE  
A pity lay. No thanks.

A beat. They watch their fingers lightly play with one another.

DAVID  
It wouldn't be pity.

They turn, their eyes meet, hold.

INT. CONSTANCE'S BEDROOM - NIGHT

Constance and David are in bed making love. He's on top, one hand supports her head, the other strokes her face. They tenderly kiss. He starts moving, gently.

DAVID  
Are you okay?

CONSTANCE  
Don't worry.

(CONTINUED)

CONTINUED:

He kisses her neck.

CONSTANCE

It's good.

Moves up to her ear.

CONSTANCE

Talk to me. Let me hear your voice.

DAVID

(in her ear)

I'm here. Happy. I'm very happy.

He kisses her mouth, moves against her in delicate rhythm. Her moans take on a teary edge. Their voices, breathless whispers, meld into one another.

CONSTANCE

Hold me tight.

DAVID

I'm here.

CONSTANCE

Tight... I'm scared.

DAVID

It's okay.

She's begun to cry.

DAVID

Okay.

He stops moving, kisses her tears.

CONSTANCE

Don't stop. Stay in me. Please stay in me.

He moves again, slowly.

DAVID

Shhh. I'm staying.

CONSTANCE

I need to feel you inside.

DAVID

It's okay. I'm inside. I'm not pulling out.

(CONTINUED)

CONTINUED:

CONSTANCE  
I'm so tired.

DAVID  
I know, I know.

CONSTANCE  
Tired of being afraid.

DAVID  
Shhh.

CONSTANCE  
Help me.

DAVID  
I'm here. It's okay.

CONSTANCE  
Help me. Please. Make it stop.

DAVID  
Shhh. I'm here. I'm here.

EXT. CONSTANCE'S HOUSE (3307) - NIGHT

The house is dark. A light in one of the rooms comes on.

INT. CONSTANCE'S BEDROOM - DAY

She's awake as David enters. He opens the curtains, sets a glass of water beside bottles on the nightstand. He crawls on top of the covers, spoons her, nuzzles the back of her head.

CONSTANCE  
How do you feel about last night?

DAVID  
Rescued. You?

CONSTANCE  
Like I have a reason to get out of bed. Ironical, huh?

EXT. CONVENIENCE STORE PARKING LOT - DAY

David goes to the pay phone against the building.

INT. CONSTANCE'S BATHROOM - DAY

Constance stands in a bathrobe beside her shower. Turns the water on. She's caught in a thought, bites her lip. She turns the water off.

EXT. APARTMENT POOL AREA - DAY

David sits in a lounge chair speaking to someone on his right. He's sober.

DAVID

Let's say they move back from Spain, that I somehow got my one weekend a month. Would it matter? By high school, I'd be his weak spot, the focus of locker room jabs, embarrassed pride. In college there'd be late-night angst: 'What if I turn out like the old man?' Holidays would be forced smiles and unscheduled exits. I mean, what girl comes home with you if there's talk that Pops is a rapist?

A beat.

DAVID

I can't stand the idea of being his model of failure. Without him, I drink. To cover the hole. To prove to myself he's better off without me.

CAMERA PULLS BACK to reveal Dusty Wright sitting in the lounge chair beside him.

INT. CONSTANCE'S KITCHEN - DAY

Constance, still in her robe, puts an armful of sheets in the washing machine. She feels faint.

EXT. FORMER GALE HOUSE - BACK YARD - DAY

David sits in a swing set, rocks slowly. He's simply looking at the house. A yuppie woman opens the back door.

DAVID

(standing)  
Sorry, just leaving.

INT. CONSTANCE'S LIVING ROOM - DAY

Constance is quickly sorting through a box of memorabilia, a photo catches her attention.

INSERT - PHOTO

Constance on vacation in a Caribbean resort. She sits alone at a dinner table, looks to camera, seems surprised to be photographed.

BACK ON SCENE

As Constance contemplates the photo, she hears the DOORBELL ring.

EXT. LAWN - FROM ABOVE - DAY

We see David lying in the grass of recently-cut lawn.

INT. DAVID'S VOLVO - DUSK

David in the car in a mall parking lot, staring at nothing. On the seat beside him is Cloud Dog and a half-empty Black Bush bottle.

INT. DAVID'S VOLVO - NIGHT

David's asleep, using Cloud Dog as a pillow. The bottle is empty.

A light flashes in on him, waking him. There's a KNOCK on the window -- it's the police. He's blinded by the flashlight.

POLICEMAN

ROTATING CAMERA. The policeman holds the light.

POLICEMAN (V.O.)  
(a loudspeaker voice)  
Gale, time's up.

DISSOLVE TO:

WHITE.

DISSOLVE TO:

INT. ELLIS VISITATION AREA - BITSEY AND DAVID - DAY

ROTATING CAMERA. Bitsey's agitated. David's drained.

BITSEY

But there has to be someone.  
Someone with a motive, who knew  
you both. Someone who visited  
that morning.

DAVID

If I could answer... we wouldn't  
be having this conversation. It's  
why I need you, why I chose you.  
You have my story, now...  
(mimicking her  
delivery)  
'Go.'

BITSEY

There's not enough time.

The guard approaches.

DAVID

You'll find time.

BITSEY

You know that's not what I meant.  
You should have done this earlier.

DAVID

You're not here to save me.  
You're here to save my son's  
memory of his father -- that's all  
I want.

A beat.

BITSEY

You're going to let them kill you.

David moves to the back of the cage to be handcuffed.

DAVID

We live to stop death. Eating,  
inventing, loving, praying,  
fighting, killing -- choose a  
verb. All to stall this evil,  
Job's 'king of terrors.' But what  
do we really know about it?  
Nobody comes back.

(MORE)

(CONTINUED)

CONTINUED:

DAVID (CONT'D)

There's a point, when your mind  
out-lives its obsessions, when  
your habits survive your dreams,  
when your losses... You wonder,  
maybe death is a gift. All I know  
is that by this time tomorrow,  
I'll be better off. What I don't  
know is why.

(exits the cage)

Goodbye, Bitsey.

The guard escorts him away. When he's out of earshot:

BITSEY

(softly)

Goodbye, David.

EXT. ELLIS UNIT DRIVE GUARDHOUSE - DAY

A guard hangs up a phone and leans out the door.

GUARD

Car's on its way. Wanna wait in  
here?

Bitsey stands in the rain. Behind her, hundreds of  
protesters flank the drive.

BITSEY

No thanks.

She turns and walks toward the highway.

The parade tape has been replaced with crowd barriers.  
The drive's left side now overflows with abolitionists:  
They cluster beneath tarps, some sing hymns, others paint  
signs ("Don't kill with my taxes!", "Mark 6:10," "Murder  
doesn't Stop Murder!"). Beneath one umbrella stands a  
large black woman holding a candle -- she watches Bitsey.  
The right side is a media circus. Various pro-death  
penalty activists also cluster here. They too have  
prepared signs: "Rape and Suffocate Him!", "Thank Jesus  
for Justice," "'Let's Do it'." A blackboard keeps a  
countdown: "13 hours."

At the end of the drive, on the left, Bitsey sees a sign  
leaning against a camper: "Save David Gale." It catches  
rain; its letters run.

## INT. KETTLE RESTAURANT - NIGHT

The restaurant's crowded. A Church of Christ couple (50s) eat without comment. The man's T-shirt reads, "It's Simple: You Kill, You Get Killed."

In the booth beside them sit Bitsey and Zack, their dinners largely untouched. Bitsey watches three sleazy JOURNALISTS at a table not far from theirs.

JOURNALIST #1

I got it. I got it. You could have corporate sponsors. Volkswagen for Bundy, Home Depot for Gacy. And 'The David Gale Execution, brought to you by...'

JOURNALIST #2

'... Hefty.'

They find this hilarious. Bitsey looks away.

BITSEY

What time is it?

ZACK

(checking his watch)

Nine hours, 52 minutes.

A beat.

## EXT. MOTEL SIX PARKING LOT - NIGHT

Pouring rain. As Bitsey and Zack hurry toward their rooms, they see Belyeu getting out of his Cadillac. He carries Bitsey's umbrella and opens his own.

BITSEY

Belyeu!

He turns, comes toward them. Bitsey holds a newspaper over her head, Zack slouches.

BITSEY

Did you have Dusty Wright follow us?

BELYEU

I employ Mr. Wright from time to time.

BITSEY

You could have said something.

(CONTINUED)

CONTINUED:

BELYEU

(opening her  
umbrella)

That would have defeated the  
purpose. Apologies if I caused  
you unnecessary anxiety, but I'm  
paid to be suspicious.

(handing it  
to her)

Thought I'd return this.

ZACK

Any word on the writ?

BELYEU

Denied. Tape went to a federal  
judge two hours ago. Your  
videographer friend made contact?

BITSEY

No.

BELYEU

What you got was definitely a  
snippet. Could be he has more  
previews scheduled. Best stick  
close to your room.

BITSEY

How's David?

BELYEU

Holdin' up. I'm headed back over.

BITSEY

Tell him I'll take care of it,  
about his son, I mean.

BELYEU

Will do. We'll talk later?

She nods.

BELYEU

Watch yourselves.

They turn from one another. Bitsey turns back.

BITSEY

(calling after him)

Mr. Belyeu.

He turns.

(CONTINUED)

CONTINUED:

BITSEY  
Were Dusty and Constance close?

BELYEU  
Thick as thieves.

Bitsey nods.

INT. BITSEY'S MOTEL SIX ROOM - NIGHT

Dark. Bitsey and Zack sit on either side of the room's table looking out the window. Rain shadows run down their faces. The room phone is on the table, as is Zack's watch: 10:17.

EXT. MOTEL SIX AND KETTLE - LONG SHOT - FROM ACROSS  
INTERSTATE - NIGHT

The rain's lightened up. The motel's full. Lights are on in ten of the motel rooms. The Kettle's lights go off, one after another.

INT. BITSEY'S MOTEL SIX ROOM - NIGHT

Zack sleeps at the end of one bed, fully dressed. Bitsey, lost in agitated thought, neatly packs a suit into her perfectly arranged suitcase. She stops, thinks. She goes to her purse and takes out the VHS cassette, a pen and a note pad. Hesitating a beat, she puts the tape in the VCR. She turns on the TV and waits for an image.

EXT. MOTEL SIX - NIGHT

Rain. All the rooms except Bitsey's are dark. From within comes a TV glow.

INT. BITSEY'S MOTEL SIX ROOM - INSERT - BITSEY'S  
NOTEPAD - NIGHT

She's sketched a flow-chart of the tape with major elements timed out.

BITSEY

has her shoes off, sits on the floor with her back against a bed. She's still watching the tape, tired, exasperated. Finally, she turns the TV OFF, rubs her eyes. She stands, looks at the radio alarm clock on the nightstand: 11:33.

INT. BATHROOM - NIGHT

Bitsey brushes her teeth. Looks down and sees a towel on the floor. Picks it up, starts to hang it on the towel rack, stops, looks at herself in the mirror. A beat. An idea hits her, first as something odd, then as a freight train. She spits, hurries into the bedroom.

INT. BEDROOM - NIGHT

BITSEY

(putting on her shoes)

Zack! Wake up! Get up!

He starts to pull himself awake.

BITSEY

Did you throw the towel on the floor?

ZACK

What?

BITSEY

The towel on my bathroom floor.  
Did you put it there?

ZACK

Yeah, I guess. It's a hotel room.  
What --

BITSEY

Do you do that at home?

ZACK

No. Fuck, Bitsey. I'm sorry,  
it's not like it's --

BITSEY

Get up.

She disconnects the VCR.

ZACK

(sitting up)

What the fuck's wrong with you?

BITSEY

Grab the T.V. I want to check  
something.

ZACK

What?

(CONTINUED)

CONTINUED:

BITSEY  
We're taking a tour.

ZACK  
Where?

She has the VCR. Grabs her purse on the way to the door.

BITSEY  
Austin. Get the T.V.

She opens the door, exits.

INT. HOUSE 3307 ENTRY HALL - NIGHT

The DOORBELL RINGS over BAUHAUS MUSIC. The Goth Girl, wearing only the Nine Inch Nails T-shirt, opens the door. Bitsey barrages past carrying the VCR, Zack follows with the TV.

BITSEY  
Wanna make a hundred bucks?

GOTH GIRL  
What do I gotta do?

INT. HOUSE 3307 LIVING ROOM - NIGHT

Bitsey, Zack and the Goth girl enter.

BITSEY  
We're going over the crime scene.

Bitsey checks the kitchen. The tripod's back. The other exhibit pieces haven't changed.

BITSEY  
And for the next hour I want you to do exactly what I say when I say to do it. If I say suck Zack's dick, all I want to hear from you is 'May I swallow.'

GOTH GIRL  
You want me to suck his dick?

ZACK  
It's just a patriarchal figure of speech.

BITSEY  
Is your boyfriend here?

(CONTINUED)

CONTINUED:

GOTH GIRL  
He ain't exactly my boyfriend  
anymore.

BITSEY  
Well is his video camera here?

GOTH GIRL  
Yeah.

BITSEY  
Get it.

She starts to leave, turns back.

GOTH GIRL  
I gotta collect first.

Bitsey, moaning, reaches for her purse.

CLOSEUP - STEREO CLOCK

reads 1:48. Zack's hand ENTERS the FRAME, turns the MUSIC  
DOWN.

SAME SCENE - MINUTES LATER

Video: The Goth Girl's messy kitchen. Camera zooms in to  
a perspective similar to that on the Constance tape. The  
exhibit pieces (kitchen gloves, handcuffs, tape roll) are  
more-or-less where they were before. The Goth Girl enters  
the frame, she's removing pizza boxes and laundry from the  
counter.

ZACK (O.S.)  
Move those index cards, too.

She picks up the index cards.

Zack looks up from a video camera's eye piece. The camera  
is on the tripod, connected to the Goth Girl's TV. Near  
it, the hotel TV/VCR. Bitsey cues the Constance tape to  
the beginning, freezes the image. Zack then checks the  
camera angle on the Goth Girl's TV. He moves the TVs so  
that they are side-by-side.

BITSEY  
Zoom in a hair.

He does so. Bitsey compares perspectives between the left  
TV (Goth Girl cleaning) to the right TV (Constance).

(CONTINUED)

CONTINUED:

BITSEY

Put the gloves on a dish rack.

GOTH GIRL

I don't have one.

Zack goes to the sink, lays three pizza boxes on the counter as an ersatz dish rack -- he drapes the kitchen gloves over them.

BITSEY

Turn them inside out.

He does so.

BITSEY

Move the tape roll about a foot to the left. And get rid of the handcuffs.

Zack repositions the tape. The Goth Girl picks up the handcuffs.

BITSEY

Come check this, Zack.

(to the Goth Girl)

Could you... what's your name?

GOTH GIRL

Nico's cool.

BITSEY

Nico, lie down on the floor, facing the counter.

Zack comes behind the tripod and looks at the TVs. NICO sits on the floor, starts to take off her T-shirt.

ZACK

We can imagine that part.

(to Bitsey)

I'll position her.

He goes to Nico, arranges her in the position of Constance (which now bears no relation to the white outline on the floor).

BITSEY

That's fine. Just straighten her legs.

(CONTINUED)

CONTINUED:

Zack comes back behind the tripod. He and Bitsey look at the two TV images -- roughly the same. The Constance tape, however, shows what looks like a white towel in the lower right-hand corner. Bitsey points to it.

BITSEY

What's this?

ZACK

Towel or something.

BITSEY

Okay, look at this.

She plays the tape of Constance for eight seconds.

BITSEY

I noticed this back at the hotel.  
See?

Bitsey touches the TV screen by one of Constance's feet. The foot moves ever so slightly. She hits pause.

BITSEY

She moves her foot. Why?

ZACK

Fucking good question.

BITSEY

It's another fifteen seconds before she comes to. If she had passed out once, without fresh air she wouldn't come back. There was no head trauma, her blood tested normal --

ZACK

Jesus, maybe she was faking, hoping he would go away.

BITSEY

Or...

Bitsey looks up at Nico.

BITSEY

We've got to bag her.

ZACK

Woa. Not a good idea.

BITSEY

All right, I'll do it.

SAME SCENE - MINUTES LATER

Nico hurries from the bedroom into the kitchen. Bitsey and Zack stand by the sink. A white plastic bag is now on the sink counter; beside it, the roll of duct tape.

NICO

I found it.

Nico hands Zack the key to the handcuffs. He tests them, then lays them on the counter.

BITSEY

(to Zack)

Okay, I want you to wait three minutes before you take it off.

ZACK

Bitsey, I'm not so sure about this.

BITSEY

Three full minutes. Just stand behind the tripod. Both of you.

Zack and Nico move behind the tripod. Bitsey puts the bag on her head, rips off a long length of tape. She seals the bag around her neck. She then handcuffs herself from behind, with some difficulty.

CLOSEUP - KEY

is on the sink counter while she does this.

BITSEY (O.S.)

(through the bag)

Have you started?

BACK TO SCENE

ZACK

Twenty-two seconds.

Bitsey sits on the linoleum, then lies on her side.

ZACK

Thirty seconds.

NICO

Fuckin' wicked.

Bitsey lies perfectly still.

(CONTINUED)

CONTINUED:

ZACK

Thirty-five... Forty... Forty-five... Fifty.

NICO

Maybe she shouldn't...

ZACK

Fifty-five... one minute... five... ten... one-fifteen...

Bitsey starts to pull slightly at the cuffs.

ZACK

Fuck. Twenty... twenty-five... thirty...

NICO

This isn't cool.

ZACK

... thirty-five... Fuck... one-forty... one-forty fi...

Bitsey panics, fights like hell against the cuffs.

BITSEY

(through the bag)

Zack!

Zack runs to her, knocking the tripod over. He rips the bag open. She sucks air.

ZACK

(ripping at the tape)

Jesus fucking Christ, Bitsey. You okay? What if I'd've waited?

She tries to catch her breath. Nico releases the handcuffs.

ZACK

No more fucking experiments, all right? Just tell me what's going on. You okay?

Bitsey nods, holds up her hand, wants to say something. She takes his arm, looks at him.

BITSEY

(still breathing heavily)

She... she did it herself.

SAME SCENE - MINUTES LATER

Zack sits on the couch holding the handcuffs and smoking. Nico sits on one of its armrests. Bitsey, full of adrenaline, paces in front of them, thinking out loud.

BITSEY

She used the gloves to keep fingerprints off the tape and bag. Then she put them back on the dish rack, but upside down and inside out, a housewives' habit. A murderer would have just tossed them aside -- like they were the first time we were here, like you do a towel in a hotel.

ZACK

Maybe, all right, maybe.  
(indicating the cuffs)  
But why wear these?

BITSEY

They threw me. I forgot you have to have the key to put them on. But she needed them. She knew she would instinctively try to rip the bag off, that at some point automatism would kick in.

NICO

Fuckin' A, like when people hang themselves. At the last second they go chicken, claw at the rope and shit. The police find their own skin beneath their nails.

BITSEY

And she swallowed the key so she couldn't get to it. She made sure there was no way out.

ZACK

Woa, chill, chill. Why not hang yourself, or take pills. Why take your fucking clothes off? Why make it look like a murder?

A beat. Bitsey contemplates.

BITSEY

It's so calculated. She's handcuffed, taped at the mouth. The gloves. The damn tripod.

(CONTINUED)

CONTINUED:

ZACK

Why, Bitsey? Why fake your own murder?

BITSEY

I don't know.

ZACK

Motive's like a major issue here.

BITSEY

Thanks, Zack.

ZACK

It doesn't make sense. The woman's a bleeding-heart abolitionist. Why frame an innocent man? Why send Gale to the chair for what looks --

BITSEY

What'd you say?

ZACK

She had to know some innocent fuck would take the fall.

BITSEY

Oh my God, Zack, that's it! That's why! To prove it happens. To have absolute proof that the system convicts innocents.

ZACK

Get the fuck out of here.

BITSEY

No, that's how she thought. She lived for DeathWatch. If she's gonna die, why not die for it? That's why the tripod was here. To record proof, undeniable proof, the tape. That's why we got an out-take.

ZACK

A dead woman put the tape in your room?

BITSEY

Of course not. She needed help, someone to keep it, release it. Someone she could trust, someone dedicated to the cause...

(CONTINUED)

CONTINUED:

They stare at each other a beat. The same thought:

ZACK  
(mimicking Belyeu)  
Thick as thieves.

INT. DUSTY WRIGHT'S CABIN - NIGHT

Dusty looks up at a wall clock: 4:23. He sits fully dressed in his living room, listening to an OPERA. He closes his eyes.

CAMERA PULLS BACK OUT of his window and into:

EXT. WOODS BESIDE WRIGHT'S CABIN - NIGHT

Behind a couple of trees near the woods' edge, Bitsey and Zack hide watching him.

ZACK  
Hairy.

BITSEY  
Come on.

She turns back into the woods.

EXT. DIRT ROAD - NIGHT

Bitsey and Zack emerge from the woods near the rental car. They walk and speak quickly in the light rain.

BITSEY  
... Because of the Berlin thing,  
Constance knew the police would go  
straight to Gale. In a way, he's  
perfect. A high profile alcoholic  
whose life was shit anyway.  
But...

ZACK  
She was in love with him.

BITSEY  
I don't know. Something. They  
were close. She wouldn't want him  
dead.

They come to the car, get in.

INT. RENTAL CAR - NIGHT

Bitsey drives.

BITSEY

Remember this thing about Dusty  
being a bull-horner, going to far?

ZACK

Why he was fired from DeathWatch,  
and the A.C.L.U.

BITSEY

Right. Maybe the plan was for  
Dusty to release the tape after  
Gale's conviction, after a year or  
so. You know, force him to dry  
out, let him play the heroic  
victim, give him back his dignity.  
So, Dusty Wright's sitting on this  
tape, waiting, the only one who  
knows about it. And maybe good  
ole Dusty starts to think that an  
erroneous execution is a hell of a  
lot more politically useful than a  
last-minute save.

ZACK

Which would only prove the system  
works.

BITSEY

Yeah. Almost martyrs don't count.  
What's one murder to stop  
thousands?

ZACK

So he'll wait, release the whole  
tape after the execution.

BITSEY

Right. Somewhere he must have the  
original. What time is it?

INT. WRIGHT'S CABIN - NIGHT

The wall clock: 4:50. Dusty hears the PHONE RING over a  
BARITONE'S ARIA. He turns the MUSIC DOWN, and picks up.

DUSTY

Hello?

EXT. GAS STATION - NIGHT

The gas station is old, isolated on a country road. Closed, dark. By the road, a single light pole illuminates the area -- its light catching the drizzle. Directly beneath the pole is a phone booth, where Bitsey waits by the rental car.

INT. PHONE BOOTH - NIGHT

Zack is on the phone with the booth door open. Bitsey stands just outside.

ZACK

Let's talk about your tape... No,  
meet me at the station down the  
hill, in fifteen minutes.

Zack hangs up before Dusty can respond. He stops out of the booth and gives Bitsey a tentative look.

INT. WRIGHT'S CABIN - NIGHT

Dusty hangs up, thinks.

EXT. GAS STATION - NIGHT

Bitsey sits in the car's driver seat. Zack stands by the booth.

BITSEY

Don't move from the booth. Call  
the second you see the truck.  
Remember, let it ring just once.  
Then get into the woods --

ZACK

I know. Go.

BITSEY

(pulling away)  
Into the woods, Zack.

ZACK

Go!

EXT. WRIGHT CABIN - NIGHT

Bitsey is in the woods, watches Dusty pull away in the pickup. She hurries to the front door, enters.

INT. WRIGHT CABIN - NIGHT

Bitsey turns on the lights and begins searching. She sees 11 videos on a bookshelf. Some are labeled, three aren't. She takes the cassettes to the TV/VCR. Puts one in (her hands are wet). Nothing. She searches for the right AV channel.

INT. PHONE BOOTH - NIGHT

Zack anxiously waits. His eyes check the road.

INT. WRIGHT CABIN - NIGHT

Bitsey has a picture, but the tape is an old TV western. She starts to fast forward, realizes she won't be able to do so with each tape, hits eject. She checks the clock: 5:04. She takes another unlabeled tape. It's a home video of a city council meeting.

BITSEY  
(hitting eject)  
Shit!

She grabs the next unlabeled tape.

EXT. GAS STATION - NIGHT

Zack paces in front of the booth, checks his watch.

INT. WRIGHT CABIN - NIGHT

Bitsey has an old "I Love Lucy" episode. Ejects, looks at the label: "Lucy." She grabs another, labeled "Unforgiven." The credits from Unforgiven roll onscreen.

BITSEY  
Shit!

EXT. GAS STATION - NIGHT

Zack sees lights coming toward him. Gets into the phone booth, drops two coins, dials six numbers. He hesitates to punch the seventh, checks the road. The approaching lights belong to a car. He quickly hangs up.

INT. WRIGHT CABIN - NIGHT

Bitsey is frantic. Another tape is an old Johnny Carson interview with Pavarotti.

(CONTINUED)

CONTINUED:

BITSEY

Shit!

She reaches for another.

EXT. GAS STATION - NIGHT

Zack hugs himself in the waning drizzle.

ZACK

Come on. Fucking come on.

INT. WRIGHT CABIN

Bitsey has what looks like an office Christmas party. She goes for another tape -- the last. Cheyenne Autumn comes up on the screen. She hits eject.

She gets up, unsure what to do next. She goes back to the bookshelf, pulls books out to look behind them for more tapes, indifferent to the mess. She goes to a filing cabinet, quickly rifles it. She looks around the room, sees something.

She goes to a large oak desk with an old typewriter on it. After the other drawers, she looks in the lap drawer. It's empty except for large padded envelope addressed to "Bitsey Bloom/News Magazine/40 W. 43rd St./New York, New York 10036." A beat as she stares in disbelief. She rips it open, pulls out a VHS cassette and checks the label: "Constance." The PHONE RINGS, startling her. She looks at the phone, then at the clock: 5:14. The phone doesn't ring again. A beat of absolute silence.

Bitsey goes quickly to the VCR and puts in the tape -- hands shaking. After a few seconds, Constance appears standing in her kitchen by the sink, dressed in a bathrobe. She's wearing the kitchen gloves and fills a glass with water.

ON VIDEO

Constance turns from the sink:

CONSTANCE (V.O.)

(her voice weak)

Ready?

(CONTINUED)

CONTINUED:

The response is silent, but she nods. A beat -- she bites her lower lip. In one quick movement she takes the key from the handcuffs and swallows it with the water. It goes down with difficulty; she coughs, then signals she's okay. She puts the glass in the sink.

She takes the duct tape roll, rips off a long section, sticks one end to the back of her gloved hand. She tears off another small section, drops the roll on the floor. She tapes the small section over her mouth.

She then takes the plastic bag from the counter, looks at it a beat. Constance turns toward camera, mouth taped, eyes watering. She nods once, and turns back. She quickly puts the bag over her head. After she has smoothed the excess air out with one hand, she takes the packing tape from the other. She seals the bag around her neck.

She smoothly takes off the gloves. They're inside out and she snaps them so that the fingers extend. She drops them upside down on the dish rack. She removes her robe -- she's nude beneath -- and tosses it aside. It lands in the bottom right hand corner of the screen.

She feels for the handcuffs on the counter, takes them. She sits on the floor, cuffs herself. She rolls onto her side, perfectly still, waiting.

ON BITSEY

Engrossed, trembling. The spell breaks as she comes to the part of the tape she's seen before. Averting her eyes, she fast-forwards past where Constance struggles to where she dies. Constance lies perfectly still. A beat.

VIDEO

A man wearing gloves walks into the frame: Dusty.

ON BITSEY

This is what she's needed.

VIDEO

Dusty goes to Constance, kneels and, removing a glove, checks her pulse. He looks briefly up into the camera, then stands.

He picks up her robe and comes back past the tripod. A beat. We see only Constance's dead body -- then black.

ON BITSEY

A hand grabs her shoulder. She screams and spins around. It's Zack, breathing hard.

ZACK

He didn't show! Fuckin' move!

Bitsey hits the eject button.

EXT. WRIGHT CABIN - NIGHT

Bitsey and Zack hurry out of the cabin and into the woods. The pickup is nowhere to be seen.

As they disappear into the trees, Dusty can be seen standing beneath the eave at the side of the house, watching.

EXT. RENTAL CAR - SUNRISE

The car moves full speed through the misty dawn. The drizzle has stopped.

INT. RENTAL CAR - NIGHT

Bitsey drives. The overheat light is on. Zack has her purse in his lap, rips a page out of her phone book. She's almost in tears, yelling.

BITSEY

Everyone! Wake up New York, the warden, the Governor, the goddamn Supreme Court death clerk! How far is it?

ZACK

Took me 30 this afternoon. You've got 26, maybe more.

BITSEY

I'll make it.

EXT. INTERSTATE - IN FRONT OF MOTEL SIX - SUNRISE

The rental car slides to a near stop on the interstate shoulder. Zack jumps out, as Bitsey spins away again. He runs across the frontage road toward the motel in the mist.

EXT. HUNTSVILLE TOWN SQUARE - SUNRISE

The rental car barrels through the empty square, ignoring stop signs.

EXT. TWO-LANE HIGHWAY - SUNRISE

The rental car flies past a "Huntsville City Limit" sign and disappears into the fog.

INT. RENTAL CAR - SUNRISE

The overheat light is still on. Bitsey looks down, then turns on the RADIO. A COUNTRY AND WESTERN SONG is on. She punches scan.

BITSEY  
(to the radio)  
Give me the time. Give me the  
goddamn time.

EXT. HIGHWAY JUNCTION - SUNRISE

The highway forks off to another. An arrow sign at the fork reads: "TDC Ellis Unit/8 Miles."

INT. RENTAL CAR - SUNRISE

Bitsey smells something.

EXT. HIGHWAY TO ELLIS UNIT - SUNRISE

The rental car, smoke pouring from the engine, clunks to a dead roll, stops. Bitsey jumps out, VHS cassette in hand. She doesn't close the door. Starts running.

Bitsey runs down the middle of the two-lane highway. The rental car in the b.g. recedes into the mist -- visibility is no more than fifty yards. The sounds of her breathing and SHOES HITTING the PAVEMENT ECHO into the mist.

She runs, and runs.

A car comes up quickly behind her. Its HORN BLARES. She turns, starts to wave it down. The driver SITS ON his HORN, swerves around her onto highway's shoulder and drives on.

She runs. Runs past an abandoned vegetable stand. Runs past a sleepy farmhouse.

(CONTINUED)

CONTINUED:

She runs, and runs.

She slows, out of strength, looks up and down the highway. Both in front and behind, it leads straight into the mist, a tunnel of fog. She stumbles on, a final effort.

She runs. Sees something. Stops cold.

Coming toward her in the distance are small flashing lights. They rise on hill and then fall behind another. They appear again. Soon, she can make out the form of an ambulance, and its highway patrol escort. The vehicles move slowly toward her, without sirens, as deathly quiet as their cargo. She stands to the side of the road as they approach. The highway patrol vehicle and the ambulance -- marked "Texas Department of Corrections" -- pass silently in SLOW MOTION. She watches as they disappear back into the mist. In SLOW MOTION, she screams, falls to her knees wailing, but we cannot hear her. We HEAR NOTHING.

INT. WRIGHT'S CABIN - SUNRISE

In the b.g., Dusty walks out the front door carrying two large suitcases. On his desk in the f.g. is a radiator cap.

FADE TO

BLACK.

FADE IN:

INT. DALLAS/FT. WORTH AIRPORT - DAY

Belyeu makes his way through the departure hall carrying the aluminum suitcase.

ON TV

Roberts and the Court TV "breaking news" logo are on the screen.

ROBERTS (V.O.)

(to camera)

Here's what we know so far. Last night, News Magazine posted on their web site a video obtained by reporter Bitsey Bloom...

Light applause. The TV is mounted on the wall in:

INT. NEWS MAGAZINE'S EDITORIAL FLOOR - DAY

Bitsey watches the report with about a dozen colleagues. Kruger stands beside her. A few people congratulate her. She attempts a smile and nods, though she doesn't look away from the TV. Kruger shushes the others to hear the story.

ROBERTS (V.O.)

The footage appears to show  
Constance Harraway commit suicide.

ON TV

ROBERTS (V.O.)

Bloom reports she received the  
tape Friday morning at a motel in  
Huntsville, where she was staying  
while conducting Gale's last  
interview.

ON FLOOR

Zack watches Bitsey from the other side of the room. She looks over at him, then quickly looks back at the TV.

ROBERTS (V.O.)

The tape apparently had been in  
the possession of a former  
DeathWatch Director...

ON TV

Camera pulls back to reveal that Roberts is standing in front of Wright's cabin. Other journalists and gawkers can be seen out front. Police vehicles are also visible. Suits and officers move in and out of the cabin.

ROBERTS (V.O.)

(reading the name  
off a card)

... Dustin Emil Wright. As you  
can see, police and officials from  
the State Attorney's office have  
been in and out of his cabin all  
morning, looking for clues to his  
whereabouts.

INT. DALLAS/FT. WORTH AIRPORT - DAY

Belyeu enters a men's room.

INT. MEN'S ROOM - DAY

Belyeu walks to a row of sinks. He sets the case on the floor and starts to wash his hands. A businessman combs his hair to Belyeu's left. Belyeu looks in the mirror and sees Dusty approach from a stall.

INT. NEWS MAGAZINE - EDITORIAL FLOOR - DAY

The room watches Roberts.

ROBERTS (V.O.)  
... a fanatic in the movement to  
stop the death penalty.

ON TV

ROBERTS (V.O.)  
It appears Wright withheld the  
tape to make an obscure political  
point about the potential for  
error in capital cases.

ON BITSEY

She watches, trying to contain her emotions.

Zack watches her. She looks his direction. He smiles sadly, looks away.

INT. DALLAS/FT. WORTH AIRPORT - MEN'S ROOM - DAY

Dusty washes his hands, looks down at the case. The businessman leaves.

DUSTY  
All there?

BELYEU  
Passport and ticket as well.

INT. NEWS MAGAZINE - EDITORIAL FLOOR - ON TV - DAY

Governor Hardin is on the steps of the capital,  
journalists around her.

(CONTINUED)

CONTINUED:

GOVERNOR HARDIN (V.O.)

Well, it's a tragedy for all of us. As to whether this will change policy, the people of Texas will have to decide. Right now, the prudent course is to put things on hold pendin' a procedural review, allow ourselves time to mourn.

Kruger leans toward Bitsey.

KRUGER

You bet she'll review. Capital punishment approval rates dropped 17 points.

Bitsey just looks at the TV, trying to make it through.

INT. DALLAS/FT. WORTH AIRPORT MEN'S ROOM - DAY

Dusty picks up the case. Belyeu straightens his tie.

BELYEU

What are you going to do?

DUSTY

(walking past him)  
Go to the opera.

INT. NEWS MAGAZINE - EDITORIAL FLOOR - ON TV - DAY

Old footage of David being led in chains from an Austin jailhouse to a waiting van. He wears the clothes he was wearing the day Constance died.

ROBERTS (V.O.)

Of course, the ultimate irony is that David Gale, a man who became an unwitting martyr, may achieve in death what he worked for in life.

ON BITSEY

She bites her lower lip in a manner reminiscent of Constance.

FADE TO

BLACK.

FADE IN:

EXT. STREET (BARCELONA) - DAY

Dusty walks along the Ramblan. He carries a duty-free bag and the aluminum suitcase. He comes to a building, checks its number against a piece of paper, enters.

INT. BARCELONA APARTMENT HOUSE - DAY

Dusty ascends a staircase onto hallway. He walks a few steps to door number six. An OLD SPANISH WOMAN passes him.

DUSTY  
Senorita Gale esta viviendo aqui?

OLD WOMAN  
Si. Si.

DUSTY  
Gracias.

The old woman moves down the stairs. Dusty puts the aluminum suitcase on the doormat. From the duty-free bag he takes out David's Yale sweatshirt, lays it over the case. He RINGS the DOORBELL, turns and walks back down the hall.

He stands at the top of the stairs, waiting for someone to answer before descending. Sharon (older than we've seen her) opens the door, sees the case and sweatshirt. She looks around, but Dusty is gone. She picks them up.

INT. NEWS MAGAZINE - EDITORIAL FLOOR - DAY

Bitsey sits at her neurotically neat desk, looking out the window. It's a sunny day in New York. For the first time, we see her wearing something besides a business suit. Framed on her cubicle wall is the latest News cover page: a picture of David with the headline "The Executed Innocent."

A MAIL GUY drops a Fed Ex package on her desk.

MAIL GUY  
This just came.

It's from "Belyeu & Crane/420 Congress Ave./Austin, Texas, 78710." She opens it, pulls out Cloud Dog and a handwritten note on Belyeu & Crane stationery.

INSERT - NOTE

reads: "David wanted you to have this. He said it would be the key to your freedom. Regards, Benjamin Belyeu."

INT. SHARON'S BARCELONA APARTMENT - DAY

At the breakfast table, a Spanish yuppie male sits with a newspaper in front of him. He watches Sharon open the case. Inside: money, stacks and stacks of money. On top is an unsigned note: "I'm sorrier than you can know."

INT. NEWS MAGAZINE - EDITORIAL FLOOR - DAY

Bitsey holds the stuffed sheep. Looks at the note, puzzled.

BITSEY  
Key to your freedom? Key to  
your...

Suddenly, she understands. She squeezes the sheep, shakes it, hears something. She cuts the sheep open with scissors. A Hi-8 tape is in the stuffing. It's hand-labeled: "Off the record." She jumps up.

TRACKING SHOT

Bitsey hurries THROUGH the cubicles. She goes DOWN a hall and INTO the "MultiMedia" room.

INT. NEWS - MULTIMEDIA ROOM - DAY

Bitsey locks the door, puts the tape into a Hi-8 deck.

ON VIDEO

The tape is cued to where Dusty picks up Constance's robe and walks past the tripod out of frame. We see only Constance's body. We hear the sliding door to the patio open behind the camera.

DUSTY (V.O.)  
(calling)  
It's over.

A long beat. FOOTSTEPS on the patio.

DUSTY (V.O.)  
Want me to turn this off?

(CONTINUED)

CONTINUED:

VOICE (V.O.)

No.

David walks into frame. He goes a couple of steps toward Constance's body and stops, facing her. We see him only from behind. He looks at her, runs his hands over his head.

DAVID (V.O.)

I couldn't watch.

DUSTY (V.O.)

She preferred it that way. You were right about not tellin' her the whole plan.

DAVID

It helped her to think her death would save me.

A beat.

DUSTY (V.O.)

You sure you want to do this?

DAVID (V.O.)

Yeah. Almost martyrs don't count.

A beat.

DUSTY (V.O.)

Better go ahead then.

David goes to Constance, kneels. He reaches down and with his thumb gently strokes her face through the plastic. He stands, turns and walks back to the camera. He reaches behind the lens to turn it off. A beat. Half his face fills frame, his watery eyes looking directly at us. In the other half, we see Constance's body.

Black.

INT. BARCELONA OPERA HOUSE - NIGHT

Dusty sits watching a performance of Puccini's Turandot. On stage is the scene where Liu martyrs herself.

CLOSEUP - DUSTY

He closes his eyes.

FADE OUT.

THE END