

STAR TREK: THE NEXT GENERATION

"The Measure of a Man"
#40272-135

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STAR TREK: "The Measure of a Man" - 12/14/88 - CAST

STAR TREK: THE NEXT GENERATION
"The Measure of a Man"

CAST

PICARD	CAPTAIN PHILLIPA LOUVOIS
RIKER	ADMIRAL NAKAMURA (MALE)
DATA	COMMANDER BRUCE MADDOX
PULASKI	
TROI	Voice-Over
GEORDI	COMPUTER VOICE
WORF	
WESLEY	
GUINAN	
O'BRIEN	

Non-Speaking
CREWMEMBERS

Voice-Over
COMPUTER VOICE

STAR TREK: "The Measure of a Man" - 12/14/88 - SETS

STAR TREK: THE NEXT GENERATION
"The Measure of a Man"

SETS

INTERIORS

USS ENTERPRISE
MAIN BRIDGE
TRANSPORTER ROOM
CORRIDOR
TURBOLIFT
CAPTAIN'S READY ROOM
DATA'S QUARTERS
OBSERVATION LOUNGE
GYMNASIUM
COMPUTER ROOM
TEN-FORWARD

STARBASE 173

RESTAURANT
JUDGE ADVOCATE GENERAL'S OFFICE
COURTROOM
LOUNGE

EXTERIORS

USS ENTERPRISE
STARBASE 173

STAR TREK: THE NEXT GENERATION
"The Measure of a Man"

TEASER

FADE IN:

1 EXT. SPACE - THE ENTERPRISE (OPTICAL)

in route to Starbase one-seven-three.

PICARD (V.O.)

Captain's log, stardate 42523.7.
We are in route to newly
established Starbase one-seven-three for port
call. Crew rotation is scheduled,
and we will offload experiment
modules.

2
thru OMITTED
3

3A INT. ENTERPRISE - DATA'S QUARTERS

RIKER is seated shuffling cards. O'BRIEN, GEORDI and
DATA pulling out chairs. Data wears an eyeshade. Data
is almost into the chair when O'Brien stops him.

O'BRIEN

Hold it, that's my chair. My luck
is always lousy unless I start
on the dealer's left.

DATA

That would seem to be rank
superstition.

O'BRIEN

Bitter experience has taught me
it's a fundamental truth.

RIKER

(slapping the cards down
in front of O'Brien
who cuts them)
The game is five card stud,
nothing's wild.

3A CONTINUED:

DATA

This game is exceedingly simple.
With only fifty-two cards,
seventeen of which I will see,
and four players there are a
limited number of possible winning
combinations.

GEORDI

There's more to it than just the
cards.

DATA

The bets will give an indication
of the relative strengths of each
hand.

O'BRIEN

(with a wink to Riker)
Time to pluck a pigeon.

Riker deals the cards. Betting begins with O'Brien,
and proceeds around the table. The third card is
dealt. O'Brien and Geordi pass, Data and Riker bid.
Fourth card, more bids and passes. Fifth card. Bets
are placed. Riker grins.

GEORDI

I think I'm in trouble.

He folds.

RIKER

I'll raise five.

O'BRIEN

Too rich for me.

He tosses his cards.

DATA

I will raise you three.

RIKER

Your three and five more.

Data is becoming increasingly puzzled. He considers
his cards, Riker's cards, considers the pot, studies
Riker's face.

3A CONTINUED: (2)

DATA

Is this what is known as the poker
face?

RIKER

Are you playing or not?

DATA

I will fold.

Riker rakes in the chips, then turns over his cards
revealing a busted hand. Data turns his cards face
up. He held a winning hand.

DATA

(continuing)
You had nothing.

GEORDI

He bluffed you, Data.

DATA

It makes very little sense to bet
when you cannot win.

RIKER

But I did win. I was gambling
that you wouldn't call.

DATA

But how can you tell?

O'BRIEN

Instinct, Data, instinct.
(he shuffles the cards)
The game is seven card high/low
with a buy on the last card. And
just to make it interesting the
man with the axe takes all.

Data is looking completely bemused as the cards are
dealt.

3B OMITTED

3C EXT. SPACE - THE ENTERPRISE (OPTICAL)

docking at Starbase one-seven-three.

3D INT. STARBASE 173 - RESTAURANT

It's very high tech. PICARD sits alone at a table. Before him is a cup. He suddenly straightens in his chair as a beautiful WOMAN in her late forties enters. She is in a Starfleet uniform which clearly is a surprise to Picard. She is very poised, very professional, and she scans the room as if searching for someone. Her eyes light on Picard; and a funny, ironic little smile curves her lips. Picard rises and walks up to the passway to join her.

3E ANOTHER ANGLE

PICARD

(with a little edge on
the words)

My God, if it isn't Phillipa
Louvois, back in uniform.

PHILLIPA

Don't gloat, Picard. It's almost
more irritating than when you're
being self-righteous.

PICARD

Unbelievable, after all this time,
and we're picking up the threads
of old fights as if we'd never
been apart.

PHILLIPA

Ain't love wonderful.

FADE OUT.

END OF TEASER

ACT ONE

FADE IN:

A4 EXT. SPACE - THE ENTERPRISE (OPTICAL)

in dock at Starbase one-seven-three.

4 INT. STARBASE 173 - LOUNGE

Phillipa and Picard standing on the pass-through.

PICARD

What are you doing out here?

PHILLIPA

I'm in charge of the Sector
twenty-three JAG office. I'll
be making some good law.

(a rueful smile)

And maybe do a little good along
the way, too. What do you think?

PICARD

Anything is possible. You
returned to Starfleet.

PHILLIPA

I had to, it's the most exciting
and worthwhile place to be.

PICARD

You didn't have to leave.

PHILLIPA

They forced me out.

PICARD

No. That was your own damn
stubborn pride.

PHILLIPA

(becoming heated)

When I prosecuted you in the
Stargazer court-martial I was
doing my job.

PICARD

No, you went way beyond doing the
job. You enjoyed it.

4 CONTINUED:

PHILLIPA

Not true! A court-martial is standard when a ship has been lost. I had a duty as an officer in the Judge Advocate General.

PICARD

Flummery, you've always enjoyed the adversarial process more than arriving at the truth.

They both seem to realize that they are skating dangerously close to very thin ice. They literally physically turn away from each other while they recover their tempers. Picard continues a little gruffly:

PICARD

(continuing)

Well, I hope you've learned a little wisdom.

PHILLIPA

(lightly)

Watch it, you're doing it again.

PICARD

(forcing a smile, and we see the tension leech from his body)

I'm not being self-righteous. Merely right.

PHILLIPA

A distinction, I would submit, without a difference.

PICARD

Come and sit down.

As they walk down off the pass-through and seat themselves she says:

PHILLIPA

I can't stay long. I'm meeting someone for dinner.

PICARD

But he hasn't arrived yet.

PHILLIPA

What makes you think it's a man?

4 CONTINUED: (2)

PICARD

Past experience.

PHILLIPA

Cute. Try to remember that you're an officer and a gentleman.

(she rises)

You know, I never thought I would say this, but it is good to see you again. You're still a damn sexy man, Picard.

This rocks him back in his chair.

PHILLIPA

(continuing; very brisk)

So buy me dinner.

PICARD

I thought you were meeting someone?

ADMIRAL NAKAMURA enters. With him is BRUCE MADDOX. They cross to the table.

PHILLIPA

(struggling with herself)

Once again you're always right, Jean-Luc.

Phillipa whirls for a grand exit, and almost bumps noses with Nakamura.

PHILLIPA

(continuing)

Admiral.

NAKAMURA

Captain Louvois. You're acquainted with Captain Picard?

PHILLIPA

Yes, we're old... friends.

Phillipa exits.

NAKAMURA

Captain, good to see you again. May I present Commander Bruce Maddox. He has an interesting proposal for you.

4 CONTINUED: (3)

Nakamura and Maddox exchange glances.

NAKAMURA

(continuing)

But that can wait until later.
I'm eager to see the Enterprise.

Picard looks from Nakamura to Maddox. Whatever this "proposal" is, it is going to have import for himself and his ship.

4A EXT. SPACE - THE ENTERPRISE

as before, docked at Starbase one-seven-three.

5 INT. TRANSPORTER ROOM (OPTICAL)

Riker watches as Picard, Admiral Nakamura, and Maddox BEAM ABOARD. SOUND EFFECT in the b.g. as Nakamura is piped aboard.

PICARD

Admiral, Commander Maddox, allow
me to introduce my first officer,
Commander William Riker.

NAKAMURA

Pleasure, Commander.

They shake hands and begin walking toward the doors.

PICARD

How long has it been since we've
seen each other?

NAKAMURA

You'd just been assigned as an
ensign aboard the old Reliant.

PICARD

(lightly)

Oh yes, and I seem to remember
a certain young lieutenant who
had harsh words about snap
inspections, and the admirals who
pulled them.

NAKAMURA

The situation changes when you've
got the admiral's stripes.

5 CONTINUED:

The party steps through the doors and into the Enterprise corridor.

6 INT. CORRIDOR

NAKAMURA

There isn't an officer in Starfleet who wouldn't give his right leg to be where you are -- Captain of the Starship Enterprise. I'm no different. I just have the power to get aboard.

PICARD

Happy to have you, Admiral.

They enter the turbolift.

7 INT. TURBOLIFT

PICARD

Bridge. Congratulations on your appointment. Command of a Starbase.

NAKAMURA

Thank you, but I miss a ship. A bit of advice, Captain. Don't ever become an admiral. They make you an administrator.

They arrive, and step out onto the bridge.

8 INT. MAIN BRIDGE

RIKER

Admiral on the bridge.

On the bridge are Riker, WORF, Data, and WESLEY. Everyone stiffens slightly, and looks around. Maddox and Data lock eyes, and Data stands. Picard and Nakamura converse as they tour the bridge. Riker notices the by-play and frowns.

PICARD

I was a little surprised at the decision to put a base in force this close to the Neutral Zone.

8 CONTINUED:

NAKAMURA

As you know, we've had disturbing news from both sides of the zone. We're here to respond as needed. And it won't hurt to have the Romulans know we're nearby.

They complete their circuit of the bridge.

NAKAMURA

(continuing)

Well, Captain, I thank you for this opportunity. For five hundred years ships who've borne the name Enterprise have been a legend. This one is no different.

MADDOX

(impatiently)

Admiral.

NAKAMURA

Oh yes, Captain. Commander Maddox is here to do some work on your android. Please take care of him.

PICARD

Lieutenant Worf.

He indicates and Worf escorts the admiral off the bridge.

MADDOX

How have you been, Data?

DATA

My condition does not alter with the passage of time, Commander.

PICARD

The two of you are acquainted?

MADDOX

Yes, I evaluated Data when it first applied to the Academy.

DATA

And were the sole member of the committee to oppose my entrance on the grounds that I was not a sentient being.

8 CONTINUED: (2)

PICARD

What exactly will this work entail?

MADDOX

I'm going to disassemble Data.

PICARD

(pausing for a beat to assimilate this)

I think we will remove this discussion to the lounge.

Riker, Maddox, Data, and Picard walk to the doors.

8A INT. OBSERVATION LOUNGE (OPTICAL)

Everyone seated around the table.

PICARD

Explain this procedure.

MADDOX

Ever since I first saw Data at its entrance evaluation at Starfleet Academy, I've wanted to understand it. I became a student of the works of Doctor Noonien Soong -- Data's creator. I've tried to continue his work, and I believe I am very close to the breakthrough which will enable me to duplicate Soong's work and replicate this.

(Maddox points to Data)

But as a first step I must disassemble and study it. Data is going to be my guide.

PICARD

Data?

DATA

It sounds intriguing.

PICARD

How will you proceed?

8A CONTINUED:

MADDOX

I'll run a full diagnostic on Data, evaluating the condition of its software. I'll then dump its core memory into the starbase mainframe computer and begin a detailed analysis of its construction.

DATA

You have constructed a positronic brain?

MADDOX

Yes.

DATA

Have you determined how the electron resistance across the neural filaments is to be resolved?

MADDOX

Not precisely.

DATA

That would seem to be a necessary first step.

MADDOX

I'm confident that I'll have the answer once I've examine the filament links in your anterior cortex.

DATA

But if the answer is not forthcoming, your model will not function.

MADDOX

I don't anticipate a problem.

PICARD

You seem a little vague on the specifics. What are the risks to Commander Data?

MADDOX

Negligible.

8A CONTINUED: (2)

DATA

(to Picard)

His basic research lacks the specifics necessary to support an experiment of this magnitude.

PICARD

Data is a valued member of my bridge crew. Based on what I've heard I cannot allow him to submit to your experiment.

MADDOX

I thought this might be your attitude, Captain.

(he removes a message disk from his pocket, and extends it to Picard)

Here are Starfleet's transfer orders separating Commander Data from the Enterprise, and reassigning it to Starbase one-seven-three under my command. Data, I'll expect you in my office at nine hundred hours tomorrow.

Focus on Picard as we:

FADE OUT.

END OF ACT ONE

ACT TWO

FADE IN:

9 INT. CAPTAIN'S READY ROOM - VIEWSCREEN (OPTICAL)

Admiral Nakamura on the screen. Picard eyes him with some hostility.

NAKAMURA

Look, it's a transfer, like any other transfer.

PICARD

No, it's not. This is one of my key officers, and he's been removed without consulting me.

NAKAMURA

I'm sorry about that, but Commander Maddox's work in robotics is considered critical by Starfleet Command. Think what's at stake here. If Commander Maddox can succeed in duplicating Noonien Soong's work other captains on other ships would have the advantage you now enjoy: a Data on every bridge. You don't want Data transferred, fine. There's an easy solution. Have him work with Commander Maddox. Nakamura out.

Picard stares at the blank viewscreen, then rises and paces the room. The DOOR CHIME SOUNDS arresting him in his nervous preambulations.

PICARD

Come.

Data enters.

DATA

You sent for me, sir?

Picard returns to his desk, seats himself, and regards Data intently.

PICARD

Please, sit down. We've got a problem.

9 CONTINUED:

DATA

I find myself in agreement with that assessment of the situation, sir.

PICARD

Your service to this ship has been exemplary. I don't want to lose you.

DATA

I am pleased to hear you say so. Thank you.

PICARD

There is a solution which presents itself.

DATA

Yes, sir?

PICARD

Undergo the procedure, then the transfer order becomes moot.

DATA

I will not submit to this procedure.

Picard rises, and seats himself on the corner of the desk, closing the distance with Data.

PICARD

Data, I understand your objections to this procedure, but I also have to consider Starfleet's interests. If Commander Maddox is correct there is a possibility that many more beings such as yourself could be constructed.

DATA

True, but possibility is a word which can encompass any number of outcomes -- good and bad.

PICARD

But if he's right, Starfleet would be immeasurably enriched.

9 CONTINUED: (2)

DATA

Captain, I am a Starfleet officer. Can they force me to do this?

PICARD

It's precisely because you are a Starfleet officer that they can. We take an oath to serve. In this case this is the form your service is taking.

DATA

Sir, Lieutenant La Forge's eyes are far superior to human biological eyes, true?

PICARD

Yes.

DATA

Then why are not all human officers required to have their eyes replaced with cybernetic implants?

Picard is utterly at a loss for words. We can see the confusion on his face as he struggles for an answer to this unanswerable remark. Data rises with great dignity.

DATA

(continuing)

I see. It is precisely because I am not human.

PICARD

That will be all, Mister Data.
(jabs open the com
on his desk)
Computer. Pull all relevant Starfleet regulations concerning officer transfers.

COMPUTER VOICE

Working.

Page after page of regulations begin to scroll across the screen. Picard, knuckling his chin, studies them in frowning abstraction.

10 INT. JAG OFFICE

Phillipa at her desk working. Picard enters. She looks up in surprise.

PHILLIPA

My God, twice in as many days.

PICARD

I need your help.

PHILLIPA

An historic moment.

PICARD

I've been trying to make heads or tails of this gibberish, and it's finally defeated me. My android officer has been transferred so he can undergo a highly dangerous procedure. I want to stop it.

PHILLIPA

He can refuse to undergo this procedure, but we can't stop the transfer.

PICARD

Once Maddox has Data under his control anything could happen. I don't trust that man.

PHILLIPA

We agree to certain risks when we join Starfleet.

PICARD

(pacing)

Acceptable risks, justified risks, yes, but I can't accept this. It's unfair and unjust. What about his rights...

PHILLIPA

All this passion over a machine.

PICARD

(raising a warning
finger)

Don't start. Is there an option?

10 CONTINUED:

PHILLIPA

There's always an option. He can resign.

Phillipa suddenly rises and comes around the desk to Picard. She is very close, her body language is one of yearning, but her voice still has that flippant tone.

PHILLIPA

(continuing)

So you came to me for help.

PICARD

(stiff because he thinks she's taunting him)

Yes, I came to you. You're the JAG officer in this sector. I had to come to you.

He starts to leave.

PHILLIPA

Wait! I didn't mean it that way. I'm... I'm glad that you thought you could... well, come to me.

PICARD

Trust is too painful a word.

PHILLIPA

I wish things were different for us.

11 INT. DATA'S QUARTERS (OPTICAL)

Data is packing. A handgrip lies open on the desk top. There is a holocube on the top to the clothing. Data triggers it, and a miniature of Tasha Yar stands on the desk. He regards the image for a few seconds, then removes a box from a desk drawer. Opens it and studies his medals. Places it in the case. Finally he lifts an antique bound book. As he replaces the book, Maddox enters. Maddox lifts out the book, finds a marker at the sonnet, looks surprised.

11 CONTINUED:

MADDOX

"When in disgrace with fortune
and men's eyes,
I all alone bewep my outcast
state... "

Is it just words to you, or do
you fathom the meaning?

DATA

It is customary to request
permission before entering an
individual's quarters.

MADDOX

I thought we could talk this out,
that I could try to reassure you.
Your memories and knowledge will
remain intact.

DATA

Reduced to mere sterile facts
of the events. The substance,
the flavor of the moment could
be lost. Take games of chance...

MADDOX

Games of chance?

DATA

Yes, I had read and absorbed every
treatise and textbook upon the
subject, and felt myself tolerably
well prepared for the experience.
Yet, when I finally played poker,
I discovered that the reality bore
little resemblance to the rules.

MADDOX

The point being?

DATA

That while I believe that you can
download the information contained
in the positronic brain, I do not
think you have acquired the
expertise necessary to preserve
the heart of those experiences.
There is an ineffable quality to
memory that I do not believe can
survive the shutdown of my core.

11 CONTINUED: (2)

MADDOX

(looking at Data with
wonder)

Ineffable quality. I would
rather that we had done this
together, but one way or the other
we are doing it. You're under
my command.

DATA

No, sir, I am not under your nor
anyone else's command. I have
resigned from Starfleet.

MADDOX

Resigned. You can't.

DATA

I regret the decision, but I must.
I am the culmination of one man's
dream. This is not ego or vanity,
but when Doctor Soong created me
he added to the substance of the
universe. If by your experiments
I am destroyed, something unique
and wonderful will be lost. I
cannot permit that, I must protect
the dream.

MADDOX

And so must I. Keep packing,
you will be reporting.

He exits as we:

FADE OUT.

END OF ACT TWO

ACT THREE

FADE IN:

A12 EXT. SPACE - THE ENTERPRISE (OPTICAL)

in parking orbit near Starbase one-seven-three.

12 INT. JAG OFFICE

PICARD (V.O.)

Captain's log, supplemental.
Commander Bruce Maddox, having
been thwarted by Data's abrupt
resignation from Starfleet is now
seeking a legal remedy for his
woes. Captain Louvois has
requested my presence at those
discussions.

Phillipa seated watching Maddox preambulate. Picard,
rigid with fury stands nearby. Phillipa is
expressionless listening to the arguments.

MADDOX

(to Picard)

Your response is emotional and
irrational. You're endowing Data
with human characteristics because
it looks human. But it's not.
If it were a box on wheels I
wouldn't be facing this
opposition.

PHILLIPA

Overt sentimentalism is not one
of Captain Picard's failings.
Trust me, I know.

PICARD

Data is a valued member of my
crew, an outstanding bridge
officer, a --

12 CONTINUED:

MADDOX

If I'm permitted to make this experiment the horizons for human achievement become boundless. Consider, every ship in the Federation with a Data on board. Utilizing their tremendous capabilities. Acting as our hands and eyes in dangerous situations. That is worth a little inconvenience.

PHILLIPA

Look, you're preaching to the choir here.

(touches her breast)

So why don't you get to the point?

MADDOX

(palms flat on the desk
he leans in on her)

Data must not be permitted to resign.

PICARD

He's an officer in Starfleet.
He has certain rights...

MADDOX

Rights! Rights! I'm sick to death of hearing about rights! What about my right not to have my life work subverted by blind ignorance?

PHILLIPA

We have rule of law in this Federation. You can't simply seize people, and experiment with them to prove your pet theories.

MADDOX

Now you're doing it. Data is an extraordinary piece of engineering, but it is a machine. If you permit it to resign it will destroy years of work in robotics. Starfleet doesn't have to allow the resignation --

12 CONTINUED: (2)

PICARD

Starfleet is not an organization
that ignores its own regulations
when they become inconvenient.
Whether you like it or not, Data
(separating and
punctuating each word)
does... have... rights.

MADDOX

(visibly calming himself
and ignoring Picard)
Let me put it another way. Would
you permit the computer on the
Enterprise to refuse a refit?

PHILLIPA

(nodding thoughtfully)
An interesting point, but the
Enterprise computer is property.
Is Data?

MADDOX

Of course.

PHILLIPA

There might be law to support that
position.

PICARD

A decision with such broad-ranging
implications must be supported
by an official ruling.
(to Phillipa, icy)
And I trust you will apply the
same zeal to your research that
you used during the Stargazer
court-martial.

13 INT. TEN-FORWARD

A farewell party is in full swing. Present are Riker,
Data, TROI, Wesley, PULASKI, Geordi and Worf. On a
table are piled some gaily wrapped gifts. Data is
carefully opening the wrapping on a present while
people watch.

WESLEY

You're supposed to rip the
wrapping off a present.

13 CONTINUED:

DATA

But with the application of a little care, Wes, the paper can be utilized again.

WESLEY

You're missing the point.

Data considers, then in an effort to accommodate Wesley he rips the paper. The paper falls away revealing an antique book. Data reads from the binding.

DATA

The Dream of the Fire, by K'Ratak.
Thank you, Worf.

WORF

It was in the hands of the Klingons that the novel attained its full stature.

PULASKI

I couldn't disagree more, but we'll save that argument for another day. Now listen carefully. I didn't get you a present --

DATA

That is quite all right. None was expected...

PULASKI

(interrupting)

Instead I'm going to give you something far more valuable -- my advice. You've spent years in the womb of Starfleet. Now you're about to start a new life. You'd be wise to consider the experiences offered by groundside living.

DATA

Thank you. I will take that under advisement.

(noticing Geordi sitting alone in a corner nursing a drink)

Excuse me, please.

(to Geordi)

Is something wrong?

13 CONTINUED: (2)

GEORDI

Of course there is. You're going away.

DATA

No one regrets the necessity more than I, but you do understand my reasons?

GEORDI

Oh yeah, I understand. I just don't like your being forced out. It's not fair.

DATA

Doctor Pulaski would, at this juncture, no doubt remind us that life is rarely fair.

GEORDI

Sorry, but that doesn't make it any easier.

DATA

(slowly, a little awkwardly)
I shall... miss you.

GEORDI

(rising)
Me too.
(he gives Data a fierce hug)
You take care, Data.

In another part of the room Riker joins Troi.

RIKER

Deanna... does Data have... do you feel anything from him?

TROI

I can't sense anything from Data. But that proves nothing. There are many minds from which I can read no meaning.

RIKER

There's got to be more to him than software, nets and chips.

13 CONTINUED: (3)

TROI

It is possible that Commander Maddox is correct and we are anthropomorphizing Data. Assigning to him emotions and responses which he may not have.

RIKER

I'm not sure I see that as a problem.

Riker and Troi realize that a silence has fallen over the room. They look to where Maddox stands framed in the doorway.

MADDOX

(sarcastically)

A little farewell celebration?

RIKER

(stepping forward)

Yes, to which I don't recall inviting you.

MADDOX

I couldn't miss this. I can't wait to hear Data's plans.

DATA

They are currently somewhat indefinite, but my programming offers a number of alternatives.

(crossing to Wesley,
and dropping an arm
over the boy's
shoulders)

I am considering teaching. I have had some success with my star pupil.

The next speech is delivered by a man who really knows better, but can't stop himself. His anger is fueled by his sense of loss -- his life work is crumbling before his eyes because he believes that without Data he cannot succeed. Thus his reputation is also on the line.

MADDOX

I have a better idea. Carnival work. They could bill you as the walking encyclopedia. Ask him any question --

13 CONTINUED: (4)

The WHISTLE of the com panel interrupts him. Riker moves to answer.

PICARD'S COM VOICE

Number One, Captain Louvois has called. We're expected in her office. Meet me in Transporter Room Five.

RIKER

(touches his insignia)

On my way.

(to Maddox)

I know you're just leaving. I'll escort you.

They start toward the door.

13A EXT. SPACE - THE ENTERPRISE

as before.

14 INT. JAG OFFICE

Riker and Picard already there.

PHILLIPA

I have completed my research, and based on the Acts of Gould passed in the early twenty-first century, Data is the property of Starfleet. He cannot resign and he cannot refuse to cooperate with Commander Maddox.

PICARD

And if I challenge this ruling?

PHILLIPA

I will be required to hold a hearing.

PICARD

Then I so challenge. Convene your hearing.

Phillipa is taken aback. She was not prepared for this.

14 CONTINUED:

PHILLIPA

Captain, that would be exceedingly difficult. This is a new base. I have no staff --

PICARD

Surely there are regulations to cover this eventuality.

PHILLIPA

There are. I can use serving officers as legal counsel. You as senior officer would defend.

PICARD

Very well.

RIKER

And who gets the unenviable task of prosecuting this case?

PHILLIPA

You do. The next most senior officer aboard defendant's ship.

RIKER

I can't. I won't. Data's my friend, my comrade. We've served together and I not only respect him, I have affection for him.

PHILLIPA

This isn't about friendship. This is about duty, and how we search for truth.

RIKER

A system that pits people against each other can't be the answer.

PHILLIPA

When people of good conscience have an honest dispute we sometimes must resort to this kind of adversarial system.

14 CONTINUED: (2)

RIKER

You want me to try and prove that Data's a mere machine. I can't. I don't believe it. I know he's more than that. I'm neither qualified nor willing to do this. You're going to have to find someone else.

PHILLIPA

Then I'll rule summarily based upon my findings. Data's a toaster. Have him report to Commander Maddox immediately for experimental refit.

Silence holds the room. Phillipa cold, implacable. Riker stricken. Picard weighing, measuring, evaluating his First Officer.

RIKER

(bitterly)

I see I have no choice but to agree.

PHILLIPA

Good. But you better do your duty in that courtroom. If I think for one minute that you're not giving me your best effort I'll end this right then and there.

PICARD

You don't have to remind us of our duty. Just remember yours.

PHILLIPA

(with a cold look)

I've never forgotten it. Not then, and certainly not now.

FADE OUT.

END OF ACT THREE

ACT FOUR

FADE IN:

15 INT. MAIN BRIDGE

Riker, Wesley and Worf are at their accustomed stations. Data is crossing from the turbolift to the Ready Room.

16 INT. CAPTAIN'S READY ROOM

Picard at his desk with the reader on.

PICARD

(cutting straight to
the heart of the
matter, with no attempt
to soften the blow)

Captain Louvois has issued a ruling that you are the property of Starfleet Command. You can't resign.

DATA

I see... from limitless options I am reduced to none, or rather one. I can only hope that Commander Maddox is more capable than it would appear.

PICARD

No, you're not going to submit. We're going to fight this. Captain Louvois may be overly attached to the letter of the law, but she has not forgotten its spirit. She's convening a hearing and we are going to lay the question of your legal status to rest once and for all.

(he rises, and paces
away, turns back, and
adds uncomfortably)

I have been asked to represent you, but if there is some other officer with whom you would feel more comfortable --

DATA

Captain, I have complete confidence in your ability to represent my interests.

17 INT. ENTERPRISE GYMNASIUM

Picard is fencing with his usual opponent. Riker enters. Picard continues fencing.

PICARD

Care to try your hand, Number One?

RIKER

Another time. It's too close to our real contest.

PICARD

(exchanging blows with his opponent)
This isn't about you and me.

RIKER

Isn't it? Data may be the issue, but our performances are what will be judged.

PICARD

(exchanging several lightning blows with his opponent)
That's the nature of the adversarial process.

RIKER

Which can only work when the opponents are of equal ability.

PICARD

(turning very slowly, leaning on his sword and regarding Riker)
Are you suggesting that we are not evenly matched?

RIKER

No, but for Data's sake it has to be said. I've been forced into this, and I have only one option. To give this my best effort.

17 CONTINUED:

PICARD

I see.

(slash)

Then... you are here...

(slash)

to warn me...

(slash)

that you are going to do...

(slash)

Everything within your power and
within the boundaries of the
law...

(slash)

to win!

Picard drives his opponent completely across the room.

RIKER

Yes.

PICARD

So am I.

Riker exits.

18 INT. DATA'S QUARTERS

Picard seated. He has a PADD ready to take notes.
Data seated nearby. The travelcase still open on the
desk behind them.

PICARD

All right, I'm going to need to
know everything about you.

DATA

Sir, all of that information is
stored in the Enterprise computer
banks.

PICARD

I want to hear it from you.

18 CONTINUED:

DATA

(cocking his head like
a puzzled bird)

Very good, sir. Activation
occurred twenty-seven years ago
on Omicron Theta. I entered the
Academy in '44, and graduated in
'48 with honors in probability
mechanics and exobiology. First
posting...

PICARD

Data, Data, Data, whoa, stop.
I could get this from the
computer.

DATA

I believe I indicated that
earlier, sir.

Picard rises and takes a turn around the room. Returns
to the desk, and begins to play unconsciously with the
objects in the travelcase.

PICARD

I need to know how you think,
what you want, how you feel. What
drives you, motivates you.

DATA

Drives? Motivates? Sir, may I
inquire as to the purpose of this
line of questioning?

PICARD

We have to prove that you're a
sentient life-form.

DATA

(extremely puzzled)
But I am not. I am a machine.

PICARD

That's not what I need to hear.

DATA

How can we deny the obvious?

PICARD

We're searching for an argument
which will legally deny that
obvious fact.

18 CONTINUED: (2)

DATA

But if it is a fact how can
argument alter --

PICARD

Data!

DATA

Sir?

PICARD

Stop babbling.
(rewinding the threads
of his fast-tattering
patience)
The law recognizes many things
as people that aren't possessed
of flesh and blood. It's a little
legal fiction, you see.

DATA

I am beginning to understand why
Shakespeare wrote, let us kill
all the lawyers.

Picard reseats himself, but we can tell from his weary
expression that this is going to be a long session.

19 OMITTED

19A INT. COMPUTER ROOM (OPTICAL)

Multiple computers surround Riker. Some screens are
filled with legal decisions, others with technical
jargon. Riker calls up information on one. Makes a
notation on his PADD.

RIKER

Computer, identify Riker, William
T. Clearance level blue.

COMPUTER VOICE

Identified. Ready.

RIKER

Access all technical schematics
of Lieutenant Commander Data.

COMPUTER VOICE

Working.

19A CONTINUED:

A schematic appears flagged with Top Secret. Need to Know.

RIKER (V.O.)

Personal log. Zero three hundred.
I should be resting. Instead I
continue to prepare for a duty
I do not wish to perform. Truth
should not be reduced to a prize
in a battle of wills and words.

Riker is suddenly arrested by something he sees on a screen. His expression is first one of excitement as he realizes he now has the means to win this case. Then bleak sadness as he realizes the import of his victory.

He punches off the recorder, his expression bleak and exhausted.

20 INT. COURTROOM

High-tech room. An amphitheater-like arrangement where spectators can sit. Picard with Data seated at their table. Riker and Maddox to their right at another table. Phillipa enters.

COMPUTER VOICE

All rise.

PHILLIPA

(seats herself behind
the bench)

Be seated. Counselors, are you
ready?

PICARD/RIKER

We are, your honor.

PHILLIPA

This hearing convened on stardate
42524.1 is to determine the legal
status of the android known as
Data. The office of the Judge
Advocate General has rendered a
finding of property, defense has
challenged. Commander Riker.

20 CONTINUED:

RIKER

Your honor, there is only one issue in this case and one relevant piece of evidence. I call Lieutenant Commander Data.

Data seats himself in the witness chair, and places his hand on the scanner.

COMPUTER VOICE

Verify, Lieutenant Commander Data.
Current assignment, USS
Enterprise. Starfleet Command
Decoration for...

RIKER

Your honor, we'll stipulate to all of this.

PICARD

(leaping to his feet)
Objection, your honor, I want it read. All of it.

PHILLIPA

Sustained.

COMPUTER VOICE

(resuming)
... Gallantry, Medal of Honor with
clusters, Legion of Honor, the
Star Cross.

RIKER

Commander Data, what are you?

DATA

(looking to Picard for
guidance, Picard nods
to him to answer)
An android.

RIKER

Which is?

DATA

Webster's Twenty-Third Century
Dictionary, Fifth Edition, defines
Android as an automaton made to
resemble a human being.

20 CONTINUED: (2)

RIKER

(musing)

An automaton. Made. Made by
whom?

DATA

Sir?

RIKER

Who built you, Data?

DATA

Doctor Noonien Soong.

RIKER

And he was?

DATA

The foremost authority in
cybernetics.

RIKER

More basic than that. What was
he?

DATA

(puzzled, but groping
for the right answer;
he says questioningly)

A human?

RIKER

Thank you. Data, what is the
capacity of your memory, and how
fast can you process information?

DATA

I have an ultimate storage
capacity of eight hundred
quadrillion bits. My total linear
computational speed has been rated
at sixty trillion operations per
second.

Riker moves to his table, and picks up a steel bar of
great thickness.

RIKER

Your honor, I offer into evidence
prosecution's exhibit A. A bar
of plasteel with a tensile
strength of forty kilo-bars.

20 CONTINUED: (3)

Phillipa inspects the exhibit, and hands it back to Riker.

RIKER

(continuing)

Commander Data, would you please bend that.

PICARD

(again on his feet)

Objection, your honor. Many races possess meta-human strength. It's not relevant to the issue before this court.

PHILLIPA

I'm afraid I can't agree, Captain. Proceed with the demonstration, Commander Riker.

Data easily bends the bar. Phillipa again inspects it.

RIKER

(to Phillipa)

Drawing on the log record of the construction of the prototype android Lore, also constructed by Noonien Soong, I request that I be allowed to remove Commander Data's hand for your inspection.

PICARD

Objection! What is the point of all this?

PHILLIPA

The issue before this court is whether Data is machine, and by extension property. I'd say this is pretty damn relevant.

Riker removes Data's hand.

RIKER

(sotto voce to Data)

I'm sorry.

Riker offers it to Phillipa who inspects it. Hands it back to Riker.

20 CONTINUED: (4)

RIKER

(continuing)

Data is a physical representation of a dream, an idea conceived of by the mind of a man. His purpose? To serve human needs and interests. He is a collection of neural nets and heuristic algorithms. His responses are dictated by an elaborate software program written by a man. The hardware

(slapping the hand against his palm)
was built by a man.

Riker has been preambulating around the courtroom, each step bringing him closer to Data. He is now at his side, and without warning he leans down, presses the switch, and turns him off. Data collapses like a broken toy.

RIKER

(continuing)

And this man has turned him off. Pinocchio is broken, the strings are cut.

Riker lays the hand down next to Data. Shocked silence fills the room. Picard's reaction -- shock and certainty that he cannot win.

PICARD

I request a recess.

PHILLIPA

Granted.

Riker who, as he walks to his chair, is in agony. A single tear runs down his cheek. He has destroyed a friend.

FADE OUT.

END OF ACT FOUR

ACT FIVE

FADE IN:

21 INT. TEN-FORWARD

The lounge is deserted, lights very low creating the implication that it is very late. Picard is seated at a table facing out the windows. An empty glass stands before him. He is turning it, turning it, turning it. His expression is death weary and very sad. GUINAN is at the bar puttering, but never taking her eyes off that solitary figure. Finally she can stand it no longer. Drawing two drinks she slides from behind the bar and crosses to him.

GUINAN

You should get some sleep.

PICARD

I've lost, and I'm not even sure I mind. Data is a machine. But there is something bothering me. Something I'm missing. Or is it just wounded pride that I've lost and in front of her.

GUINAN

What is it that lies between you?

PICARD

(waving it aside)
Ancient history.

GUINAN

Unfortunately the past always resonates in the present, and decisions made today reach into the future.

PICARD

(Drumming fingers on the table, abruptly he decides to tell her. It emerges in sharp staccato.)
The Stargazer court-martial. It should have been a routine hearing. Yes, I had lost my ship, but my actions were entirely justified.

(MORE)

21 CONTINUED:

PICARD (Cont'd)

Phillipa was assistant to the prosecution. She dug up every obscure case and citation and the panel hammered at me for three days. It damn near ended my career. It did end us. She's enjoying this situation. She knows I disapprove of the adversarial system. Now she's forced me into active participation, and she's both pleased and angered to see me fail.

GUINAN

Emotions. They're such slippery, contradictory things. It's a wonder any of us ever crawled out of the oceans, or swung down out of the trees.

PICARD

(pushing back his chair)

Well, there's only one thing to do. I go to her in the morning, and we discuss a deal.

GUINAN

(thoughtfully studying
her hands)

I had heard a lot about you before I joined the Enterprise. About how Picard was a man who never knew when to lie down and admit he was beat.

PICARD

I have to salvage at least some of Data's rights. If Data agrees to undergo Commander Maddox's procedure we can get out of this hearing before he's declared the property of Starfleet command.

GUINAN

If Commander Maddox is successful in disassembling and reassembling Data, what has he gained?

PICARD

The ability to build another. A hundred others, a thousand.

21 CONTINUED: (2)

GUINAN

To do what?

PICARD

Explore for us. Enter the dangerous situations.

GUINAN

All those future Datas risking their lives for the people who created them.

PICARD

(very intent)

You said something earlier about decisions today.

GUINAN

Having implications for the future.

PICARD

Precedent! This case will set the precedent for all the future Datas. It will determine their status, and they'll all be property.

GUINAN

There is an ancient word for it -- slavery.

PICARD

(very excited)

Not a word we want back in our vocabulary.

They each lift a glass and toast each other.

GUINAN

Good luck, sir.

They drink.

22 INT. COURTROOM (OPTICAL)

Everyone in their original positions.

22 CONTINUED:

PICARD

(making his opening
statement)

Commander Riker has dramatically demonstrated to this court that Lieutenant Commander Data is a machine. Do we deny that? No. But how is this relevant? We too are machines, just machines of a different type. Commander Riker has continually reminded us that Data was built by a human. We do not deny that fact. But again how is it relevant? Does construction imply ownership? Children are created from the building blocks of their parents' DNA. Are they property? We have a chance in this hearing to severely limit the boundaries of freedom. And I think we better be pretty damn careful before we take so arrogant a step. I call Lieutenant Commander Data to the stand.

Data returns to the witness stand. Picard pulls from beneath the table the android's travelcase. Places it on the table, opens it.

PICARD

(continuing; lifts out
the case of medals,
and displays the
contents)

What are these, please?

DATA

My medals.

PICARD

Why pack them? What logical purpose do they serve?

DATA

I... I do not know, sir. None I suppose. I just wanted them. Is that vanity?

22 CONTINUED: (2)

PICARD
(holding up the book
of sonnets)
And this?

DATA
It was a gift from you, sir.

PICARD
You value it?

DATA
Yes, sir.

PICARD
Why?

DATA
It is a reminder of friendship
and service.

PICARD
(lifts out the holocube,
and triggers it; Tasha
stands before them)
And this? You have no portraits
of any other of your crewmates.
Why this person?

DATA
I would prefer not to answer that
question, sir. I gave my word.

PICARD
Mister Data, may I remind you, that
you are under oath.
(more gently now)
And under the circumstances, I
don't think Tasha would mind.

DATA
(swallowing convulsively
several times)
She was important to me... we
were... intimate.

Phillipa is literally rocked back in her chair.

PICARD
I have no further questions of
this witness.

22 CONTINUED: (3)

PHILLIPA

Commander Riker, do you wish to
cross?

RIKER

I have no questions, your honor.

PICARD

I call to the stand Commander
Bruce Maddox as a hostile witness.

Riker and Maddox confer, then with a shrug Maddox seats
himself in the witness chair.

COMPUTER VOICE

Verify, Maddox, Bruce, Commander.
Current assignment, Chair of
Robotics, Federation Institute
of Technology. Major papers...

PICARD

Enough. Suffice it to say, he's
an expert.

(right up in his face)

Commander Maddox, it is your
contention that Data is not a
sentient being and therefore not
entitled to those rights reserved
for all other life-forms in this
Federation?

MADDOX

Data is not sentient, no.

PICARD

Why, Commander?

MADDOX

Because Data is a piece of
outstanding engineering and
programming.

PICARD

What is required for sentience?

MADDOX

Intelligence, self awareness,
consciousness.

PICARD

Do you know what sentience is,
Commander?

22 CONTINUED: (4)

MADDOX

Of course.

PICARD

Excellent. Then you can enlighten
the rest of us.

All of Picard's delivery needs to be sharp and
staccato.

PICARD

(continuing; right in
Maddox's face)

Prove to this court that I'm
sentient.

MADDOX

(to Phillipa)

This is absurd!

PICARD

Why? Because you can't do it?

MADDOX

No, it's just pointless. We all
know you're sentient.

PICARD

So I'm sentient, but Data isn't?

MADDOX

That's right.

PICARD

Why?

MADDOX

Well... well, you're self aware.

PICARD

Ah, the second ingredient. But
let's deal with the first
requirement. Is Data
intelligent?

MADDOX

Yes.

PICARD

Why?

22 CONTINUED: (5)

MADDOX

It has the ability to learn and understand, and to cope with new situations.

PICARD

Like this hearing. What about self awareness. What does that mean? Why am I self aware?

MADDOX

Because you are conscious of your existence and actions. You're aware of yourself and your own ego.

PICARD

Data, what are you doing now?

DATA

I am taking part in a legal hearing to determine my rights and status. Am I property or person?

PICARD

And what's at stake?

DATA

My right to choose. Perhaps my very life.

PICARD

My rights. My status. My right to choose. My life. He seems pretty damn self aware to me. Well, Commander Maddox, I'm waiting.

MADDOX

This is exceedingly difficult...

PICARD

Do you like Data?

MADDOX

(completely taken aback)
I don't know it well enough to like or dislike it.

PICARD

But you admire him?

22 CONTINUED: (6)

MADDOX

Oh yes, it's an outstanding --

PICARD

(interrupting)

Piece of engineering and programming. Yes, you've said that. You've devoted your life to the study of cybernetics in general?

MADDOX

Yes.

PICARD

And Data in particular?

MADDOX

Yes.

PICARD

And now you're proposing to dismantle him.

MADDOX

So I can rebuild him and construct more!

PICARD

How many more?

MADDOX

Hundreds, thousands. There's no limit.

PICARD

And do what with them?

MADDOX

Use them.

PICARD

How?

MADDOX

As effective units on Federation ships. As replacements for humans in dangerous situations. So much is closed to us because of our fragility. But they...

22 CONTINUED: (7)

PICARD

(interrupting; he picks
up an object and throws
it down a disposal
chute)

Are expendable.

MADDOX

It sounds harsh but to some
extent, yes.

PICARD

Are you expendable, Commander
Maddox? Never mind. A single
Data is a curiosity, a wonder,
but a thousand Datas, doesn't that
become a new race? And aren't
we going to be judged as a species
about how we treat these
creations? If they're expendable,
disposable, aren't we? What is
Data?

MADDOX

What? I don't understand.

PICARD

What... is... he?

MADDOX

(angry now and hostile)
A machine!

PICARD

Is he? Are you sure?

MADDOX

Yes!

PICARD

But he's met two of your three
criteria for sentience, and we
haven't addressed the third. So
we might find him meeting your
third criterion, and then what
is he?

MADDOX

(driven to his limit)
I don't know. I don't know!

22A ANOTHER ANGLE

Reaction shot from Phillipa.

PICARD

He doesn't know.

(to Phillipa)

Do you? That's the decision you're facing. Your honor, a courtroom is a crucible. In it we burn away the egos, the selfish desires, the half-truths, until we're left with the pure product -- a truth -- for all time. Sooner or later it's going to happen. This man or others like him are going to succeed in replicating Data. And then we have to decide -- what are they? And how will we treat these creations of our genius? The decision you reach here today stretches far beyond this android and this courtroom. It will reveal the kind of a people we are. And what

(points to Data)

... they are going to be. Do you condemn then to slavery? Starfleet was founded to seek out new life.

(indicating Data)

Well, there he sits, your honor, waiting on our decision. You have a chance to make law. Well, let's make a good one. Let us be wise.

PHILLIPA

This case touches on metaphysics, and that's the province of philosophers and poets. Not confused jurists who don't have the answers. But sometimes we have to make a stab in the dark, and speak to the future. Is Data a machine? Absolutely. Is he our property? No... (this will be rewritten with additions).

The courtroom erupts in joy. Phillipa starts to leave then crosses to Picard.

22A CONTINUED:

PHILLIPA

(continuing)

You see, sometimes it works.

Picard watches her walk away, conflicting emotions washing across his face.

22B ANOTHER ANGLE

Data walks to Maddox who is looking confused, guilty and sad.

DATA

Continue your work, Commander,
and when you are ready I will
still be here.

MADDOX

You'd be willing after what I've
put you through?

DATA

Yes, it would be a less lonely
universe if there were more of
my kind.

Phillipa comes up unnoticed by Data and Maddox.

MADDOX

(watching Data walk
away)

He's remarkable.

PHILLIPA

You didn't call him "it."

Maddox looks startled, then smiles.

23 INT. OBSERVATION LOUNGE (OPTICAL)

Riker sitting alone in the darkness staring out the windows as the stars rush past. Data enters. Riker does not turn.

DATA

Sir, there is a celebration on
the Holodeck.

RIKER

I have no right to be there.

23 CONTINUED:

DATA
(edging closer)
Because you failed in your task?

RIKER
(slewing around in his
chair at that)
No, God, no. Data, I came this
close to winning.

Riker indicates a bare inch with thumb and forefinger.

DATA
Yes, sir.

RIKER
(in agony just
remembering)
I could have cost you your life!

DATA
(moving in, and seating
himself opposite Riker)
Yes, that is true, but
Commander... Will, I have learned
from your experience.

RIKER
What could you have possibly
learned from this kind of ordeal?

DATA
That at times one must deny their
nature, sacrifice their own
personal beliefs to protect
another. Is it not true that had
you refused to prosecute, Captain
Louvois would have ruled summarily
against me?

RIKER
Yes.

DATA
That action injured you, and saved
me. I will not forget.

RIKER
(taking his hand)
You're a wise man, my friend.

23 CONTINUED: (2)

DATA

Not yet sir, but with your help
I am learning.

Riker clasps Data's shoulder, squeezes, as they shake
hands, and we:

FADE OUT.

END OF ACT FIVE

THE END