

THE TORTURE REPORT

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As-Produced Script

1 **EXT. OFF-SITE LOCATION - VIRGINIA - NIGHT - COLD OPEN - FLASH FORWARD** 1

A windowless CIA off-site facility. Armed security guard the entrance.

 CLIFFORD (PRE-LAP)
How long have you been working on
this project, Dan?

 DANIEL JONES (PRE-LAP)
Five years.

 CLIFFORD (PRE-LAP)
Five, wow.

2 **INT. OFF-SITE BASEMENT - WINDOWLESS ROOM - NIGHT - CONTINUOUS** 2

DANIEL JONES (30s) enters a secured room.

 CLIFFORD (PRE-LAP)
Every day? Nights, weekends?

Dan flips on the lights, revealing the walls -- covered with documents and black and white mugshot-like photographs.

 DANIEL JONES (PRE-LAP)
It's been very consuming.

Dan approaches a desk. He opens a drawer and takes out an envelope with the words "Panetta Review" written on it.

3 **INT. CLIFFORD'S CONFERENCE ROOM - DAY - FLASH FORWARD - INTERCUT** 3

Dan with attorney CY CLIFFORD (40s).

 CLIFFORD
Do you have a relationship, Dan?
Family? Just trying to get a better
sense of who you are.

 DANIEL JONES
When it started, I was seeing
someone. But, you know, the nature
of the work and the hours...

4 **INT. OFF-SITE LOCATION - STAIRWELL - NIGHT - INTERCUT** 4

Dan jogs up the stairs with haste, holding a locked document bag.

DANIEL JONES (V.O.)
I wasn't a very good partner.

CLIFFORD (V.O.)
Five years -- and it could all go
away...

5 **INT. CLIFFORD'S CONFERENCE ROOM - DAY - INTERCUT**

5

CLIFFORD
Just vanish in the face of these
allegations. I could certainly
imagine an ambitious young man like
yourself spends years with his head
buried in some terrible spectacle,
gets frustrated with the process,
sees an opportunity to get the
truth out faster -- maybe crosses a
line? I'm assuming this is the most
important thing you've ever been a
part of--

DANIEL JONES
I didn't do it.

CLIFFORD
Or, I could see an equally
ambitious senator encouraging you
to do something. Now would be a
good time to tell me.

DANIEL JONES
That did not happen. What I did, I
did on my own.

6 **INT. OFF-SITE LOCATION - SECURITY AREA - NIGHT - INTERCUT**

6

DANIEL JONES (V.O.)
I acted alone.

Dan walks through the lobby and scans his ID card. We will
see this scene again.

OFF-SITE SECURITY
You ever sleep, bro?

DANIEL JONES
I used to. Got in the way of work.

Dan moves toward the door, but the security guard stops him.

OFF-SITE SECURITY
 (boilerplate)
 Anything in that bag contain the
 real names of CIA officers, assets,
 or partners, or any information
 that would be in violation of the
 agreement between the Central
 Intelligence Agency and the United
 States Senate?

DANIEL JONES
 Have a good night, Jay.

OFF-SITE SECURITY
 You too, Dan.

Dan walks out.

7 **EXT. OFF-SITE LOCATION - VIRGINIA - CONTINUOUS** 7

Dan, with his document bag over his shoulder, hurries toward
 the parking lot.

CLIFFORD (V.O.)
 So you did steal the document?

DANIEL JONES (V.O.)
 I did not steal it; I relocated it.

CLIFFORD (V.O.)
 Everyone has their own words...

8 **INT. CLIFFORD'S CONFERENCE ROOM - DAY - INTERCUT** 8

CLIFFORD
 The language is built to choose
 sides. Now, why did you "relocate"
 it?

Beat.

CLIFFORD (CONT'D)
 They can send you to jail, Dan.

9 **INT. DANIEL JONES' CAR - NIGHT - INTERCUT** 9

Dan gets in and throws the document bag onto the passenger
 seat. He takes a deep breath. Pauses.

SUPER: THE TORTURE REPORT

Dan sits with Denis McDonough, who has Dan's resume in front of him. An informal interview.

DANIEL JONES

My second day of grad school was September 11th. I was headed to a lecture and everything just...stopped. The next day, I changed all my classes to National Security.

DENIS

Good man. So, what's the long-term plan? Where do you see yourself in 10 years? You run for office?

DANIEL JONES

Oh, no, no politics for me. I think I'd be more effective behind the scenes. Somewhere I can really make a difference.

DENIS

So what about before Harvard? What'd you fill up your days with then?

DANIEL JONES

Teach for America for three years in Baltimore. Seventh graders. I read that you taught high school Spanish in St. Paul, Minnesota after college.

DENIS

And LBJ's first job was teaching at the Mexican school in south Texas. Knowing how to deal with children is a highly useful skill when working on the hill.

Dan laughs.

DENIS (CONT'D)

But, from my perspective as Senate staff, I would wait until things turn around up here. I think Senator Daschle would say the same thing. Go get some real world experience in counterterrorism, in foreign policy -- try the CIA, try FBI.

(MORE)

MARCY, Chief of Staff to Senator Dianne Feinstein, pokes her head into the meeting.

MARCY

Excuse me. Can I borrow you for a minute, Dan? The Senator would like to see you.

DANIEL JONES

Yeah, of course.

Dan gathers his things.

15 **INT. SENATOR FEINSTEIN'S BULLPEN - MOMENTS LATER** 15

Marcy and Dan walk through.

SENATOR FEINSTEIN (PRE-LAP)

Morning, Dan.

DANIEL JONES (PRE-LAP)

Morning, Senator.

16 **INT. SENATOR FEINSTEIN'S OFFICE - CONTINUOUS** 16

Dan, Marcy, and SENATOR DIANNE FEINSTEIN (70s) -- very serious and formal.

SENATOR FEINSTEIN

Have you seen the story today in the *New York Times*?

DANIEL JONES

No, Senator. I have not.

Marcy hands Dan the paper.

MARCY

Evidently, the CIA destroyed tapes of interrogations of al-Qaeda detainees.

DANIEL JONES

Did the Intel Committee know there were tapes?

SENATOR FEINSTEIN

No. This is the first I've heard of it. So, I want to find out what was on the tapes -- why they were destroyed.

MARCY

We want you to lead the investigation, Dan.

The Senator nods.

DANIEL JONES

But, if the tapes were destroyed, how do we--

SENATOR FEINSTEIN

They're saying they have written records -- thousands of pages. Let's see about that. I want you to find out exactly what they have and read every word of it.

Dan nods.

TIMELINE SUPER: 2009

17

INT. HART SENATE BUILDING - HALLWAY - MORNING

17

Dan signs in at a desk in front of the Senate SCIF. He carries a locked document bag.

PRE-LAP: sound of a gavel.

SENATOR FEINSTEIN (PRE-LAP)

This report on the destruction of tapes by the CIA has been two years in the making. The findings are very troubling, but it will remain classified.

Dan enters the SCIF. AN IMPOSING METAL DOOR closes behind him.

18

INT. SENATE SCIF - MOMENTS LATER

18

Dan sits at the witness table, facing the 15 SENATORS OF THE INTELLIGENCE COMMITTEE -- each seated behind a placard with their name.

SENATOR FEINSTEIN

Based on these revelations, a larger study into the entire CIA Detention and Interrogation program is clearly in order. All in favor say yay.

SSCI CLERK (O.S.)
Mr. Whitehouse?

SENATOR WHITEHOUSE (O.S.)
Yay.

SSCI CLERK (O.S.)
Mr. Burr?

SENATOR BURR (O.S.)
Yay.

SSCI CLERK (O.S.)
Mr. Rockefeller?

SENATOR ROCKEFELLER (O.S.)
Yay.

SSCI CLERK (O.S.)
Mr. Chambliss?

SENATOR CHAMBLISS (O.S.)
Nay.

SSCI CLERK
Mr. Risch?

The yays accumulate off screen.

SENATOR CHAMBLISS (PRE-LAP)
Now, I think this is a waste of
time...

19

INT. SENATOR FEINSTEIN'S OFFICE - LATER

19

Chambliss and Feinstein discuss the new investigation.

SENATOR FEINSTEIN
I know you voted against this,
Saxby--

SENATOR CHAMBLISS
You already had your tapes
investigation--

SENATOR FEINSTEIN
Yes, but the rest of us voted to go
further, 14-1. It is our job to
provide oversight.

SENATOR CHAMBLISS

All during the campaign, you got candidate Obama saying how he wanted to be the first post-partisan President.

SENATOR FEINSTEIN

Saxby, you know me. It's my intention that this report be seen as coming from the entire Intelligence Committee. Not just from the Democrats.

SENATOR CHAMBLISS

So, who takes the lead?

SENATOR FEINSTEIN

Well, I was thinking Dan Jones--

20

INT. DC ST. REGIS - RESTAURANT - MORNING

20

Marcy slides a DCI ID card with Dan's photo across the table to Dan.

SENATOR FEINSTEIN (V.O.)

He spent four years doing counterterrorism at the FBI. He's already got the security clearances.

Marcy gives Dan instructions on his new assignment.

MARCY

The rules are the same as the tapes investigation. No politics. No bias. And the Senator isn't interested in opinions or theories -- just facts. Based on what you found out already, this could go to a pretty dark place. You need to keep your personal feelings out of it -- that's the first thing Republicans are gonna look for. No talking to the press, or your girlfriend, or any family members. Nobody outside of the Committee.

Dan nods.

MARCY (CONT'D)

You're going to get a team of six -- three Republicans, three Democrats...

(MORE)

OFF-SITE SECURITY
Identification, gentlemen?

Sean swipes his ID, as does Dan.

SEAN
The room we've designated is a SCIF--
no phone reception. No photos. You
know the drill. Lead walls.

THEY DESCEND THE STAIRS

DANIEL JONES
And per the agreement, the room is
off limits to everyone except
Committee personnel.

SEAN
Absolutely. No one inside without
your permission.

THEY WALK DOWN A HALLWAY

DANIEL JONES
And the computers?

SEAN
Right here. Your own dedicated
server. Air-gapped work stations.

They arrive at a SERVER built into the wall.

SEAN (CONT'D)
We'll be updating the database as
we go -- the files will be loaded
on here as we collect them from
across the Agency.

DANIEL JONES
Great. We'll want all the relevant
documents as soon as possible.

SEAN
Well, we gotta vet it first.
There's a lot to--

DANIEL JONES
Vet? Director Panetta agreed to
give us everything pertaining to
the program. Who -- who would be
vetting it?

SEAN

It's a big Agency -- we gotta make sure you don't get anything you're not supposed to.

They arrive at a door with a combination pad on it and a sign: UNITED STATES SENATE INTELLIGENCE COMMITTEE STAFF ONLY. BY ORDER OF THE DIRECTOR OF CENTRAL INTELLIGENCE.

Sean punches in a code and opens the door.

24

INT. OFF-SITE BASEMENT - WINDOWLESS ROOM - CONTINUOUS

24

Dan surveys the space. A very grey, sterile room with SIX DESKS and SIX COMPUTER MONITORS. Spotless.

Dan clicks a lamp on and off, then plays around with a keyboard.

SEAN

Make yourself at home.

DANIEL JONES

There's no printer. No paper.

SEAN

No documents are allowed to leave the room without CIA approval. Paper has a way of getting people in trouble at our place.

DANIEL JONES

I think at some point we're gonna need a printer. And paper. At our place, paper is how we keep track of laws.

Beat.

DANIEL JONES (CONT'D)

Okay.

Dan walks out, Sean follows.

25

INT. OFF-SITE BASEMENT - WINDOWLESS ROOM - LATER

25

Dan sits at his computer. Fellow STAFFERS JULIAN, APRIL, and THREE REPUBLICAN STAFFERS all sit at desks surrounding Dan.

Dan types "September 11" and "al-Mihdhar" into the search engine. Hits enter. The results pop up: CIA internal documents, memos, emails. Dan reads off his computer screen.

Flashes of documents, words and images pertaining to 9/11
dart across the screen, taking us to...

26

INT. COUNTERTERRORISM CENTER - FLASHBACK

26

SUPER: 11 SEPTEMBER 2001, COUNTERTERRORISM CENTER

A room full of distraught CIA OFFICERS stare at a bank of
MONITORS playing 9/11 footage in a sickening loop. AUDIO of
NEWS COVERAGE of the terrorist attacks is heard in the
background. Phones continue to ring, but no one answers them.

GRETCHEN (30s) sits at a desk. She is approached by an
ANALYST who hands her a folder.

CIA ANALYST

You're not gonna like this.

And with that, Gretchen stands and approaches BERNADETTE,
40s, intense and grim.

GRETCHEN

We confirmed some of the names.

BERNADETTE

The hijackers?

Gretchen hands her the folder.

GRETCHEN

Two of the guys from the Malaysia
meetings -- the San Diego guys.
They took down flight 77. Pentagon.

Beat. This settles in on Bernadette hard.

She looks up at the monitors -- the towers begin to collapse
as they turn to ash. THOMAS EASTMAN (40s), CTC CHIEF COUNSEL,
enters.

EASTMAN

Attention everyone. We have reason
to believe that the
Counterterrorism Center is a
potential target. We are asking all
personnel to evacuate. Immediately.

Everyone begins to leave, but Bernadette remains in place, in
a state of shock and disbelief. Filled with regret. Finally,
she places the folder on a desk and walks out.

27

INT. DIRECTOR TENET'S OFFICE - ANOTHER DAY - FLASHBACK

27

SUPER: CIA HEADQUARTERS, SEPTEMBER 16, 2001

Push past a sign on the door: DIRECTOR CENTRAL INTELLIGENCE: GEORGE TENET. COFER BLACK, Counterterrorism Director, wanders in. Inside, Tenet watches *Meet the Press*.

CHENEY (TV)

We also have to work sort of the dark side, if you will. We're going to spend time in the shadows in the intelligence world. A lot of what needs to be done here will have to be done quietly, without any discussions...

CHENEY (TV) (CONT'D)

Using sources and methods that are available to our intelligence agencies if we're going to be successful...

TENET

Fucking warned them -- August 6th Presidential briefing: "bin Laden Determined to Strike in U.S." Flashing red lights!

COFER

And before that, in July, what did we say? "There will be significant terrorist attacks against the United States in the weeks and months to come." It's not your fault.

CHENEY (TV)

It is a mean, nasty, dangerous, dirty business out there, and we have to operate in that arena. I'm convinced we can do it. We can do it successfully. But we need to make certain that we have not tied the hands, if you will, of our intelligence communities.

28

INT. CIA CONFERENCE ROOM - TWO DAYS LATER - FLASHBACK

28

Tenet, Cofer, CIA CHIEF COUNSEL JOHN RIZZO, Thomas Eastman, and others gather.

TENET

Counterterrorism Director Black and I saw President Bush at Camp David this weekend -- and the President gave me his word that there will be no changes in CIA leadership as a result of Tuesday's attacks. We will look forward now -- and not waste time second guessing, or looking for blame. Going forward, we will be the tip of the spear in the battle against al-Qaeda.

COFER

As I said to the President -- two weeks, we'll have flies walking across al-Qaeda eyeballs.

TENET

I've asked Chief Counsel Rizzo here to walk us through where we are from a legal standpoint.

RIZZO

The President has issued a Memorandum of Notification giving CIA the power to capture and detain suspected terrorists on the battlefield.

EASTMAN

Detain them where? Are we bringing them to the US?

COFER

We're really not in the prison business over in Counterterrorism.

TENET

Look, the budget for Counterterrorism last week was, what, 600 million dollars? The budget this week is whatever you need it to be, and we are in whatever business it takes to get the job done.

DANIEL JONES (PRE-LAP)

Initially CIA legal stated...

Dan briefs Senator Feinstein and Marcy, the first of many such meetings.

DANIEL JONES

...that any facility used to hold detainees had to meet the requirements of the US Bureau of Prisons. But, then Deputy Director Pavitt thought that was going to be too limiting.

MARCY

So, who came up with black sites?

DANIEL JONES

Not totally clear. My guess is either a senior officer at Counterterrorism -- CTC -- or ALEC station bin Laden unit decided black sites were the best option.

SENATOR FEINSTEIN

Well, did the CIA tell the State Department they were making deals to hold people on foreign soil? Where was Secretary of State Powell in all this?

DANIEL JONES

Well, I found a memo -- the CIA's General Counsel said the decision was made not to tell Powell about the program because...

Dan leafs through some documents. Finds a quote.

DANIEL JONES (CONT'D)

He would "blow his stack if he were to be briefed on what was going on."

SENATOR FEINSTEIN

Well, who decided that?

DANIEL JONES

Someone inside the White House.

SENATOR FEINSTEIN

Mhm. What about interrogations?

DANIEL JONES

President Bush's memoranda just authorized capturing and detaining - it didn't say anything about interrogations.

SENATOR FEINSTEIN

And who gave them permission to play that role?

DANIEL JONES

Nobody. Looks like it started with legal at CTC.

Beat.

DANIEL JONES (CONT'D)

Do you want me to brief Senator McCain on this? I know he's interested--

SENATOR FEINSTEIN

The Republicans just pulled out of the study, Dan.

30

INT. OFF-SITE BASEMENT - WINDOWLESS ROOM - NEXT DAY

30

April walks in. Notices only half the staff are now here.

DANIEL JONES

Good morning.

APRIL

Where is everybody?

DANIEL JONES

Attorney General Holder opened a criminal investigation into the CIA. As a result, the Agency won't allow any of their people to be interviewed for our report. The Republicans don't see how we can move forward, so they're out.

APRIL

So does this mean we stop? I mean, the Committee voted to investigate--

DANIEL JONES

The Senator says we keep going.

JULIAN

But, we can't actually speak to anyone who was involved in the program.

DANIEL JONES

Right. According to CIA legal, CIA personnel is only speaking to DOJ.

APRIL

And is DOJ going to share their findings? I mean, can we work with them?

DANIEL JONES

I've reached out to the special prosecutor -- I'm waiting to hear back.

APRIL

Okay. But, if nobody who actually worked on the program is going to talk to us, how do we investigate?

DANIEL JONES

So, we have their files, their emails and cables, their memos. We have to use their own communications to tell the story.

APRIL

Do you have any idea how hard that's gonna be? The tapes investigation took two years, Dan, and this is about a lot more than what was on the tape.

JULIAN

Yeah, we don't even know what 'this' is.

DANIEL JONES

Right, but we do know who it starts with. We go one detainee at a time.

Dan returns to his computer. April and Julian follow suit. Dan types "Abu Zubaydah" "March 2002" "Detention Site Green" into the search engine.

Flashes of documents, words and images pertaining to Abu Zubaydah dart across the screen, taking us to...

31

EXT. AIRSTRIP - DETENTION SITE GREEN - NIGHT - FLASHBACK

31

SUPER: DETENTION SITE GREEN, MARCH 2002

ABU ZUBAYDAH, strapped to a gurney, is wheeled from a plane on a palm tree lined airstrip. He is met by a small group of MEN. One of them is ALI SOUFAN of the FBI.

Ali says something to Zubaydah in Arabic. No answer.

ALI
You speak English?

Zubaydah moans from a fresh gunshot wound.

ALI (CONT'D)
My name is Ali Soufan. I'm with the
FBI...You're under arrest. Do you
understand?

ABU ZUBAYDAH
Where are you taking me?

Zubaydah is transported into a large van.

32

INT. DETENTION SITE GREEN - INFIRMARY - DAY - FLASHBACK

32

Ali Soufan sits with his PARTNER and Abu Zubaydah, who is still in CRITICAL condition from his wounds. Ali gently puts blocks of ice on Zubaydah's lips.

ALI
Your wound is infected, but we are
going to take good care of you.

Beat.

ALI (CONT'D)
I want to show you something...

He shows Zubaydah a film clip on a toughbook. It's of bin Laden speaking to members of al-Qaeda.

ALI (CONT'D)
He's talking to someone off screen.
He's calling him "Mukhtar." You
know who that is?

Zubaydah looks at Ali, then at Ali's partner. He's trapped, no way out of this.

ZUBAYDAH

(Arabic)

Mukhtar. The man whose brain flew
away. Like an airplane.

ALI

The man who lost his mind.

Ali's partner hands Ali a book of photos. Ali shows Zubaydah.

ZUBAYDAH

No, not him.

Zubaydah leafs forward a few pages. Points to a photo. Ali
conceals his surprise.

ALI

Khalid Sheikh Mohammed?

Ali nods at his partner -- they got it.

ALI (CONT'D)

(Arabic)

We'll get the doctor in to see you.
Then I'll come back and we'll talk
more. Pepsi?

Zubaydah nods.

ZUBAYDAH

(Arabic)

Am I going to live?

ALI

(Arabic)

God willing.

Ali and his partner walk out.

33

INT. DIRECTOR TENET'S OFFICE - LATER - FLASHBACK

33

Tenet, Cofer, and Bernadette.

BERNADETTE

Abu Zubaydah confirmed that KSM is
the leader of all al-Qaeda
operations outside of Afghanistan.
He trained the hijackers -- we're
calling him the mastermind.

TENET

Outstanding! Hats off to the bin
Laden group.

(MORE)

TENET (CONT'D)

Whichever one of your people did this -- I want to call and congratulate them in person -- who was it?

Beat. Bernadette isn't sure what to say. Looks to Cofer.

COFER

Wasn't our guy.

TENET

What? Who got it?

BERNADETTE

FBI is working Abu Zubaydah.

TENET

An FBI guy got this?

BERNADETTE

Yes. Ali Soufan -- they used him in the Cole investigation. He's part of their counterterrorism group -- he speaks Arabic.

Tenet explodes.

TENET

I don't care who speaks Arabic! This is not just a criminal investigation. We are gathering intelligence here -- that is what we do. The FBI is looking at the past; we need to stop attacks in the future. I want CIA in the room with this guy, okay? I want CIA in the room with Zubaydah!

34

INT. CTC - CONFERENCE ROOM - LATER - FLASHBACK

34

Eastman, Bernadette, Gretchen and Cofer.

GRETCHEN

So, who do we have that can work on him? CIA runs sources -- people who cooperate. That's not these guys.

COFER

Every second we are not draining the detainee's brain, we are rolling the dice.

BERNADETTE

We need our people in the room. We need to be the ones asking the questions now.

EASTMAN

I heard from someone over in Technical Services, a woman named Miriam... about a couple of Air Force psychologists who came in and pitched a whole new approach to interrogations: Jim Mitchell and Bruce Jessen. Miriam says Mitchell has the special sauce.

35

INT. CTC - CONFERENCE ROOM - DAY - FLASHBACK

35

JAMES MITCHELL (40s) and BRUCE JESSEN (50s) present their interrogations plan to Eastman, Bernadette and NEW CTC DIRECTOR JOSE RODRIGUEZ.

MITCHELL

Zubaydah didn't tell us everything because we stopped short of where we needed to go.

Mitchell clicks through a powerpoint presentation.

MITCHELL (CONT'D)

SERE stands for survival, evasion, resistance and escape. It's a program to help prepare U.S. Special Forces for whatever they might encounter if captured. Now, I have over fourteen thousand hours observing SERE interrogation techniques. Bruce here has more than that.

BERNADETTE

Observing? As opposed to--

JESSEN

I took a course in conducting interrogations as well. I've worked with volunteers in actual simulations.

MITCHELL

We feel we can reverse-engineer these SERE techniques to induce learned helplessness.

EASTMAN

Can you explain what that means:
"reverse-engineer"?

JESSEN

Instead of using these techniques
to protect our people, we use them
to achieve compliance in the
detainees.

MITCHELL

Our plan involves using individual
assessments of detainees to create
a program designed to induce
debility, dependency, and dread.

JESSEN

We call these the three D's.

Mitchell nods.

MITCHELL

Three.

EASTMAN

And there's science to back this
up?

MITCHELL

Oh, yes, yes sir.

BERNADETTE

Excuse me, Dr. Mitchell. Can you
elaborate on the techniques you'll
be employing?

MITCHELL

Absolutely.

Mitchell moves ahead in his powerpoint. Each technique has a
corresponding slide.

MITCHELL

The attention grasp, walling,
facial hold.

JESSEN

The facial slap or insult slap,
cramped confinement, wall standing,
stress positions.

MITCHELL

Sleep deprivation, waterboarding.

JESSEN

Use of insects and mock burials.

Beat. The room shifts uncomfortably.

BERNADETTE

Well, from my perspective, this seems like it could be a potential game changer. But, of course, it's up to Director Rodriguez--

JOSE

I think if we're serious about stopping the next threat, we need to put on our big boy pants and provide the authorities these guys need.

JESSEN

These approaches might raise some eyebrows at Defense--

JOSE

Well, we're not at Defense, we're at the CIA. Besides, you just said, we use this SERE stuff on our own guys all the time. I don't see a problem.

Mitchell and Jessen nod.

36

INT. OFF-SITE BASEMENT - WINDOWLESS ROOM - PRESENT

36

Dan reads off of his computer screen. Julian and April stand behind him.

DANIEL JONES

Shortly, after the CIA's decision to engage Dr. Mitchell, Abu Zubaydah was moved to a cell that was lit 24 hours a day. Loud noise was fed into his cell to disrupt his sleep...

JULIAN

What about the guy who got him talking? Ali... Soufan?

APRIL

Wait. He's FBI, not CIA. So we can ask him questions, right? No rule against that.

Ali's demeanor changes. Unsettled.

39

INT. D.S.G. - CHIEF OF STATION OFFICE - DAY - FLASHBACK

39

Ali with Bernadette, Mitchell, and GARY THE CIA INTERROGATOR.

SUPER: APRIL 2002

ALI

Who the fuck is this?

BERNADETTE

Dr. Mitchell is an Air Force psychologist and he's developed a new method of interrogation.

ALI

Why -- why do we need a new method?

MITCHELL

He's not telling you everything.

BERNADETTE

We think he knows more -- we put him at number 3 or number 4 in al-Qaeda leadership -- he probably knows the next move.

ALI

Do you speak Arabic, Jim? Does Gary here?

MITCHELL

Don't need to.

ALI

Can I ask you something? Have you ever interrogated any sort of extremist before? Know much about al-Qaeda?

MITCHELL

Nope.

ALI

Have you ever interrogated any sort of terrorist before?

MITCHELL

No.

ALI

Any sort of criminal?

MITHCELL

No.

ALI

Have you ever interrogated anyone before?

MITCHELL

It's not important. He's a human. I'm a psychologist. He knows a secret, and I'm going to get him to tell that secret to Gary.

ALI

What are you gonna to do to him that isn't--

MITCHELL

What am I gonna do? What is Jim gonna do? Jim's gonna do what works.

40 INT. DETENTION SITE GREEN - HOLDING CELL - ANOTHER DAY - FLASHBACK 40

LOUD HEAVY METAL plays on speakers. A naked and bruised Zubaydah is chained in a standing stress position. Guards dressed in hoods and all black forcefully unchain Zubaydah and drag him out.

GUARD

Let's go shitbird!

GUARD 2

Move it, asshole.

41 INT. DETENTION SITE GREEN - HALLWAY - CONTINUOUS - FLASHBACK 41

The hooded guards drag Zubaydah down the hall. He pleads for his life in Arabic. He is thrown into the interrogation cell.

42 INT. D.S. GREEN - INTERROGATION CELL - CONTINUOUS - FLASHBACK 42

Zubaydah is tossed onto a metal chair. The guards grab his hair to hold him in place as they begin to shave him.

ANGLE ON a tripod camera in the cell recording the scene.

43

INT. D.S. GREEN - OBSERVATION BAY - CONTINUOUS - FLASHBACK

43

Mitchell, Ali, Bernadette, and physician's assistant RAYMOND NATHAN (40s) watch a monitor as the guards shave Zubaydah's beard and head.

ALI

You can't just shave a Muslim man.
Do you know what that means? He's
going to shut down.

MITCHELL

Gotta humiliate him right off the
bat. Same reason we took away his
clothes.

BERNADETTE

Why the loud music?

MITCHELL

Sleep deprivation. We stop the
music when he starts talking. Then
he can sleep.

NATHAN

Tired people tell the truth?

MITCHELL

Learned Helplessness. You're
familiar with Dr. Martin Seligman?

Raymond Nathan just looks at him, incredulous.

MITCHELL (CONT'D)

Seligman did an experiment with
dogs. He put 'em in a cage with a
barrier running down the middle --
one side of the cage was
electrified, the other wasn't. At
first when he shocked the dogs,
they'd jump over the barrier to get
away. And then he electrified both
sides. There's no escape. No belief
they could change anything. He'd
open the door to the cage and they
wouldn't even leave. That's learned
helplessness -- that's what we're
going to instill in this man.
You'll see.

ANGLE ON A TERRIFIED ZUBAYDAH ON THE TV MONITOR

PRE-LAP: sound of hammering.

44

EXT. DETENTION SITE GREEN - ANOTHER DAY - FLASHBACK

44

ANGLE ON A BOX OF BUGS, ALIVE AND SQUIRMING

Mitchell builds a WOODEN BOX that resembles a coffin. He hammers in nails. Gary looks on. Ali approaches.

ALI

A coffin? You're gonna kill him?

MITCHELL

Let's call it a confinement box. I got this one. I got a smaller one.

ALI

And you're gonna put him in there?

MITCHELL

With these -- which based on my evaluation, he hates.

Mitchell shows Ali a box of bugs.

ALI

Are you out of your mind?

Ali turns to Gary.

ALI (CONT'D)

We don't do this. You know this is against the law.

MITCHELL

The most senior people have signed off on it.

ALI

We're putting him on trial. How are we gonna build a case against him?

Mitchell appears genuinely confused by this.

MITCHELL

Who says he's getting a trial?

45

EXT. CENTRAL PARK - BETHESDA FOUNTAIN - PRESENT

45

Back to Ali and Dan.

ALI

I wanted to arrest them right there on the spot. I told the Bureau that-

DANIEL JONES

The CIA said Zubaydah was "involved in every major terrorist operation carried out by al-Qaeda." They told the President he was number 3 or 4 in the organization.

SENATOR FEINSTEIN

Yes, that was my understanding as well.

DANIEL JONES

And the claim that Zubaydah was a major player was the main justification they gave to the Justice Department for needing to go harder -- they were certain he knew about the next attack.

Dan hands Senator Feinstein some documents.

DANIEL JONES (CONT'D)

(off his notes)

But, last night I found this -- turns out Zubaydah wasn't 3 or 4 in the organization. He wasn't part of al-Qaeda leadership at all. They only had one source calling him that, and that source later admitted he was lying.

SENATOR FEINSTEIN

So, they exaggerated who he was to the President and the Department of Justice in order to get legal approvals for these new techniques -- is that what you're saying?

DANIEL JONES

I think that's a possibility. The program really starts with him.

48

INT. D.S. GREEN - INTERROGATION CELL - DAY - FLASHBACK

48

SUPER: DETENTION SITE GREEN, AUGUST 4, 2002

Mitchell and Jessen set up the waterboard. They prepare everything they will need. Rags. Large buckets of water. Raymond Nathan observes.

NATHAN

Have you guys used this thing before?

JESSEN

The waterboard? No, it's a Navy thing. But, we watched a video.

MITCHELL

We tested it on each other -- just to get a feel for the experience.

NATHAN

Is it safe?

Beat.

JESSEN

(unconvincing)

Yes.

49 INT. D.S. GREEN - HOLDING CELL - DAY - FLASHBACK 49

Zubaydah, naked, bruised, bleeding, chained in a standing stress position. Heavy metal music blares over the speakers.

50 INT. D.S. GREEN - INTERROGATION CELL - LATER - FLASHBACK 50

Mitchell and Jessen, wearing hoods, slam Zubaydah into a wall -- this is walling. In between slams, Mitchell questions him.

51 INT. D.S. GREEN - OBSERVATION ROOM - CONTINUOUS - FLASHBACK 51

A shocked Raymond Nathan and steely Bernadette watch the interrogation on a TV monitor.

MITCHELL (HEADPHONES)

Who are the operatives inside the U.S.?

ZUBAYDAH (HEADPHONES)

I don't know.

52 INT. D.S. GREEN - INTERROGATION CELL - CONTINUOUS - FLASHBACK 52

More heavy metal. More stress positions. More walling. Between slams:

MITCHELL

When is the next attack?

ZUBAYDAH

I don't know.

53 INT. D.S. GREEN - OBSERVATION ROOM - LATER - FLASHBACK 53

Bernadette, Raymond Nathan, and others watch as Zubaydah is strapped to the waterboard. A towel is forced onto his face. Zubaydah pleads with his captors, in English and Arabic.

54 INT. D.S. GREEN - INTERROGATION CELL - CONTINUOUS - FLASHBACK 54

Mitchell and other guards hold down Zubaydah. Jessen holds Zubaydah's face and pours water from an old plastic gallon milk carton. He begins to count the seconds as he pours...

JESSEN

1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11,
12, 13, 14...

Zubaydah gasps and shakes violently.

Water drips into the drain... water coats the entire floor.

55 INT. D.S. GREEN - OBSERVATION ROOM - CONTINUOUS - FLASHBACK 55

Raymond Nathan watches the waterboarding, horrified.

JESSEN

15, 16, 17, 18, 19, 20...

56 INT. D.S. GREEN - INTERROGATION CELL - CONTINUOUS - FLASHBACK 56

The waterboarding continues...

JESSEN

21, 22, 23, 24, 25, 26...

Jessen tosses an empty jug on the floor. He rips the towel off of Zubaydah's face. Zubaydah spits out water and chokes, gasping for breath.

57 INT. D.S. GREEN - OBSERVATION ROOM - CONTINUOUS - FLASHBACK 57

Raymond Nathan and Bernadette watch the monitor. Mitchell shouting at Zubaydah is heard through their headphones.

MITCHELL (HEADPHONES)

When is the next attack?

(louder)

(MORE)

MITCHELL (HEADPHONES) (CONT'D)
Who are the operatives inside the
U.S.?

Zubaydah continues to choke.

58 **INT. OFF-SITE LOCATION - SECURITY AREA - NIGHT - PRESENT** 58

Dan carries the locked document bag past SECURITY.

OFF-SITE SECURITY
 (boilerplate)
 Anything in that bag contain the
 real names of CIA officers, assets,
 or partners? Or, any information
 that would violate the agreement
 between the Central Intelligence
 Agency and the United States
 Senate?

DANIEL JONES
 All good.

OFF-SITE SECURITY
 Alright, good night.

DANIEL JONES
 Have a good night, Jay.

OFF-SITE SECURITY
 Get home safe.

Dan waves to the security guard at the door as he walks out into the wee hours.

59 **EXT. OFF-SITE PARKING LOT - VIRGINIA - LATE NIGHT** 59

Just a few cars at this hour. Dan approaches his car and hears a voice from the shadows.

NATHAN
 Dan Jones?

Dan turns.

DANIEL JONES
 Do I know you?

NATHAN
 No, but I think I can help you.

DANIEL JONES
 Help me with what?

NATHAN

The EIT program. That's what you're looking into, isn't it?

Dan nods. REVEAL: Raymond Nathan.

NATHAN (CONT'D)

I need to know I won't be named. Anywhere. I'm still with the Agency. My even being here with you...talking...

DANIEL JONES

What was your involvement?

NATHAN

Office of Medical Services: black sites.

DANIEL JONES

So, you're a doctor?

NATHAN

Physician's Assistant. The American Medical Association won't allow doctors to be involved. They take an oath: do no harm. We're the next best thing. I was there when the contractors arrived.

Beat. Dan considers what to do, and then -- he takes a few steps forward, trusting Nathan.

DANIEL JONES

They made tapes of the Abu Zubaydah interrogations -- but there's a 21-hour period where the transcripts are missing -- nothing.

NATHAN

They were using the waterboard. Zubaydah lost consciousness. He was choking to death. Drowning. Not just thinking he was drowning, he was actually fucking drowning.

NATHAN

I was told that the waterboard was only going to be used as a last resort.

BERNADETTE

The contractors did an assessment of the prisoner and they made a call--

NATHAN

What kind of assessment? They bounced him off the walls a few times and then strapped him down and poured water down his throat.

BERNADETTE

We understand this is a different approach -- but it's based on science.

NATHAN

Science? Come on, what science? Have you seen their science?

BERNADETTE

They believe the waterboard is working here to create compliance--

NATHAN

Well, of course they do. They're the ones who get to decide when it's used. They're also the ones who get to decide if it's working -- how is that even ethical?

BERNADETTE

The people we're dealing with weaponized daily life. Would you like to talk about the ethics of that? We are here to make sure that nothing like that ever happens again. They're training their people to resist traditional interrogations in the back of a cave somewhere. So, we need to change our approach, before another bomb goes off or another building falls down.

NATHAN

Okay, okay, what is gonna happen when one of our soldiers gets captured and takes out a card with the Geneva Convention on it and wants to be treated like a human being? You think his captors aren't going to remember the way these people were treated here? And for what?

BERNADETTE

Do you have a kid at home?

Beat. Nathan does not respond.

BERNADETTE (CONT'D)

We're not gonna get beat again.

61 **EXT. OFF SITE PARKING LOT - VIRGINIA - PRESENT**

61

DANIEL JONES

Besides the Chief of Station, did you report your concerns up the chain of command?

NATHAN

We got a cable from Director Rodriguez telling us to stop putting our objections in writing. No paper trail. I told them if they were going to keep using the new techniques, I wanted out. I wasn't the only one. Guys were choking up.

A CAR UNLOCK BEEP is heard. Nathan and Dan both clock it.

NATHAN (CONT'D)

It's all in the emails.

Nathan hurries away.

62 **INT. SENATOR WHITEHOUSE'S OFFICE - ANOTHER DAY**

62

Whitehouse lays on the couch in his office. Dan briefs him.

DANIEL JONES

As early as November 2001, the CIA's legal team circulated a memorandum describing a "novel" legal defense for their officers who might engage in torture...

SENATOR WHITEHOUSE

C'mon. They actually called it torture? The CIA? They just forgot we have laws against that?

DANIEL JONES

Yes, sir. Mitchell and Jessen renamed it "enhanced interrogation" to help sell it, but the Agency was talking about doing it before they even had a single detainee. My question, Senator, is: how did the CIA know they needed to torture prisoners before they even had one?

Dan hands Senator Whitehouse a few documents and memos.

SENATOR WHITEHOUSE

That didn't come from Cheney and Addington?

DANIEL JONES

Seems like it happened the other way around. The CIA took it to the Bush White House and John Yoo at the Office of Legal Counsel...

YOO (PRE-LAP)

So, here's where we're at...

63

INT. DOJ - CONFERENCE ROOM - NIGHT - FLASHBACK

63

SUPER: OFFICE OF LEGAL COUNSEL, JULY 2002

A group of LAWYERS discuss how to make torture legal. Rizzo and Eastman from CIA. JOHN YOO from the OFFICE of LEGAL COUNSEL (OLC) and YOO'S ASSISTANT.

YOO

The crime of torture -- as described in Section 2340 -- requires that the defendant -- in this case, an interrogator -- intends to cause severe pain or suffering. But, in this case that's not the interrogator's intent.

EASTMAN

Right. The intent is to gain intel. Save American lives.

RIZZO

But, John, what if the techniques the interrogator employs do, nonetheless, cause "pain" and "suffering" -- how do we deal with that?

YOO

Well, the key phrase is: "severe pain or suffering." But, 2340 never actually defines the term 'severe.' We found this definition in a Medicare statute... Severe pain or suffering: "acute symptoms that place the individual in serious jeopardy and are hard to endure."

RIZZO

Meaning?

YOO

To constitute torture, the damage done must rise to the level of organ failure, impairment of bodily function, or death.

EASTMAN

So, basically if someone dies, we're doing it wrong?

YOO

If the President deemed it necessary to crush the testicles of a child to stop a plane from crashing into a building -- to save American lives -- there is no law or treaty that can stop him. I can make the same argument for gouging out a prisoner's eyes or dousing him with acid.

Beat.

YOO (CONT'D)

In our opinion, if it provides unique intelligence that saves lives -- and doesn't cause any lasting harm -- then it's legal for the President to order it.

EASTMAN

What do we mean when we say "unique"?

YOO
Intelligence that couldn't have
been obtained any other way.

RIZZO
And you've discussed all of this
with the White House, I assume?

64

INT. SENATOR SHELDON WHITEHOUSE'S OFFICE - PRESENT

64

Dan and Whitehouse.

SENATOR WHITEHOUSE
And? Did they tell Bush what they
were going to do to Zubaydah?

DANIEL JONES
No.

SENATOR WHITEHOUSE
And National Security Advisor Rice -
- where was she in all this?

DANIEL JONES
National Security Advisor Rice was
told about the program, but she was
also told that the President would
not be briefed.

SENATOR WHITEHOUSE
Who tells the President's National
Security Advisor not to brief the
President?

Beat. Dan does not answer.

SENATOR WHITEHOUSE (CONT'D)
Cheney and Addington.

DANIEL JONES
According to CIA records, Bush
wasn't told about the program until
April of 2006 -- four years later.

Whitehouse looks at the memos.

DANIEL JONES (CONT'D)

And the records we found state that when the President was finally told about the program, he expressed discomfort with the "image of a detainee, chained to the ceiling, wearing a diaper, forced to go to the bathroom on himself."

SENATOR WHITEHOUSE

How long until you get this thing done, Dan? We've gotta get this out.

TIMELINE SUPER: 2010

65

INT. OFF-SITE BASEMENT - WINDOWLESS ROOM - ANOTHER DAY

65

Dan, April and Julian at their desks. April sees something strange.

APRIL

What about this guy: Gul Rahman?
Captured in Peshawar November 2002.
He's not at Gitmo. He's not
anywhere...

Dan gets up and looks through their files of detainees. April gets up and tapes a photo of Gul Rahman to the growing detainee wall.

DANIEL JONES

(to himself)
Gul Rahman...
(to April)
No. They didn't tell the Committee
about him. He's detainee number 24.

Flashes of documents, words and images pertaining to Gul Rahman dart across the screen, taking us to...

SCRUBBED (PRE-LAP)

**HQ says he knows operational detail
about al-Qaeda...**

66

INT. DETENTION SITE COBALT - TUNNEL - FLASHBACK

66

A horrific dungeon of a place. SCREAMS echo.

SUPER: DETENTION SITE COBALT, NOVEMBER 2002

Bruce Jessen walks down the hall with a FRESHLY SCRUBBED CIA OFFICER and a YOKED UP colleague.

SCRUBBED

The guy's an asshole. Threw his food at us -- threatened to kill the guards.

JESSEN

I've asked headquarters to approve the application of the enhanced measures for this detainee -- and the request has been approved.

SCRUBBED

Great. We haven't had any luck loosening him up.

67 INT. DETENTION SITE COBALT - TUNNEL - EARLIER - FLASHBACK 67

Guards/officers throw Gul Rahman against a wall. He falls to the ground and they begin kicking him. Hard. Rahman winces.

YOKED (V.O.)

Ran him up and down the hall, beat the crap out of him. Nothing.

BACK TO:

68 INT. DETENTION SITE COBALT - TUNNEL - FLASHBACK 68

SCRUBBED

(demonstrating)

Even been trying this thing they call short shackling -- chain a dude's hands to a bolt on the floor...

69 INT. D.S. COBALT - RAHMAN'S CELL - EARLIER - FLASHBACK 69

GUL RAHMAN chained in a seated short shackle. Naked except for a sweatshirt. Rahman has bruises and sores all over his body. Marilyn Manson blares over the speakers.

SCRUBBED (V.O.)

Then you chain his feet to the same bolt.

BACK TO:

70

INT. DETENTION SITE COBALT - TUNNEL - FLASHBACK

70

SCRUBBED

Farmers call it hog-tying, I think.
He finally admitted to something.

JESSEN

What was that?

YOKED

That he was who we said he was: Gul
Rahman.

Jessen shakes his head.

JESSEN

What you want to do first is take
away his sense of control. If you'd
like, I could spend some time
showing you how to achieve this
with the enhanced techniques--

SCRUBBED

Great. We got another 30 guys here
to deal with.

71

INT. D.S. COBALT - RAHMAN'S CELL - LATER - FLASHBACK

71

SCRUBBED and a HOODED MAN enter. Rahman is still short
shackled to the floor.

SCRUBBED

(shouting over blasting
music)

I heard you told the doctor you
were cold.

They toss a bucket of water on Rahman and leave him shivering
in the night. The heat visibly escapes his body.

72

INT. SENATOR FEINSTEIN'S BULLPEN - MORNING - PRESENT

72

A sleepless Dan waits for the Senator. He fidgets trying to
keep himself awake. Finally, Marcy and the Senator enter.

DANIEL JONES

Senator, do you have a few minutes
this morning?

SENATOR FEINSTEIN

Absolutely. Come on in, Dan.

SECRETARY

(to Marcy)

The Senator is needed on the floor
for a vote.

MARCY

Give her five minutes.

Feinstein, Dan, and Marcy enter the office.

SENATOR FEINSTEIN (PRE-LAP)

Did you sleep last night, Dan?

73 **INT. SENATOR FEINSTEIN'S OFFICE - MOMENTS LATER** 73

Senator Feinstein sits at her desk. Dan straightens his tie
and explains...

DANIEL JONES

Senator, a prisoner died.

74 **INT. D.S. COBALT - RAHMAN'S CELL - FLASHBACK** 74

**Gul Rahman lies motionless on the floor in a frozen pile of
water. A CIA officer kicks him to see if there's any life
left. Dead.**

BACK TO:

75 **INT. SENATOR FEINSTEIN'S OFFICE - CONTINUOUS - PRESENT** 75

DANIEL JONES

Gul Rahman. They thought he was
maybe working for an Afghan Warlord
or that he knew something about an
attack--

MARCY

Did he?

DANIEL JONES

He died before they ever found out
anything besides his name. Dumped
cold water on him one night and
found him dead in his cell in the
morning. Autopsy said hypothermia.

Senator Feinstein is dubious.

SENATOR FEINSTEIN

Where did you get this from?

DANIEL JONES
Inspector General's report.

Dan takes out the IG REPORT.

DANIEL JONES (CONT'D)
The CIA did their own investigation
into the death of Gul Rahman.

He opens the report. Pages marked with post-its.

DANIEL JONES (CONT'D)
The Officer in Charge was
recommended for a performance
bonus. They promoted him. He's
still out there in the field.

Beat.

SENATOR FEINSTEIN
Well, are you accusing the CIA of
murder, Dan? Because that sounds
like where this is going.

DANIEL JONES
We have proof the Deputy Director
coached the Officer in Charge how
to cover up what happened -- told
him to be careful what he put in
writing. So, why would they need to
cover it up if they were following
standard operating procedure? Why
didn't they tell the Committee? Why
didn't they tell you?

SENATOR FEINSTEIN
(off the report)
I'm going to need to review all
this personally. It's very
disconcerting.

She leaves Dan and Marcy alone. Dan picks up the IG report
from the Senator's desk.

DANIEL JONES
(to himself)
Disconcerting... Very
disconcerting?

MARCY
Dan, you need to be careful here.
You're getting emotionally
involved.

DANIEL JONES

They fucking killed a guy and nobody was held accountable? We don't know he was a terrorist. We barely even know his name.

MARCY

I understand. And what you need to understand is that her name is going on this report. Not yours. Senate staff doesn't have to run for re-election, but she does.

DANIEL JONES

Their legal argument said EITs wouldn't cause lasting harm -- so how long is Gul Rahman gonna be dead for?

Dan walks out.

76 **INT. OFF-SITE BASEMENT - HALLWAY - ANOTHER DAY** 76

Dan hustles toward the windowless room.

77 **INT. OFF-SITE BASEMENT - WINDOWLESS ROOM - MOMENTS LATER** 77

Dan sits at his desk, reading something on his computer screen.

DANIEL JONES

Are you guys seeing this Panetta review? It just showed up...

JULIAN

I don't understand. Looks like the CIA did their own investigation -- confirms everything we've been finding.

The printer spits out a document. When it's finished, April picks up the document from the printer tray and brings it over to Dan.

APRIL

So, what're you gonna do with it?

Dan puts the document in an envelope labeled "Panetta Review" -- the same envelope Dan took from the room in the cold open.

DANIEL JONES

Hopefully, nothing.

Dan puts the envelope in a drawer. Closes it.

DANIEL JONES (PRE-LAP) (CONT'D)
Special Prosecutor Durham,
please?...

78 **EXT. OFF-SITE LOCATION - VIRGINIA**

78

Dan sits on a bench nearby on the phone.

DANIEL JONES
I've already left several messages.
It's Dan Jones from the
Intelligence Committee. How are
you?... Good. I just wanted to
check in again to see if the
special prosecutor is available to
meet on the CIA probe... It can be
off the record. I just want to
compare notes... Yes, same number.
Thank you.

He hangs up frustrated. Walks back in.

79 **INT. DC BAR - NIGHT**

79

Dan, April and Julian have drinks. They watch MARC THIESSEN
on NBC News.

THIESSEN (TV)
You know, we've got to think back
to the period after 9/11. We didn't
even know who hit us. We didn't
know that Khalid Sheikh Mohammed
was the mastermind of 9/11 or the
operational commander of al-Qaeda.
And then we started rounding up
these terrorists... we caught Abu
Zubaydah, we caught Razmi bin al-
Shibh, and KSM. And these guys
provided us information under
questioning by the CIA that stopped
a number of terrorist attacks...
They were planning to blow up the
U.S. Consulate in Karachi,
Pakistan...

Dan shakes his head. The wrong story hitting the airwaves...

JULIAN
Shit.

80

INT. OFF-SITE BASEMENT - WINDOWLESS ROOM - MORNING

80

Dan prints a photo of KSM. April enters, surprised to see Dan already there hard at work and heavily caffeinated.

APRIL

Good morning.

Dan ignores niceties and dives right in.

DANIEL JONES

(holding the photo)

Khalid Sheikh Mohammed was indicted in New York for trying to blow up airplanes in 1995. The CIA already knew about him. They knew he was close to bin Laden. They knew about him before Zubaydah ever identified him.

Dan tapes the photo onto the growing wall of detainees. April walks to her desk and puts her things down.

APRIL

How long have you been here?

Dan rushes over to his desk to show April what else he has found.

DANIEL JONES

Also, according to this cable--
(answering her question)
A few hours... A CIA officer in Islamabad began working someone they call Asset X. X claimed to have direct access to KSM, but was eventually turned away when he asked for money.

He hands April a print-out of the cable.

APRIL

How much money?

DANIEL JONES

A few thousand bucks. Two years later -- after they've been putting him off, putting him off, putting him off -- they finally pay him and almost immediately he sends a text to his CIA handler saying: "I'm with KSM."

(beat)

(MORE)

DANIEL JONES (CONT'D)
It had nothing to do with the
waterboard!

April reacts -- a mix of shock and astonishment.

DANIEL JONES (CONT'D)
Good morning.

APRIL
Good morning.

They both take up their posts at their desks. Dan searches
"Khalid Sheikh Mohammed."

Flashes of documents, words and images pertaining to KSM dart
across the screen, taking us to...

81 INT. DETENTION SITE BLUE - INTERROGATION CELL - FLASHBACK 81

SUPER: DETENTION SITE BLUE, MARCH 2003

KSM is waterboarded -- and very different from what happened
to Zubaydah. This is gallons of water, all at once, much more
intense. Yankee Doodle blares over the speakers.

JESSEN
1, 2, 3, 4, 5, 6...

82 INT. DETENTION SITE BLUE - INTERROGATION CELL - ANOTHER DAY - 82
INTERCUT

Zubaydah in a diaper, hands chained to the ceiling. He's
badly bruised and appears barely awake. Mitchell and Jessen,
in hoods and dressed all in black, shout at him.

MITCHELL
Who are you working with in the
U.S.?

BACK TO:

83 INT. DETENTION SITE BLUE - INTERROGATION CELL - INTERCUT 83

Another waterboarding session.

JESSEN
7, 8, 9, 10, 11...

BACK TO:

84 INT. DETENTION SITE BLUE - INTERROGATION CELL - ANOTHER DAY 84

Jessen holds a photo of two young Pakistani children.

JESSEN
We have your kids!

BACK TO:

85 INT. DETENTION SITE BLUE - INTERROGATION CELL - INTERCUT 85

A video camera captures another waterboarding session.

JESSEN
12, 13, 14, 15...

86 INT. DETENTION SITE BLUE - OBSERVATION BAY - CONTINUOUS 86

Bernadette and Gretchen watch from above through a two-way mirror as Jessen and Mitchell waterboard KSM.

JESSEN
16, 17, 18...

87 INT. DETENTION SITE BLUE - INTERROGATION CELL - CONTINUOUS 87

JESSEN
It will stop if you talk!

A heavy stream of water flows from a bucket, drenching the t-shirt over KSM's face. He shakes violently. Mitchell stops the pour.

MITCHELL
Where is the next attack?

Underneath the t-shirt, KSM barely makes out--

KSM
Canary wharf... Canary wharf!

Mitchell and Jessen look up at the observation room and nod-- confirming they got something.

88 INT. DETENTION SITE BLUE - HALLWAY - LATER 88

Bernadette, Gretchen, Mitchell and Jessen.

BERNADETTE

Okay, here's the problem: we already know about the Heathrow and Canary Wharf plots -- he knows that. It's in his goddam notebook.

GRETCHEN

We asked about plots in the U.S. -- not London.

BERNADETTE

He's fucking with you again.

JESSEN

To be honest, I've never met a resistor like this guy. He's a "super resistor."

BERNADETTE

He lied to you to make you stop.

GRETCHEN

He just tells us shit he knows we already have -- that's all he does.

MITCHELL

Then, that's what we're learning. That's what the waterboard is giving us. We now know he's lying.

BERNADETTE

I thought it was meant to give us the truth?

JESSEN

And, the truth is: he's lying.

Bernadette is floored. Doesn't respond. Walks away.

GRETCHEN

Headquarters says we go again.

She follows Bernadette.

89

INT. OFF-SITE BASEMENT - WINDOWLESS ROOM - LATER - PRESENT

89

DANIEL JONES

The chief of interrogations ordered the rectal rehydration of KSM -- not for health reasons, but as a way of showing total control over the detainee.

90 INT. D.S. BLUE - OBSERVATION BAY - FLASHBACK - INTERCUT 90

Bernadette and Gretchen watch as Mitchell and Jessen perform rectal rehydration on KSM.

DANIEL JONES (V.O.)
Even though rectal rehydration was never an approved technique.

91 INT. DETENTION SITE BLUE - INTERROGATION CELL - CONTINUOUS 91

Mitchell and Jessen stick a feeding tube in KSM's rectum. He squirms.

92 INT. OFF-SITE BASEMENT - WINDOWLESS ROOM - PRESENT 92

APRIL
Total control isn't chaining the guy to a wall, keeping him awake for days, and threatening his family? You need to shove a tube up his ass?

BACK TO:

93 INT. DETENTION SITE BLUE - INTERROGATION CELL - FLASHBACK 93

Water drains from an IV fluid bag. Zubaydah drools, face down on an operating table. Mitchell stands over him.

MITCHELL
This right here is the rest of your life, unless you start telling the truth.

94 INT. OFF-SITE BASEMENT - WINDOWLESS ROOM - PRESENT 94

Dan, Julian, April still at their desks reading CIA internal memos off their computers.

JULIAN
(reading)
Then, they went back to waterboarding him. "When a medical officer pressed on KSM's--

DANIEL JONES
Wait. Where are you?

JULIAN

Next page. "When a medical officer pressed on KSM's abdomen, he expressed water from his mouth and nose."

APRIL

So, he was swallowing all the water.

DANIEL JONES

(reading)

"On March 17th, the waterboard technique began to evolve..."

95 INT. D.S. BLUE - INTERROGATION CELL - ANOTHER DAY - FLASHBACK 95

KSM now face up on the waterboard. Jessen holds his hands over KSM's mouth, while Mitchell pours gallons of water into the triangle formed by Jessen's hands.

DANIEL JONES (V.O.)

Interrogators used their hands to maintain a pool of water over KSM's nose and mouth.

96 INT. D.S. BLUE - OBSERVATION BAY - CONTINUOUS - FLASHBACK 96

Bernadette and Gretchen watch as the new waterboarding technique continues.

97 INT. D.S. BLUE - INTERROGATION CELL - CONTINUOUS - FLASHBACK 97

Mitchell and Jessen stop pouring. KSM spits up water. He chokes and gasps for air.

MITCHELL

Who are the operatives inside the U.S.?

KSM

(between gasps)

Issa... Isaa al Britani

Mitchell and Jessen look at one another.

JESSEN

Where is the next attack?

KSM
(gasping)
Montana...

Mitchell and Jessen look up at the observation bay.

98 **INT. D.S. BLUE - OBSERVATION BAY - CONTINUOUS - FLASHBACK** 98

Gretchen takes off her headphones, turns to Bernadette, smiling.

GRETCHEN
We got something.

99 **INT. SENATOR FEINSTEIN'S OFFICE - DAY - PRESENT** 99

Dan briefs the Senator on KSM.

DANIEL JONES
 KSM told interrogators he sent Abu Issa al-Britani to the U.S. to recruit African American Muslims in Montana to blow up gas stations and start forest fires.

SENATOR FEINSTEIN
 Montana? Muslims in Montana?

DANIEL JONES
 The FBI had serious doubts as well. Later, KSM admitted he just told them what they wanted to hear to make it stop.

SENATOR FEINSTEIN
 So, did they get anything actionable from him at all? Anything that saved lives?

DANIEL JONES
 They waterboarded him 183 times, and then concluded "KSM may never be forthcoming or honest." Everything they got from him was either a lie or something they already had.

SENATOR FEINSTEIN
 Okay, so my first question is: if it works, why do you need to do it 183 times?

DANIEL JONES

Maybe when the report comes out,
people will finally see that.

SENATOR FEINSTEIN

Well, let's worry about getting it
right and getting it done. We can
worry about changing the world
later.

100

INT. DC ST. REGIS RESTAURANT - MORNING

100

Dan sits at a table, staring out the window lost in thought.
Julian arrives.

JULIAN

Sorry I'm late.

DANIEL JONES

It's okay.

JULIAN

Barely slept.

DANIEL JONES

Want some coffee?

Julian nods, and Dan pours him a cup.

JULIAN

Hey, can I ask you something? You
ever have dreams, you know, about
the stuff that's in the report?

DANIEL JONES

Yeah. I have one where I'm
drowning. I can't move my arms or
legs. I can't breathe. That wakes
me up.

JULIAN

Last night I dreamt I was trapped
in one of those confinement boxes.
They just left me there.

From across the room, GRETCHEN leaves her table and
approaches Dan and Julian.

GRETCHEN

Daniel Jones, right?

DANIEL JONES

Do I know you?

GRETCHEN

I just wanted to tell you to your face that I think you and that report are garbage.

JULIAN

Excuse me--

GRETCHEN

You weren't there, so you don't know what worked and what didn't, or what we were up against. You may not realize, but we were trying to protect this country from people who want to destroy everything we believe in.

DANIEL JONES

You may not realize it, but we're trying to do the exact same thing.

GRETCHEN

Your bullshit report will never see the light of day.

She walks away, leaving Dan and Julian rattled.

101 **INT. OFF-SITE LOCATION - STAIRWELL - NIGHT**

101

Dan is on the phone, exasperated.

DANIEL JONES (PHONE)

Special Prosecutor Durham, please. It's Dan Jones, calling again about the Justice Department investigation of the CIA... We really need to meet... You have?... Okay, what are their findings?

Dan listens for a few seconds, then hangs up.

DANIEL JONES (CONT'D)

(to himself)

Fuck.

SENATOR WHITEHOUSE (PRE-LAP)

Nothing?

102 **INT. SENATOR WHITEHOUSE'S OFFICE - NEXT DAY**

102

SENATOR WHITEHOUSE (CONT'D)

No indictments at all?

DANIEL JONES

No charges against Jose Rodriguez or Gina Haspel for destroying the tapes. Nothing against the CIA for torturing people. Nothing against Jim Pavitt and the others for providing misinformation. Nothing at all. DOJ says they don't have enough admissible evidence to convict anyone. You go after the contractors and they're indemnified. You go after the Head of Counterterrorism and he'd just say he was following orders from the CIA Director. You go after the Director and he -- well, he would just site the President. Then the White House would claim National Security.

SENATOR WHITEHOUSE

DOJ at least share what they found?

DANIEL JONES

No. They won't turn anything over. We're the only ones still looking at this.

103

INT. OFF-SITE BASEMENT - WINDOWLESS ROOM - ANOTHER DAY

103

Dan reads a document on his computer: "Testimony of John Hart."

APRIL

Dan?...Dan?

DANIEL JONES

Did you know a CIA officer testified before Congress in 1978 regarding the use of coercive physical interrogation techniques in Latin America? And the officer said, "the techniques result in false answers" and have "proven to be ineffective." And before Latin America, they did it in Vietnam--

APRIL

Dan, I need to tell you something--

DANIEL JONES

They knew it didn't work and they did it again.

DANIEL JONES (CONT'D)
 Don't even listen to their
 own fucking people.

APRIL
 I'm leaving the study...

APRIL (CONT'D)
 I got a job offer and I can't turn
 it down. I'm sorry, but don't you
 see what this is doing to you? To
 all of us? I mean, my kids are at
 home growing up and I'm down here
 reading about how they put a power
 drill against one guy's head and
 how they pulled another guy's arms
 out of his sockets. And I just --
 this is how I'm spending my
 Sundays. And my Saturdays. This is
 how I spend every day. I just -- I,
 I, I can't. I'm gonna leave after
 Thanksgiving.

Beat.

DANIEL JONES
 Okay. I understand. Okay,
 Thanksgiving. That gives us... That
 gives us a couple months.

JULIAN
 Dan, it's November. Thanksgiving is
 next week.

APRIL
 How many pages have we written so
 far? Thousands? We don't even know
 if this is ever gonna come out. The
 tapes investigation never did. It's
 still classified. You just said it
 yourself: the CIA knew this shit
 didn't work in 1978 -- and it
 didn't stop them from doing it
 again... Look, we've been down here
 for two years, Dan, in this
 basement. Nobody is waiting for us
 to come out.

She walks back to her desk. Dan is slightly rattled, but he
 simply returns to the computer and begins typing.

Flashes of documents, words and images pertaining to Abu
 Ghraib dart across the screen, taking us to...

104 INT. CTC - BULLPEN - ANOTHER DAY - FLASHBACK

104

SUPER: APRIL 2004

Mitchell, Jessen, Bernadette and OTHERS look up at the TV monitors.

WOLF BLITZER (TV)

...shocking photos that apparently show U.S. troops abusing detainees in a prison outside Baghdad...

BERNADETTE

We have a problem.

105 INT. CIA CONFERENCE ROOM - DAY - FLASHBACK

105

Tenet, Rizzo and Eastman. News footage of Abu Ghraib plays in the background -- the scandal is not going away.

TENET

Both myself and the President have gone on record saying we do not torture people. He just made a statement for the UN's goddamn day in support of victims of torture. What, what did he say?

RIZZO

"The United States does not torture. It's against our laws and it's against our values. I have not authorized it, and I will not authorize it."

TENET

I'm not sure where that leaves either of us.

106 INT. CTC - CONFERENCE ROOM - MOMENTS LATER

106

Mitchell, Jessen, Rodriguez, and Eastman.

JOSE

So, here's the deal.

EASTMAN

Some new lawyer over at OLC -- Jack Goldsmith -- is saying there are issues with the John Yoo memo--

MITCHELL

Legal issues?

EASTMAN

Yeah, and there's the Inspector General's Report: allegations of 'war crimes' and 'torture.'

JOSE

Throws the whole program under the goddamn bus.

JESSEN

What's it say?

JOSE

"The Inspector General finds that EITs are inconsistent with the public policy positions the United States has taken regarding human rights"...blah blah blah. "The program, as implemented, diverges sharply from how the CIA has described"...blah blah..."There is also little evidence that the waterboard is effective in gaining information"--

EASTMAN

Look, guys, Director Tenet wants to pause the program--

MITCHELL

You know, I retired from the Air Force just a couple months before 9/11. Twenty two years -- and then I wake up that morning, and I turn on the news, see what's happening... A lot of people just went back to their coffee and corn flakes... But Jim wanted to do something to keep people safe.

EASTMAN

We are going right back to the National Security Council today and asking to have the program re-certified -- as many techniques as possible.

MITCHELL

Thank you, thank you.

TIMELINE SUPER: 2011

107

INT. DANIEL JONES' OFFICE - NIGHT - PRESENT

107

Dan is typing away writing the report. On his computer, we see: "On July 6, 2004, National Security Advisor Rice approved the request to re-certify the enhanced interrogation techniques for detainee Janat Gul, with the exception of the waterboard."

The phone rings and rings. Finally, he picks up.

DANIEL JONES (PHONE)
Jones... Yes, Senator...

Dan scrambles to find the remote. When he does, he turns on the TV.

CBS NEWS ANCHOR (TV)
On the Sunday talkshows, former Defense Secretary Donald Rumsfeld and former Vice President Dick Cheney argued Enhanced Interrogation Techniques played a major role in leading up to the raid on bin Laden's compound...

DANIEL JONES (PHONE)
No, that's not right...That's not what happened... I'll look into it.

CHENEY (TV)
It was a good program, it was a legal program. It was not torture. And I would strongly recommend that we continue it.

CBS NEWS ANCHOR (TV)
At the heart of the controversy is a process called "waterboarding."

108

INT. OFF-SITE BASEMENT - WINDOWLESS ROOM - NIGHT

108

Dan sits at his desk -- flipping through stacks of documents, furiously reading and writing.

DANIEL JONES (PRE-LAP)
Okay, here's what the CIA is claiming... They got bin Laden after using EITs against detainees...

Dan works feverishly on the whiteboard, writing Abu Zubaydah, Riyadh the Facilitator, Ammar al-Baluchi, Abu Ahmed al-Kuwaiti and other names.

DANIEL JONES (CONT'D)
 They say it all started in 2002
 with Abu Zubaydah and a detainee
 they called 'Riyadh the
 Facilitator'...

Dan writes various dates and places on the board, drawing lines between the names and years. As he works on connecting the dots...

109

INT. SENATOR FEINSTEIN'S OFFICE - NEXT DAY - INTERCUT

109

Dan stands in front of the Senator and Marcy presenting a neater version of the diagram from the windowless room whiteboard.

DANIEL JONES
 ...who tipped them off to Abu Ahmed
 al-Kuwaiti, who had ties to bin
 Laden.

MARCY
 That's not what happened?

DANIEL JONES
 The truth is: the CIA was on al-
 Kuwaiti's phones, emails, identity,
 long before they captured any
 detainees. Before they even had an
 EIT program. Zubaydah told us al-
 Kuwaiti had nothing to do with bin
 Laden! Same with KSM and the
 others. But now we have former CIA
 Director Michael Hayden on the
 radio saying this all came from
 EITs. And former Attorney General
 Mukasey is out there saying KSM
 broke like a dam after
 waterboarding--

SENATOR FEINSTEIN
 Where is he saying that?

DANIEL JONES
 Wall Street Journal. I found a memo
 -- it's from a few months back, in
 March.

(MORE)

DANIEL JONES (CONT'D)
 It's called "The Public Roll-out."
 The memo states the Agency wanted
 their PR people to connect the bin
 Laden raid to intel obtained via
 EITs before it even happened.

SENATOR FEINSTEIN
 So, if the CIA got bin Laden, then
 who cares what else it did? If it
 saved lives, there's no need for
 accountability.

DANIEL JONES
 Exactly. They lied to Bush about
 the program. Now they're lying to
 President Obama. This document
 about bin Laden and the role of
 EITs -- it just isn't true.

Beat. The Senator looks to Marcy.

MARCY
 You want me to get you the White
 House?

SENATOR FEINSTEIN
 Let's do that.

110

INT. SENATOR FEINSTEIN'S CONFERENCE ROOM - MOMENTS LATER

110

Senator Feinstein, Marcy and Dan on a speaker phone. Deputy
 National Security Advisor Denis McDonough is on the other end
 of the call.

SENATOR FEINSTEIN
 It's very clear to us: the EITs did
 not lead to bin Laden. The CIA is
 misrepresenting the operation. I'm
 sure you see that, don't you?

DENIS (SPEAKERPHONE)
 I'm not sure I understand, Senator.
 The mission was a success -- that's
 the headline here.

SENATOR FEINSTEIN
 This is a crucial moment in our
 nation's history. I want to make
 certain that the Agency isn't
 manipulating it to sanitize their
 own past actions--

DENIS (SPEAKERPHONE)
I will let the National Security
Advisor know your concerns,
Senator.

SENATOR FEINSTEIN
Thank you.

DENIS (SPEAKERPHONE)
Thank you, Senator Feinstein.

McDonough hangs up.

DANIEL JONES
That's it? They don't care the
story is wrong?

SENATOR FEINSTEIN
Well, I don't think we can look to
the White House for support.

Senator Feinstein, dejected, stands and leaves the room.

DANIEL JONES
What the hell just happened?

MARCY
The CIA just got the President re-
elected. That's what happened.

TIMELINE SUPER: 2012

111 **INT. DANIEL JONES' OFFICE - NIGHT** 111

Dan watches an ad for *Zero Dark Thirty* on TV, distressed.

MARTHA RADDATZ (TV)
...It was the greatest manhunt of
all time. You think you know the
story, but hold on to your seats.
Zero Dark Thirty: the riveting new
film brings you the hunt for Osama
bin Laden, as it has never been
seen before.

112 **INT. OFF-SITE BASEMENT - WINDOWLESS ROOM - NIGHT** 112

We see Dan typing away -- working. Julian picks up a photo
from the printer and walks along the wall, now COVERED IN
PHOTOS of DETAINEES, exactly as we saw in the cold open.

He hangs up the printed photo in the last empty section of the wall, near the door.

JULIAN

This is it. The last guy we have.
Number 119: Muhammad Rahim,
captured June 2007.

Dan goes back to typing.

113

INT. CTC - CONFERENCE ROOM - ANOTHER DAY - FLASHBACK

113

Jose and Bernadette with Mitchell and Jessen.

MITCHELL

We kept Rahim awake for 138 hours straight. Used the attention grasp, facial hold, dietary manipulation.

JESSEN

Abdominal slaps, stress positions -- we even offered him a towel to wear if he cooperated.

MITCHELL

Gave us nothing.

JESSEN

He said that if we hurt him, he'd just make things up to get us to stop.

MITCHELL

And then he said he was at our mercy, and we could kill him if we wanted.

JOSE

What's the point of moving forward without the waterboard? It's like trying to play baseball without the bat.

MITCHELL

We've been going at him for 60 days now, not getting anywhere.

JESSEN

The problem is that CTC hasn't given us any good intel to question him about. We don't have any leverage.

BERNADETTE

Hold on, you're the psychologists. You told me you were going to get us intel -- now you're saying we need to give it to you?

MITCHELL

I'm thinking we improve his treatment for a week or two -- give him some hope -- and then we go back at him hard and create a sense of helplessness...

Bernadette rolls her eyes. Five years of these kinds of meetings, with nothing to show for it.

JESSEN

Or, we could try recruiting him. Tell him he can be a CIA agent if he talks -- the FBI does that.

BERNADETTE

We're not the FBI. We don't do that.

MITCHELL

The way the science works is we only get the intel after-

BERNADETTE

After what? Why are so many of these guys still lying to us after you work on them? Where's the special sauce?

Beat.

BERNADETTE (CONT'D)

You have to make this work. It's only legal if it works.

114

INT. SENATOR FEINSTEIN'S OFFICE - DAY - PRESENT

114

Dan, Feinstein, Marcy and Julian.

JULIAN

The CIA's questioning of Muhammad Rahim resulted in zero intelligence reports. On April 21, 2008, the Agency convened an after-action review of his interrogation.

DANIEL JONES

Senator, I just want to point out that this is the first time the Agency stopped and evaluated the effectiveness of the program. And they concluded that in the future, CIA interrogators should use rapport building.

Beat.

DANIEL JONES (CONT'D)

They even suggested asking other agencies, law enforcement, and even other countries about effective interrogation methods.

Senator Feinstein is distraught.

SENATOR FEINSTEIN

So... for the past six years, there's been a steady stream of CIA personnel -- directors, deputies, analysts -- coming over here and telling me about what an amazing success EITs have been. Somehow not even one of them managed to mention that part. How many detainees have been through the program in total?

DANIEL JONES

At least one hundred and nineteen. The Agency admits a quarter of them should never have been detained. The EIT program never worked, not on anyone.

115 **INT. SENATE SCIF - DAY**

115

Dan sits at the witness table next to two towers of paper -- the completed 7,000 page report. He faces the SENATORS OF THE INTELLIGENCE COMMITTEE once again.

SENATOR FEINSTEIN

Today, we are gathered to approve the Committee's Study of the CIA Detention and Interrogation Program. I would like to thank Daniel Jones and his small staff who prepared this study. Clerk, would you call the roll?

SSCI CLERK
Mr. Udall?

SENATOR UDALL
Yay.

SSCI CLERK
Mr. Rubio?

SENATOR RUBIO (O.S.)
Nay.

SSCI CLERK
Mr. Rockefeller?

SENATOR ROCKEFELLER
Yay.

SSCI CLERK
Mr. Warner?

SENATOR WARNER (O.S.)
Yay.

SSCI CLERK
Mr. Blunt?

SENATOR BLUNT (O.S.)
Nay.

Dan watches each Senator vote and counts the yays and nays as they accumulate.

SSCI CLERK (O.S.)
Mr. Conrad?

SENATOR CONRAD (O.S.)
Yay.

SSCI CLERK (O.S.)
Mr. Coats?

SENATOR COATS (O.S.)
Nay.

SSCI CLERK (O.S.)
Mr. Nelson?

SENATOR NELSON (O.S.)
Yay.

SSCI CLERK (O.S.)
Mr. Risch?

SENATOR RISCH (O.S.)
Nay.

SSCI CLERK (O.S.)
Ms. Mikulski?

SENATOR MIKULSKI (O.S.)
Yay.

SSCI CLERK (O.S.)
Mr. Burr?

SENATOR BURR (O.S.)
Nay.

SSCI CLERK (O.S.)
Mr. Wyden?

SENATOR WYDEN (O.S.)
Yay.

SSCI CLERK (O.S.)
Ms. Snowe?

SENATOR SNOWE (O.S.)
Yay.

SSCI CLERK
Mr. Chambliss?

SENATOR CHAMBLISS (O.S.)
Nay.

SSCI CLERK (O.S.)
Ms. Feinstein?

SENATOR FEINSTEIN
Yay.

Senator Feinstein hammers the gavel once.

SENATOR FEINSTEIN (CONT'D)
The motion passes. The report will
now be sent to the CIA for final
comments.

TIMELINE SUPER: 2013

A very grey, cloudy sky in January.

BRENNAN (PRE-LAP)

I, John Owen Brennan, do solemnly swear to tell the truth, the full truth, and nothing but the truth...

117 INT. SENATE HEARING ROOM - DAY

117

JOHN BRENNAN's confirmation hearing.

BRENNAN

So help me God.

SENATOR FEINSTEIN

Thank you, Mr. Brennan. I look forward to hearing your testimony.

BRENNAN

I am honored to appear before you today as the President's nominee for Director of the CIA. I'd like to say from the beginning that honesty -- truthfulness -- was a value inculcated in me growing up in New Jersey by my parents, Owen and Dorothy. Now, none of us are perfect beings. I am far from perfect. But, I will be honest with this Committee and do everything possible to meet your legitimate needs and requirements.

SENATOR UDALL

Mr. Brennan, I've long believed that our government has an obligation to the American people to face its mistakes transparently, to help the public understand the nature of those mistakes, and to correct them. The enhanced interrogation techniques were brutal, and, perhaps most importantly, they did not work. Now, the CIA has a responsibility to correct any inaccurate information it provided to the previous White House, the Department of Justice, Congress, and the public. So, here's my question: do you agree that the CIA has this responsibility? And I'd appreciate a yes or no answer.

BRENNAN
Yes, Senator. Absolutely.

118 **EXT. WHITE HOUSE - DAY**

118

Phone rings.

RECEPTIONIST (O.S.)
Office of the Chief of Staff. Mr.
McDonough is in a meeting right
now.

119 **INT. WHITE HOUSE - MCDONOUGH'S OFFICE - ANOTHER DAY**

119

Denis McDonough, now President Obama's Chief of Staff,
watches news coverage on the President's approval ratings.

NBC NEWS ANCHOR (TV)
According to the latest NBC News/
Wall Street Journal poll, the
President's approval rating is at
44% -- that's up 3 points since
March...

MCDONOUGH SECRETARY
Excuse me. Mr. McDonough, Director
Brennan is here--

McDonough mutes the TV.

DENIS
There he his! Congratulations, Mr.
Director.

BRENNAN
Thank you.

DENIS
Welcome. Come on in.

BRENNAN
Thank you and thank President
Obama.

DENIS
I'll let him know. Speaking of...
He wanted me to ask you if there's
any new information on the drone
strikes of April 29th?

BRENNAN

We can confirm that the al-Qaeda planner, Abu Sulayman al-Jazairi, has been killed. Unfortunately, we also believe that there were between 5 and 10 civilian casualties.

DENIS

Shit. Well, I'll let the President know. What about the Intelligence Committee report?

BRENNAN

We need to talk about that.

DENIS

John, we gave the CIA until February to come up with its response. It's now May. I've got Senator Feinstein all over my phone sheet. I don't want to be the one who has to push on this, but the President would really like to get this behind us.

Brennan takes a thin bound PAPERBACK out from his briefcase.
THE RESPONSE.

DENIS (CONT'D)

And?

120

INT. HART SENATE BUILDING - SCIF - DAY

120

BRENNAN

We acknowledge that the Detention and Interrogation Program had shortcomings and that the Agency made mistakes. The most serious of those occurred early on and stemmed from the fact that we were unprepared. Now as you know, we part ways on some key points. According to our review, indications are that interrogations of detainees upon whom the enhanced interrogation techniques were used did produce unique intelligence that helped thwart attack plans, capture terrorists, and saved lives.

DANIEL JONES

Excuse me, intelligence gathered from EITs--

BRENNAN

And that intelligence continues to inform our counterterrorism efforts. It led us to bin Laden. Now, it's one thing to disapprove of the program -- I welcome that conversation, but it's something else all together to say that it was mismanaged and ineffective.

DANIEL JONES

Excuse me, Director Brennan. The report is based on CIA records. CIA officers themselves called it ineffective.

BRENNAN

CIA officers? Well, you didn't speak to any CIA officers in the program, did you Dan?

SENATOR FEINSTEIN

Your lawyers would not make them available to us because of the Department of Justice's criminal inquiry.

BRENNAN

We also disagree with the study's characterization of how the CIA briefed Congress, the White House and the press. Now, we have documentation that certainly proves that--

DANIEL JONES

Excuse me sir, what documents? If the Director is referencing cables or emails we were never shown, then that's a violation of our agreement.

SENATOR FEINSTEIN

Everything was supposed to have been provided to us--

BRENNAN

(fed up)

Do we just give the Committee access to the entire CIA computer system? Is that where this goes? Dan gets to read every email, gets to see every document?

SENATOR FEINSTEIN

Every relevant document or email, yes. I have always supported the intelligence community. I broke with my own party to support the drone program, but what this report makes very clear is a real need for oversight and accountability.

BRENNAN

You asked for our response and we gave it to you -- we looked in the mirror. Now, we made mistakes. There were abuses, and those abuses have been addressed. But, I vehemently disagree with the narrative that you're trying to string together here. It lacks context. It does not paint an accurate picture of the work that was done.

Brennan gets up to leave and turns to his aide.

BRENNAN (CONT'D)

Let's go.

DANIEL JONES (PRE-LAP)

Senator, John Brennan's name is in that report.

121

INT. SENATOR FEINSTEIN'S OFFICE - LATER

121

Dan stands in front of the Senator and Marcy. Infuriated.

DANIEL JONES

He was Director Tenet's Chief of Staff and then Deputy Executive Director when the program started. He grew up at the Agency.

MARCY

He claims to have spoken out against the EIT program--

DANIEL JONES

Where? I just spent five years looking at their emails. I never found anything to suggest that's true.

SENATOR FEINSTEIN

Well, we knew this wasn't going to be easy. They have their own narrative, and they're going to stick to it.

MARCY

Maybe we could come up with some middle ground, find some common language?

DANIEL JONES

I thought our job was to provide oversight and accountability. Not middle ground.

Dan's gone too far.

SENATOR FEINSTEIN

I have a question for you. Do you work for me, or for the report? And I'd encourage you to think about that before answering.

122

EXT. ROCK CREEK PARK - MORNING

122

Dan is out for a morning jog and runs into DENIS MCDONOUGH.

DENIS

Dan! Dan Jones... There he is! Look at you, chief investigator of the largest study the Senate's ever conducted. My God... how you doing? It's good to see you out getting some fresh air. It's so funny, I was just thinking the other night -- do you remember that time you came and saw me, right after you got out of school?

DANIEL JONES

You said go get intel experience. Wait til the Dems got the Senate back.

DENIS

And look at you now: working for the Senate Intelligence Committee for Dianne Feinstein. You told me once you wanted to make a difference. I hope you still get that chance.

DANIEL JONES

What does that mean?

DENIS

What does it mean? It means, Dan, get out of the Senator's head about the CIA. You're not doing yourself any favors.

DANIEL JONES

Have you read the report?

DENIS

It's 7,000 pages, Dan. The Bible tells the history of mankind in less than that. Look, buddy, we're gonna get the CIA to sit down with you.

123

INT. HART SENATE BUILDING - SCIF - DAY

123

DENIS (V.O.)

...Give you their side of the story. It would help if you would listen.

Dan and Julian meet with CIA OFFICER FOX to discuss the CIA's response to the Committee's report.

FOX

The study seems to most seriously diverge from the facts by asking the reader to believe the CIA withheld information from the executive branch and Congress. We'd like to see that removed from the report.

124 INT. SENATOR FEINSTEIN'S CONFERENCE ROOM - LATER

124

DANIEL JONES

After the photos of Abu Ghraib came out in 2004, Deputy Director McLaughlin appeared before Congress, in front of you, and said: "the CIA is not authorized to do anything like what you've seen in those photos." But what they were doing was even worse. Then in 2005, Senator Rockefeller called for a review of the program, and the Deputy Chief of Counterterrorism got nervous where that might lead. So, he sent a message to senior leadership discussing the need to manage the situation. He said: "we either get out and sell, or we get hammered. Congress reads it, cuts our authorities, messes up our budget. We need to make sure the impression of what we do is positive." This is the Deputy Chief of Counterterrorism.

SENATOR FEINSTEIN

That all stays in.

125 INT. HART SENATE BUILDING - SCIF - ANOTHER DAY

125

Dan and Julian back with Fox. Dan's frustration grows.

FOX

We fundamentally disagree with the assertion that the program was poorly managed and executed and that unqualified officers imposed brutal conditions, used unapproved techniques, and were rarely held accountable.

SENATOR FEINSTEIN (PRE-LAP)

What about Mitchell and Jessen?

126 INT. SENATOR FEINSTEIN'S CONFERENCE ROOM - LATER

126

Dan passes out documents to the Senator and Marcy as he explains.

DANIEL JONES

Padilla found the instructions for his dirty bomb online in an article entitled: "making and owning an H-bomb is the kind of challenge real Americans seek." It says, "fill two buckets with uranium and swing them above your head as fast as possible." It was a joke. As far as we can tell, everything they attribute to EITs they already had - - from other sources, from foreign governments, from other methods. They claim they saved lives, but what they really did was make it impossible to prosecute a mass murderer like KSM -- because if what we did to him ever came out in a court of law, the case is over. The guy planned 9/11 -- and instead of going to jail for the rest of his life, the CIA turned him into a recruiting tool for a war we're still fighting.

SENATOR FEINSTEIN

Stop meeting with them.

Beat. She stands.

SENATOR FEINSTEIN (CONT'D)

This is a remarkable document you've created. Truly. It will provide an enduring history -- whether it comes out or not.

DANIEL JONES

What does that mean: "whether it comes out or not?" What does she mean? What does that mean? We've been working on this thing for nearly five years.

MARCY

Yes, and it is still our word against theirs. She's gonna need more than that.

Dan jogs down the steps. His phone begins to ring. He answers.

DANIEL JONES

This is Jones.

EVAN (PHONE)

Hey Dan, this is Evan Tanner. Um, I hear rumors the report might not be coming out now. A lot of pushback from the Agency. They're calling it "flawed."

DANIEL JONES

Who told you that?

EVAN (PHONE)

Dan, I'm the National Security reporter for the *New York Times*. Do you have any thoughts?

DANIEL JONES

It's not my place to talk about rumors.

EVAN (PHONE)

No, I didn't think you would. I was wondering if you might want to comment? It can be off the record. I just think we can help each other here.

DANIEL JONES

You know I can't do that.

130

INT. SENATOR MARK UDALL'S OFFICE - ANOTHER DAY

130

Dan, Senator Udall, and Julian discuss the upcoming confirmation hearing of Caroline Krass for General Counsel of the CIA.

JULIAN

And here's what we know about Caroline Krass: 20 years in the Executive Branch, including the Office of Legal Counsel where she worked with John Yoo--

SENATOR UDALL

Guys. This confirmation's a done deal -- we're not gonna stop it. But, it is a public hearing, and it just seems like there's an opportunity to say something.

JULIAN
What are you looking for, Senator?

SENATOR UDALL
I don't know -- something to move
the study forward, to break us out
of this stalemate.

Beat.

SENATOR UDALL (CONT'D)
Any ideas?

DANIEL JONES
Senator, there is a document.

131 **EXT. OFF-SITE LOCATION - VIRGINIA - NIGHT** 131

The same tilt-down of the CIA off-site facility we saw in scene 1.

132 **INT. OFF-SITE BASEMENT - WINDOWLESS ROOM - MOMENTS LATER** 132

Dan enters and turns on the lights. The room is just as he left it: whiteboards are covered with notes, flowcharts, timelines. Photos of detainees and CIA documents still cover the walls.

Dan moves to his desk and opens a drawer. He takes out the envelope that says "Panetta Review."

He takes the envelope and puts it in his document bag. He zips and locks the bag as he leaves.

133 **INT. OFF-SITE LOCATION - SECURITY AREA - MOMENTS LATER** 133

Dan walks through the lobby and scans his ID card. The same scene we saw at the beginning.

OFF-SITE SECURITY
You ever sleep, bro?

DANIEL JONES
I used to. Got in the way of work.

Dan moves toward the door, but the security guard stops him.

OFF-SITE SECURITY

(boilerplate)

Anything in that bag contain the real names of CIA officers, assets, or partners, or any information that would be in violation of the agreement between the Central Intelligence Agency and the United States Senate?

DANIEL JONES

Have a good night, Jay.

OFF-SITE SECURITY

You too, Dan.

Dan walks out.

134 **EXT. OFF-SITE LOCATION - VIRGINIA - CONTINUOUS** 134

Dan, with his document bag over his shoulder, hurries toward the parking lot.

135 **INT. DANIEL JONES' CAR - MOMENTS LATER** 135

Dan drives his car through DC, with the document bag on his passenger seat.

136 **INT. DANIEL JONES' OFFICE - LATER** 136

Dan walks into his office and locks the door behind him. He opens his SAFE. He unlocks the document bag, unzips it, and puts the PANETTA REVIEW in the safe.

PRE-LAP: The sound of a GAVEL.

137 **INT. SENATE HEARING ROOM - DAY** 137

CAROLINE KRASS sits before the Committee. Her HUSBAND and TWO KIDS sit behind her.

SENATOR FEINSTEIN

The Committee will come to order. Today, we are gathered for the confirmation hearing of Caroline Krass to be General Counsel of the CIA. Welcome, Ms. Krass.

KRASS

I'm honored to be here before the Committee, and I'd like to take this moment to acknowledge my family and thank them for their support.

SENATOR FEINSTEIN

Thank you. Before we begin, I would like to remind members not to discuss classified topics or ask questions which require a classified answer. With that said, I turn to Senator Udall.

SENATOR UDALL

Ms. Krass, nice to see you again. We had a chance to sit down last week and discuss the Senate's study on the Detention and Interrogation Program. You told me you found the study to be hard reading.

Krass nods.

SENATOR UDALL (CONT'D)

Also, last week, a number of articles appeared discussing the one year anniversary of the vote to approve the Committee's study. And in one of those articles, the CIA claimed to have found significant errors. Now, I gotta tell you -- I don't believe that is accurate. In fact, I'm more confident than ever in the factual accuracy of the Committee's study.

Beat. The crowd reacts.

SENATOR UDALL (CONT'D)

I want to say that again: I'm more confident than ever. It appears that the CIA performed their own study of the EIT program -- initiated by former Director Panetta. And the findings in that review are entirely consistent with our Committee's report -- but amazingly, conflicts with the CIA's official response to that report.

(MORE)

SENATOR UDALL (CONT'D)

So, why is a review the CIA conducted internally -- and never revealed to Congress -- so different from the CIA's formal response to the Committee's report? Do you have an answer for that?

KRASS

Um, not at this time.

Senator Feinstein looks over at Dan-- she knows he gave Udall the ammunition.

138

INT. SENATOR FEINSTEIN'S OFFICE - LATER

138

Senator Feinstein lectures Dan.

SENATOR FEINSTEIN

If I wanted the public to know about the Panetta review, I would have told them myself.

MARCY

We hear that the Republicans are going to censure Udall for that performance.

DANIEL JONES

But the review proves our point -- they found the same things we did. The Agency didn't know how or where to hold people. They didn't know how to interrogate people -- and more importantly, the CIA did give it to us. I don't know if it was an accident or it was a whistleblower--

SENATOR FEINSTEIN

Well, if it was a whistleblower, you may have just exposed them. Not to mention, yourself.

139

EXT. OFF-SITE LOCATION - VIRGINIA - NIGHT

139

SEAN MURPHY and four other CIA OFFICERS, dressed in plain clothes, walk across the plaza toward the entrance.

140

INT. OFF-SITE LOCATION - SECURITY AREA - CONTINUOUS

140

The five CIA officers enter the building and breeze through security.

EASTMAN

Immediate dismissal is in order, at a minimum, I would think.

SENATOR FEINSTEIN

John, are you saying that you broke into the computer system of the United States Senate?

BRENNAN

We never gave you clearance on that document -- it was classified, yet you chose to make it public. We've made our investigation and our findings known to the White House.

Senator Feinstein is in shock.

144

INT. HART SENATE BUILDING - DAN'S OFFICE - LATER

144

Marcy and Dan. Dan is enraged.

DANIEL JONES

You're fucking kidding me. They're saying I broke into the most top secret computer system in the world?

MARCY

Brennan and Eastman came over--

DANIEL JONES

Eastman? Eastman's name is in the report over a thousand times. That's not a conflict?

MARCY

Dan, they filed a criminal referral against you. They want you gone.

DANIEL JONES

How did the Agency come to the conclusion that I'm a hacker? How do they even know what's on my computer?

MARCY

They say they conducted a search.

DANIEL JONES

Of the United States Senate? The whole reason this Committee was established in the first place was to stop the CIA from spying on US citizens--

MARCY

The Senator is talking to Harry Reid about that very thing right now--

DANIEL JONES

Did they go into that room?

MARCY

And Senator Reid said he's reaching out to the President.

DANIEL JONES (CONT'D)

That room is off-limits. Did they go into that fucking room?!

MARCY

I don't know...I don't know. But, I do know the Republicans are going to run with this. They're going to use it to discredit the report; they're going to use it to discredit you.

Beat. Dan tries to absorb this.

MARCY (CONT'D)

Dan, they're accusing you of breaking the law. You're going to need a lawyer.

145

INT. CLIFFORD, BERG AND WIGGINS LAW FIRM - LOBBY - DAY

145

Dan sits anxiously in the lobby.

DANIEL JONES (PRE-LAP)

There's a saying at the Agency: "admit nothing, deny everything, make counteraccusations." That's what they're doing.

CLIFFORD (PRE-LAP)

The CIA is investigating you for--

DANIEL JONES (PRE-LAP)

They're the ones who should be investigated, not me!

CLIFFORD'S SECRETARY approaches.

CLIFFORD'S SECRETARY
Mr. Jones? Mr. Clifford will see
you now...

DANIEL JONES (PRE-LAP)
Our computer system isn't even
connected to the CIA mainframe--

146

INT. CLIFFORD'S CONFERENCE ROOM - MOMENTS LATER

146

Dan and CY CLIFFORD (40s). Dan is on his feet, freaking out.

DANIEL JONES
So did I just go over to Langley
and break in on a weekend?

CLIFFORD
Seems unlikely. So what evidence do
they have?

DANIEL JONES
A document.

CLIFFORD
A document? What kind of a
document?

DANIEL JONES
I can't tell you that.

CLIFFORD
Because, what? It's classified?

DANIEL JONES
I was tasked to lead an
investigation into a CIA program
they started after 9/11 -- what
they called "Enhanced
Interrogation."

CLIFFORD
And I assume your work is critical
of the Agency?

Dan keeps quiet -- he can't divulge the content of the
classified report.

CLIFFORD (CONT'D)

You know Dan, a lot of people in this country felt the CIA was justified in doing whatever they had to do to keep us safe. I have friends who lost people that day.

DANIEL JONES

And a lot of people watch "24" on Thursday nights and hear Jack Bauer say, "I don't want to bypass the Constitution, but these are extraordinary circumstances," just before, you know, he sticks a knife in them and makes them give up a plot -- it doesn't work that way.

CLIFFORD

Well, as Winston Churchill said, "history is written by the victors."

DANIEL JONES

Churchill didn't really say that -- Herman Goring did. And what he said was, "we will go down in history either as the world's greatest statesmen, or its worst villains."

CLIFFORD

So your report is going to determine that: statesmen or villains?

Beat.

CLIFFORD (CONT'D)

How long have you been working on this project, Dan?

DANIEL JONES

Five years.

CLIFFORD

Five years and it could all go away -- just vanish in the face of these allegations. I can certainly imagine an ambitious young man like yourself spends years with his head buried in some terrible spectacle, gets frustrated with the process, sees an opportunity to get the truth out faster -- maybe crosses a line?

(MORE)

CLIFFORD (CONT'D)

I'm assuming this is the most important thing you've ever been a part of--

DANIEL JONES

I didn't do it.

CLIFFORD

Or, I could see an equally ambitious Senator encouraging you to do something. Now would be a good time to tell me--

DANIEL JONES

That did not happen. What I did, I did on my own. I acted alone.

CLIFFORD

So, you did steal the document?

DANIEL JONES

I did not steal it.

CLIFFORD (CONT'D)

You needed it to--

DANIEL JONES

I relocated it. I put it in a safe. If they had a way of destroying tapes, then surely they could--

CLIFFORD

Everyone has their own words -- the language is built to choose sides. Now, why did you "relocate" it?

DANIEL JONES

Documents had a way of disappearing off the server. For instance, in 2010, over 800 documents just vanished without any explanation.

CLIFFORD

So, you had computer issues all along. Who else knew what was on the computers?

DANIEL JONES

Well, the CIA hired an outside firm to vet the documents -- Centra. And CACI was also involved.

CLIFFORD

Who are they?

DANIEL JONES
Contractors, but Jim Pavitt is on
their board.

Clifford shrugs.

DANIEL JONES (CONT'D)
Former Deputy Director of
Operations for the CIA, Jim Pavitt -
- during the program, Jim Pavitt.

CLIFFORD
And is he named in the report?

Dan stops himself.

CLIFFORD (CONT'D)
Can't tell me. So, they can't
destroy the document. Then, they
can go after the next best thing --
you. Make you a zealot. Anything
you touch is tainted. I could see
the Agency saying this is a
violation of the Espionage Act, the
Computer Fraud and Abuse Act -- who
knows what else.

Dan sits down for the first time, the gravity of the
situation hitting him.

DANIEL JONES
And if they file a charge against
me, how long could I go away for?

CLIFFORD
I don't know. Twenty years -- maybe
more.

Beat.

DANIEL JONES
I did not hack into the CIA
computer system. I mean, my
computer skills stop at Microsoft
Word.

CLIFFORD
They probably know that. Let me ask
you something: how much does a
Senate staffer make?

DANIEL JONES
At my level? About a hundred grand.

CLIFFORD
Any retirement? Savings? Family
money?

Dan shakes his head.

DANIEL JONES
No, no.

CLIFFORD
So, we should discuss my retainer.

DANIEL JONES
How much is that?

CLIFFORD
Thirty thousand to start. And if it
goes to trial, add a zero.

That sinks in. Dan swallows hard.

CLIFFORD (CONT'D)
Nothing could make them happier
than knowing you're sitting here
talking to me. That's what they
want, Dan. Make you bleed money all
over my floor. Do you want my
expert opinion? For free? You don't
really have a legal problem -- you
have a sunlight problem. I'm sure
you know people who can help you
solve it.

147 **EXT. MONUMENT WALK - DC - DAY**

147

New York Times reporter Evan Tanner approaches Dan. They
shake hands.

EVAN
Daniel Jones. Didn't think you'd
ever return my calls. Does your
boss know you're talking to a guy
with a byline and a tape recorder?

DANIEL JONES
There's something going on I think
you should look into. It involves
the Agency.

EVAN
Okay. Is it that report you've been
working on -- the one that never
quite comes out?

DANIEL JONES
Computers. It has to do with the
hacking of computers.

EVAN
Alright, whose?

Evan reaches into his pocket to get his tape recorder. Dan stops him.

DANIEL JONES
The United States Senate.

EVAN
Someone hacked into the Senate. No
shit? Okay... Any idea if it was
foreign or domestic?

Dan wavers. He needs Evan to connect the dots.

EVAN (CONT'D)
Uh, alright, yes, sorry, you said
it was the Agency -- so what does
the CIA have to do with U.S. Senate
computers?

DANIEL JONES
Evan, you're the National Security
Reporter for the *New York Times*.
You can figure it out. Alright?

Dan walks away.

148 **INT. SENATOR FEINSTEIN'S OFFICE - NEXT DAY**

148

Dan knocks and enters.

DANIEL JONES
Morning, Senator. You wanted to see
me?

Marcy sits on the couch with a copy of the morning's *NYT*. She tosses it on the table in front of her.

MARCY
You know anything about this?
"Computer Searches at Center of
Dispute on CIA Detentions." You
have any idea how that ended up in
the *New York Times*?

DANIEL JONES

Yeah I saw that. It looks accurate. Senator McCain is already calling the CIA a rogue agency.

SENATOR FEINSTEIN

What are your thoughts on someone like Edward Snowden, Dan?

DANIEL JONES

Well Senator, I know how you feel about leaks.

SENATOR FEINSTEIN

I think he's a traitor, plain and simple. It's my job to provide oversight with the tools of governance, not lights and cameras and headlines.

Beat. Dan steps forward.

DANIEL JONES

Do you want me to resign?

SENATOR FEINSTEIN

No. But I think I might need you to write me a speech.

PRE-LAP: sound of APPLAUSE.

149

INT. COUNCIL ON FOREIGN RELATIONS - NEXT DAY

149

The audience claps as BRENNAN walks on stage.

CANDACE AMES

Senator Feinstein claimed today on the Senate floor that the CIA hacked the Senate Intelligence Committee's computers to thwart an investigation into past practices. Can you respond to that?

BRENNAN

Well first, we in no way, shape, or form tried to thwart the release of the report. We want that behind us. As far as this allegation that the CIA somehow hacked into the Senate computer system...

Brennan scoffs.

BRENNAN (CONT'D)
 Nothing could be further from the
 truth. We just wouldn't do that.
 It's beyond the scope of reason.

150 **EXT. GOLDEN GATE BRIDGE - SAN FRANCISCO - ONE WEEK LATER** 150

151 **EXT. FEINSTEIN HOME - PACIFIC HEIGHTS, SAN FRANCISCO - DAY** 151

A black sedan pulls up to the palatial abode. Denis McDonough
 rides in the backseat.

DENIS
 (to driver)
 Thank you.

Denis gets out and enters the home.

DENIS (CONT'D) (PRE-LAP)
 I understand your position,
 Senator, and I am aware of Director
 Brennan's comments.

152 **INT. FEINSTEIN HOME - PACIFIC HEIGHTS, SAN FRANCISCO -** 152
MOMENTS LATER

Denis sits across from Senator Feinstein.

SENATOR FEINSTEIN
 Did you hear what Lindsay Graham
 said this morning? About the Agency
 breaking into our computers? "The
 legislative branch should declare
 war on the CIA, heads should roll,
 people should go to jail."

DENIS
 Is that what you want? Send people
 to jail?

SENATOR FEINSTEIN
 We do have jails for a reason.

DENIS
 The Justice Department investigated
 the CIA and they decided not to
 prosecute. That's their call, not
 ours. Now, when this administration
 took office, we faced the very real
 possibility of economic collapse.

(MORE)

DENIS (CONT'D)

We had a decision to make: do we spend our political capital on going around trying to find people to blame, or do we solve the problem?

SENATOR FEINSTEIN

Maybe the way to solve the problem is to hold people accountable. Do you ever wonder why history repeats itself? Well, I think maybe it's because we don't always listen the first time.

DENIS

Senator, the people at the Agency -- they have families. There are children who might lose a parent.

SENATOR FEINSTEIN

Years ago, some radical group put a bomb in the flower box outside of my daughter's bedroom window, right out here. Had it been any warmer out, it would have exploded. And then there was the time that I found Harvey Milk shot to death in his office -- I think I'm aware of the risks of public service.

DENIS

President Obama ended the torture program three days after taking office. The EITs, what the CIA did, that is not our mess.

SENATOR FEINSTEIN

No, it's not, but that's not the question we're asking, is it? The question we're asking is "who is going to clean it up?" So, let's do that. Right after Director Brennan apologizes to me and my staff.

153

INT. DIRECTOR BRENNAN'S RECEPTION AREA - DAY

153

Eastman walks in, harried.

BRENNAN'S SECRETARY

The Inspector General is here... Go ahead in.

Eastman enters Brennan's office.

BUCKLEY (PRE-LAP)
In regards to the CIA search of
Senate computers...

154

INT. DIRECTOR BRENNAN'S OFFICE - MOMENTS LATER

154

INSPECTOR GENERAL BUCKLEY sits across the desk from Brennan,
with Eastman behind him.

BUCKLEY
We've looked into the matter and
have recommended that the
Department of Justice begin a
criminal investigation.

EASTMAN
Good. So have we: Dan Jones, lead
Senate Investigator--

BUCKLEY
Not the Senate staff. The CIA.

BRENNAN
Us? Are you accusing me or my staff
of breaking the law?

BUCKLEY
My understanding is that five CIA
employees entered a room that was
off-limits. On whose orders?
Senator Feinstein is right to call
this a violation of the separation
of powers. The CIA cannot spy on
the U.S. Congress. As Inspector
General, I'm going to have to
launch a full investigation into
the Agency's actions.

155

INT. HART SENATE BUILDING - HALLWAY - ANOTHER DAY

155

Dan sits and waits by himself. And then Brennan storms out of
a room with Eastman. They glare at Dan and walk away. Senator
Feinstein emerges with Marcy a moment later. Feinstein sighs
and rolls her eyes.

DANIEL JONES
Am I going to jail?

SENATOR FEINSTEIN
No, they're dropping the charges.
You're going back to work.

(MORE)

SENATOR FEINSTEIN (CONT'D)

Take the most important findings,
finish the summary -- no more than
400 pages. I'm going to ask the
Committee to vote to release it.

TIMELINE SUPER: 2014

156

INT. WHITE HOUSE - MCDONOUGH'S OFFICE - ANOTHER DAY

156

Brennan and McDonough. Brennan paces -- agitated.

DENIS

So you saw they voted? Eleven to
three. They want to release an
executive summary.

BRENNAN

That thing goes out, it puts my
people in danger -- people who are
out there in a dangerous world
today, trying to do their jobs.
Pulls the rug out from under them.

DENIS

Anything that you feel puts your
people in harm's way stays
classified.

BRENNAN

My concern is this: if the Senate
puts out a small pile of pages and
the press goes nuts, then
everybody's going to want to see a
bigger pile of pages. You keep
saying the President wants to turn
the page, well then turn the page!
Close the damn book.

DENIS

Senator Feinstein has asked the
White House to head up final
comments and redactions. She wants
us right in the middle of it.

BRENNAN

And?

DENIS

And I think that's exactly where
you want us. You'll have the pen.

DANIEL JONES

Imagine you pick up a book, and "blank" turns water into wine on page 237 and on page 71, "blank" heals a leper, and on page 295, "blank" rises from the dead. How do you know the blanks are all the same person?

MARCY

I thought that the CIA agreed to using pseudonyms.

Dan slides the redacted pages across the table to Marcy.

DANIEL JONES

They did, but now even the fake names are gone. And the dates. The entire story is gone.

160 **EXT. WHITE HOUSE - DAY** 160

TWO SEDANS enter the grounds.

161 **INT. SEDAN - CONTINUOUS** 161

Dan, Senator Feinstein, and Marcy sit in the moving car.

SENATOR FEINSTEIN

(to Dan)

I hope you took your strong pills today.

162 **INT. WHITE HOUSE - SITUATION ROOM - LATER** 162

Dan, Senator Feinstein, Marcy, Denis, Eastman, Krass and Fox.

DENIS

Isn't it enough to know what actually happened? Do we need to know the names of the people involved?

SENATOR FEINSTEIN

But the actual names aren't in the report.

KRASS

Someone could figure out who our people are based on their pseudonyms.

(MORE)

KRASS (CONT'D)

You know, I found a photo of my husband on the internet linking him to me. Secrecy is very hard to maintain.

DANIEL JONES

I believe you introduced your husband publicly at your confirmation hearing. It was on C-SPAN.

KRASS

Some of these people -- they are out there in the world, right now.

DANIEL JONES

Yes, they are. There's an officer from ALEC Station mentioned 41 times in 500 pages. In 1998, her team missed the bombing of the U.S. Embassy in Kenya and Tanzania. In 1999, they missed the bombing of the Marriott Hotel in Islamabad. In 2000...

163

INT. CTC - BULLPEN - FLASHBACK

163

Two FBI agents -- MILLER AND ROSSINI -- approach Bernadette and Gretchen. They hold photos of al-Mihdhar and al-Hazmi.

DANIEL JONES (V.O.)

She was made aware of two al-Qaeda operatives who arrived in Los Angeles. FBI officers, working within the bin Laden unit, requested permission to investigate.

BERNADETTE

That's not how we want to play it.

DANIEL JONES (V.O.)

The CIA knew they were on American soil and didn't do anything.

164

INT. WHITE HOUSE - SITUATION ROOM - CONTINUOUS - PRESENT

164

DANIEL JONES

Al-Mihdhar then left the States to play a key role in the bombing of the USS Cole, before returning to hijack flight 77 with al-Hazmi and crash into the Pentagon.

SENATOR FEINSTEIN

And you want to protect this person's identity.

KRASS

We'd also like to redact the pseudonyms of the contractors.

DANIEL JONES

Dr. Mitchell was already quoted by name in *The New Yorker*. He was handing out brochures at professional conferences telling people he worked for the CIA.

FOX

If we are protecting the identities of CIA staff, we need to protect our contractors as well.

DANIEL JONES

Mitchell and Jessen were given a contract by the Agency for a program that didn't work!

165

INT. PRIVATE JET - FLASHBACK

165

Mitchell and Jessen fly in style on the CIA's and U.S. taxpayers' dime.

DANIEL JONES (V.O.)

The CIA also agreed to a five million dollar indemnification clause for their company that covered, among other expenses, criminal prosecution.

MITCHELL

You know, I kept the rag we used on KSM.

JESSEN

You should E-bay that bad boy when this is all over. Make a mint.

DANIEL JONES (V.O.)

An internal CIA memo concluded that Mitchell and Jessen "have both shown blatant disregard for the ethics shared by almost all of their colleagues."

166

INT. WHITE HOUSE - SITUATION ROOM - LATER

166

SENATOR FEINSTEIN

The pseudonyms for the contractors need to stay.

DENIS

Guys, we've been at this for months.

DANIEL JONES

What about the locations of the black sites? The country names?

EASTMAN

We made commitments to those countries to maintain their secrecy. No country names. Not open to negotiating these points.

DENIS

We need to consider the morale of the CIA here. Now, we publish this report, there's a very good chance we could lose them.

SENATOR FEINSTEIN

Lose them? What does that mean?

DANIEL JONES

What about the morale of all the people at the Agency who spoke out against the Program? What about them? People who sent cables back from black sites saying they wanted to be transferred because they were disgusted by what was being done.

SENATOR FEINSTEIN

Alright, look. We have -- Dan more than anyone -- have worked to uncover the truth about this when no one else would. We will not allow this to be covered up by the Executive Branch.

DENIS

President Obama called it torture.
Bush and Cheney wouldn't do that.
He signed an executive order
getting rid of it. Now, just
imagine, God forbid, there's
another terrorist attack on our
watch. There won't be another
Democrat in the White House for
twenty years.

Dan holds up a page of the report -- entirely BLACKED OUT.

DANIEL JONES

I'd also like to talk about the
redactions concerning KSM.

167 **EXT. U.S. CAPITOL - NIGHT**

167

WOLF BLITZER (V.O.)

Corey Gardner, the Republican
challenger...

168 **INT. PARTISAN BAR - DC - NIGHT**

168

Election Night 2014. Dan, Julian, and April watch the
election returns amongst balloons and bunting. Grim faced as
the Democrats lose big.

WOLF BLITZER (TV)

...will be the next United States
Senator from the State of Colorado,
defeating the Democratic incumbent,
Mark Udall. A major, major win for
the Republicans... Chris Frates is
standing by.

Dan is wrecked. With Republicans in the majority, the report
will never come out. The window for release is closing.

CHRIS FRATES (TV)

This is huge for Colorado, Wolf.
This is the first time a republican
has won the Senate race state-wide
in Colorado since 2002. Big night
for Colorado, and a big night for
control of the United States
Senate.

169

INT. SENATOR FEINSTEIN'S BULLPEN - ANOTHER DAY

169

Dan and Marcy walk through, passing an INTERN.

INTERN

She's expecting you.

SENATOR FEINSTEIN (PRE-LAP)

So, I just got a call from
Secretary of State Kerry...

170

INT. SENATOR FEINSTEIN'S OFFICE - MOMENTS LATER

170

Senator Feinstein, Dan, and Marcy. The Senator is nervous.

SENATOR FEINSTEIN

He thinks that with the release of
the report, that the coalition
against ISIL could collapse.

DANIEL JONES

Isn't that a bit convenient? He
calls you just before--

MARCY

Dan--

DANIEL JONES (CONT'D)

Where did Kerry get his intel
on this. The CIA?

DANIEL JONES (CONT'D)

Is it credible?

SENATOR FEINSTEIN

Embassies could be attacked,
hostages could be killed--

DANIEL JONES

It's just another stall tactic--

SENATOR FEINSTEIN

He suggested giving the report to
the President, so that it can be
released later, when hostilities
cease--

DANIEL JONES

You lose control of the Committee
in a week, Senator.

SENATOR FEINSTEIN

Yes, I am aware of what happens
when the Republicans are in the
majority, Dan.

(MORE)

SENATOR FEINSTEIN (CONT'D)

Look, I want to get this report out as much as anyone, but I have known him a long time. I tend to believe him.

DANIEL JONES

Nobody else is going to tell this story--

MARCY

Dan, the Senator has a luncheon--

DANIEL JONES

If we stop now aren't we a part of the cover up? Strong pills, Senator?

Beat. Senator Feinstein studies Dan, weighing her options and the consequences.

SENATOR FEINSTEIN

I think you should go home and get some rest. You look tired. Marcy, if I could have five minutes...

MARCY

Of course.

Dan bolts past Marcy for the door. Senator Feinstein goes to the window and looks out at the world.

MATCH CUT TO:

- | | | |
|-----|---|-----|
| 171 | INT. DANIEL JONES' OFFICE - NIGHT | 171 |
| | Dan stares at hard copies of the executive summary of the report and the Panetta review, both sitting on top of his safe. He's tense, weighing his options. | |
| 172 | INT. HART SENATE BUILDING - HALLWAY - MOMENTS LATER | 172 |
| | Most people have gone home for the night. Dan walks alone with his bag over his shoulder -- a bag that contains the report and the Panetta review. | |
| 173 | EXT. DC STREET - LATE EVENING | 173 |
| | Dan drives his car along the near-empty streets. He puts on his blinker and pulls into a parking garage. | |

EVAN

Well, evidently, the President listened closely to the recommendation. He then thought about it, and then he said "no." He'd just spent an entire campaign saying he was post-partisan, so going after the Bush administration flew in the face of all that. And right then, everyone in that room changed their minds. They sided with the President: no independent commission. Everyone except Craig -- because he thought it was too important. You couldn't just torture people, lie about it, and then hide it from history. A few months later, Craig was gone, and this mess wound up with the Senate -- and you.

DANIEL JONES

Well, the President must have known that by doing that, he was making it next to impossible... I mean, he came from the Senate.

EVAN

Dan, they sent you off to build a boat, but they had no intention of sailing it. They probably didn't think you'd get as far as you did.

Beat.

EVAN (CONT'D)

Let me ask you a question... If the CIA knew that torture didn't work, why did they continue to do it?

DANIEL JONES

After 9/11, everyone was scared -- scared it might happen again, and the CIA would be blamed if it did. Or maybe they were ashamed? You know, how come the most sophisticated intelligence organization on Earth couldn't keep its own people safe?

(MORE)

DANIEL JONES (CONT'D)

But, fear and shame don't make for better policy decisions, and the fact that the people who we captured didn't look like us or believe the same things we do, made it that much easier to do the things we did. So once the CIA program started, they had to keep telling people it worked, even if it wasn't true. Their own position was that if it didn't work, it was illegal. So they misrepresented the results--

Dan stops himself.

EVAN

If we had your report, we would print it tomorrow... all of it.

DANIEL JONES

The Senator said she would release a summary of the report--

EVAN

Really? Over the objections of the CIA and the White House -- you really think that's gonna happen?

DANIEL JONES

If I gave it to you, what would happen?

Evan sighs.

EVAN

Some people will think you're a hero, and some will probably think you're a traitor. Look at Edward Snowden.

Beat. Dan considers the line between patriot and traitor... Is he willing to cross it?

DANIEL JONES

No. If it's gonna come out, it's gonna come out the right way.

EVAN

What if it doesn't?

DANIEL JONES

Then I didn't do my job.

Dan opens the car door.

DANIEL JONES (CONT'D)
I'm sorry. Sorry.

176 **INT. DANIEL JONES' OFFICE - NIGHT** 176

Dan enters his office. He turns on the light. He kneels down to his safe, just as he had done after relocating the Panetta review. Dan unlocks the safe, opens it, and takes the executive summary and the Panetta review out of his bag and places them in the safe.

177 **EXT. CAPITOL BUILDING - DC - MORNING** 177

Snow on the ground in front of the Capitol.

178 **INT. CAPITOL BUILDING - HALLWAY - MORNING** 178

Denis McDonough, flanked by Secret Service, walks down the hallway.

They pass a sign: DEMOCRATIC CAUCUS IN PROGRESS.

DENIS (PRE-LAP)
So, with the Affordable Care Act
behind us...

179 **INT. MANSFIELD ROOM - CONTINUOUS** 179

Democratic Senators sit alongside each other. Dan sits in the back of the room. All watch Denis speak at the podium, laying out the Obama agenda for the coming term.

DENIS
The President would like to begin a serious discussion about immigration reform. Now, obviously we've had some setbacks in both the House and the Senate, so strategy has become paramount -- unity as well. So, we would like to really start talking about--

SENATOR FEINSTEIN
Excuse me, Mr. McDonough. I would like to discuss the report on the CIA and the White House's position.

DENIS

That's not the topic of this particular caucus. The President would like to discuss--

SENATOR HEINRICH

Our country did things the Nazis did -- things that made us condemn other regimes. And the position of this administration is to suppress this information, to keep the people who did these things safe?

DENIS

I can assure you that is not the position of this administration, Senator.

SENATOR ROCKEFELLER

You worked with John Brennan at the National Security Council. Now, I understand that Brennan gave this President his first security briefing when he took office. And now CIA Director Brennan is working closely with the President on the drone program.

DENIS

You know, it's funny... Every time I go over to the CIA, they claim I'm doing the Senate's bidding, and every time I come here, you claim I'm doing the CIA's bidding.

SENATOR UDALL

I only have a few days left in my term here -- and if there isn't a plan to release the report before I go, I'm prepared to read it on the floor of the Senate. And either the White House or the Republicans will have to stop me.

DENIS

What would you have us do? Now we go after Bush and Cheney on this, what's to prevent the Republicans from coming back at us and trying to repeal healthcare? We go after the CIA, maybe they say, "okay, well, immigration reform is off the table." Maybe it's gun control.

(MORE)

DENIS (CONT'D)

Now, Democracy is messy, but let's just think how many countries there are in the world where a report like this could even get done.

Senator Feinstein looks back at Dan. Then to Denis.

SENATOR FEINSTEIN

I would like us to be more than the country that did the report. I'd like us to be the country that made it public. And that is what I intend to see happen.

180

EXT. CAPITOL BUILDING - ANOTHER DAY

180

US SENATOR (PRE-LAP)

I yield the floor to the Senior Senator from California.

181

INT. SENATE FLOOR - DAY

181

Senator Feinstein makes her way to the lectern. Dan sits in the back of the Senate Chamber.

SENATOR FEINSTEIN

Over the past six years, a small team of investigators poured over more than 6.3 million pages of CIA records to complete this report. It shows that the CIA's actions a decade ago are a stain on our values and on our history. The release of this 500 page summary cannot remove that stain, but it can and does say to our people and the world that America is big enough to admit when it's wrong and confident enough to learn from its mistakes. Releasing this report is an important step toward restoring our values and showing the world that we are, in fact, a just and lawful society. There are those who will seize upon the report and say, "see what the Americans did?" And they will try to use it to justify evil actions or to incite more violence.

(MORE)

SENATOR FEINSTEIN (CONT'D)

We cannot prevent that, but history will judge us by our commitment to a just society governed by law and the willingness to face an ugly truth and say "never again."

Beat.

SENATOR FEINSTEIN (CONT'D)

Thank you. I now yield the floor to the Senator from Arizona.

182 **INT. DIRECTOR BRENNAN'S OFFICE - CONTINUOUS**

182

Brennan and Krass watch McCain's speech on TV.

MCCAIN (TV)

What might come as a surprise is how little these practices did to aid our efforts to bring 9/11 culprits to justice and to find and prevent terrorist attacks today and tomorrow. That could be a real surprise, since it contradicts the many assurances provided by intelligence officials on the record and in private that enhanced interrogation techniques were indispensable in the war against terrorism.

183 **INT. CTC CONFERENCE ROOM - CONTINUOUS**

183

Bernadette, Gretchen, Eastman, and other CIA officers and analysts gather to watch McCain.

MCCAIN (TV)

I think it's an insult to the many intelligence officers who have acquired good intelligence without hurting or degrading prisoners to assert we can't win this war without such methods. Yes we can, and we will.

184 **INT. WHITE HOUSE - MCDONOUGH'S OFFICE - CONTINUOUS**

184

Dennis also watching McCain.

MCCAIN (TV)

But in the end, torture's failure to serve its intended purpose isn't the main reason to oppose its use.

Denis stands from his desk and walks toward the window.

MCCAIN (TV) (CONT'D)

This question isn't about our enemies; it's about us. It's about who we were, who we are, and who we aspire to be. It's about how we represent ourselves to the world. Our enemies act without conscience. We must not.

Denis stares out his window.

185

INT. DANIEL JONES' OFFICE - LATER

185

Newspapers from all over the country and the world cover Dan's desk, all with headlines concerning the report, the CIA, and the torture program. Dan types at his computer. The news is on in the background.

RACHEL MADDOW (TV)

Senator Dianne Feinstein today exposed the CIA's now extinct enhanced interrogation techniques. The thing that strikes me about what the Senate was doing today -- Dianne Feinstein, Jay Rockefeller -- is they were doing everything they can to make sure this doesn't happen again. Because by going public like this and putting this report out there...

Senator Feinstein appears in the doorway.

RACHEL MADDOW (TV) (CONT'D)
It's saying to the current CIA and really saying to the next 20 years of people going to work at the CIA...

SENATOR FEINSTEIN
Dan, you did well. Thank you.

DANIEL JONES

Thank you.

RACHEL MADDOW (TV)

We're going to be on you if you try to do this.

