

# BEAST OF BATAAN

screenplay by Christopher Carlson & Mark Jean

*He that would make his own liberty secure must guard even his enemy from oppression; for if he violates this duty he establishes a precedent that will reach himself.*

**Thomas Paine, American patriot**

1 EXT. PACIFIC ISLAND/LANDING CRAFT - DAY

MAJOR JOHN SKEEN, 27, sweaty and unshaven, struggles for ballast in a landing craft (LC) tossing through heavy seas. When the craft dips, WE SEE the objective: a jungle beach front.

The LC is packed with FIFTY U.S. ARMY INFANTRYMEN, mortars, cannons and ammunition boxes. ROCKETS SOAR overhead, BOMBS EXPLODE in the adjacent water.

Skeen peers over the gunnel where more LCs make a parallel approach to the beach. He yells to the stern where CAPTAIN CLIFTON COOK, 25, stands next to the NAVAL HELMSMAN.

SKEEN

We're drifting! Get us further south!

COOK

Can't do it! Wind is coming right off the island!

SKEEN

I don't give a shit -- get us south!

He tries to check his map, but the heaving sea slams him against the side of the LC. He steadies himself, shouts.

SKEEN

This is it, men -- let's get ugly!

The soldiers prepare their weapons: some eager, some wishing they were anywhere but here. The craft surges on the crest of a wave.

SKEEN

We're in the break, drop it!

The bow plate drops.

SKEEN

Go! Go! Go!

Men charge into the surf with MACHINE GUN FIRE zipping overhead. A few topple in the water, failing to negotiate the surf with their heavy packs. Others form a gauntlet from boat to shore, passing equipment man to man. Skeen saves a TERRIFIED PRIVATE from drowning, dragging him by his pack to shore. They hit the beach and bury their noses in the sand. All along the beach, more infantry are reaching the beach head. Materiel starts to pile in designated areas.

It's chaos until GENERAL MARSH, 42, grizzled vet, marches out of the smoky jungle toward the sea. An AIR HORN SOUNDS and all fire ceases, ending the training exercise.

GENERAL MARSH  
(ON BULLHORN)  
That was the biggest piece of shit  
landing I've ever seen. I want all  
officers in HQ at twenty-one-hundred.

Exhausted, Skeen gets to his feet. He and his buddy Cook share a 'what can you do' shrug as a jeep speeds across the beach to stop by the general. An OFFICER confers with Marsh.

GENERAL MARSH  
(ON BULLHORN)  
Men of the 31st Regiment -- you are  
some lucky sons-of-bitches. I've  
just been informed that Japan has  
surrendered! The war's over, boys!

Up and down the beach, infantrymen holler and hug in ecstatic celebration. Skeen falls to his knees and vomits in the sand. Cook lifts him to his feet.

COOK  
We made it, Johnny boy, we made it!

They embrace.

SKEEN  
We're going home!

He scans the war supplies piled all around.

SKEEN  
Hey, Cookie -- whaddya say?

Smiling devilishly, they grab hold of a heavy mortar and run it toward the sea. They heave it into the breakers, out of their minds with joy.

2 EXT. HOTEL MANILA - NIGHT

AMERICAN and FILIPINO SERVICEMEN stream through the doors of the war-damaged Hotel Manila, once the jewel of the Philippines.

3 INT. HOTEL MANILA/BALLROOM - NIGHT

A SWING BAND PLAYS "GI JIVE" in a decorated ballroom; there's an energy in the air that comes with the end of a long war. Among the DANCERS are Major John Skeen and partner, a WAC OFFICER.

Another couple swings too close, bumping them -- FIRST  
LIEUTENANT ROBERT PELZ, 27, a dashing New Yorker, spins around.

PELZ  
Out of my way, Major!

SKEEN  
Who taught you how to drive?

Snockered, Pelz snatches Skeen's dance partner.

PELZ  
Sorry, sir, but tonight I dance with  
every girl in Manila!

Laughing, Skeen inherits HELEN WATKINS, 25, an American civilian  
with girl-next-door good looks and a spirited demeanor. Not  
missing a beat, Skeen and his new partner twirl across the floor.

SKEEN  
End of the war, beautiful girl --  
does it get any better?

HELEN  
Settle down, soldier, I haven't  
stepped on your toes yet.

SKEEN  
Step all you want, doll.

HELEN  
Are you really a major, or did you  
just steal those bars?

SKEEN  
I stole 'em -- from Major John Skeen,  
31st Regiment, Artillery.

HELEN  
Did he see any action?

SKEEN  
He came, he saw, he conquered.

HELEN  
That's what they all say.

They share a laugh while spinning through a maze of couples.

HELEN  
When do you ship home?

SKEEN

Counting the days -- I got a wife and kid back in Baltimore, plus a baby I've never seen. What about you?

A pained look crosses her face.

SKEEN

You okay? Wanna sit down?

She shakes her head, but stops dancing.

HELEN

I should go.

Smiling sadly, she gives him a quick kiss on the cheek.

HELEN

You're a lucky man.

Puzzled, he watches her disappear into the crowd as the band kicks into "IS YOU IS OR IS YOU AIN'T MY BABY." An exuberant Captain Cook grabs Skeen and dances him across the floor.

4 INT. U.S. ARMY BARRACKS/MANILA, PHILIPPINES - DAY

A Warner Brothers CARTOON, "Bugs Bunny Nips the Nips," plays on an improvised screen in a smoke-filled barracks -- GIs HOOT, HOWL and APPLAUD. Cartoon segues to BLACK & WHITE NEWSREEL FOOTAGE of HIROSHIMA, NAGASAKI and the JAPANESE SURRENDER to MacArthur aboard the U.S.S. Missouri. Newsreel segues to the arrests of war criminals: TOJO, YAMASHITA -- the 'Tiger of Malaysia,' and HOMMA -- the 'Beast of Bataan.' Near the front, Major John Skeen cheers his general.

SKEEN

Thata' boy, Mac -- give 'em hell!

5 EXT. U.S. EMBASSY TERRACE/TOKYO - DAY

Motion picture cameras and photographers capture GENERAL DOUGLAS MACARTHUR at a podium. SEVERAL GENERALS and ADMIRALS stand behind him.

NEW YORK TIMES

General MacArthur, are you planning on putting Emperor Hirohito on trial?

MACARTHUR

No. The Japanese view their Emperor as a God. If I put Hirohito on trial, it would destroy the very fabric of their culture and we'd be forced into

(MORE)

MACARTHUR (CONT'D)

a very lengthy occupation that would require over a million men. I want to get our boys home as rapidly as ships can be made available.

BOSTON GLOBE

What about Tojo and the Beast of Bataan and ...?

Mac stops the reporter with a raised hand.

MACARTHUR

I promise the American people and the entire free world that Tojo and his military cabal will be brought to trial, swiftly, and justice will be served. The prosecution of Japanese war criminals is one of President Truman's top priorities. That's all, gentlemen. Thank you.

MacArthur exits into the embassy, followed by his retinue.

6 INT. U.S. EMBASSY/HALLWAY - CONTINUOUS

ADMIRAL HALSEY, VICE ADMIRAL MCCAIN and BRIGADIER GENERAL ELLIOTT THORPE, Mac's counterintelligence chief, catch up to MacArthur walking briskly down the hall.

THORPE

Mac, just for the record -- I don't know if these trials are a good idea.

HALSEY

Oh, come on, Elliott. If we're lenient with these people, sure as death and taxes it will lead to another war.

THORPE

But when in military history did the victors put their defeated enemies on trial?

MACARTHUR

That's irrelevant. It's our duty to show the world the heinous behavior of the Japanese army.

MCCAIN

It's nothing they don't deserve -- those Jap war lords aren't half-licked. Did you see the look in their eyes at the surrender? They

(MORE)

MCCAIN (CONT'D)  
 still don't know we're better men  
 than they are.

THORPE  
 Can't we just banish them to some god-  
 forsaken island for the rest of their  
 lives?

MACARTHUR  
 It's a good idea, but I can't do it.  
 Our allies want blood, and our people  
 want blood, and they're going to have  
 blood, and I can't stop it.

7 EXT. MANILA PIER - DAY

A LINE OF SOLDIERS proceeds slowly toward a SERGEANT who's  
 checking each GI's papers before allowing them to board a NAVAL  
 TRANSPORT SHIP. Skeen pulls two Filipino dolls from his duffel  
 to show Cook.

SKEEN  
 What say, Cookie -- are my kids gonna  
 go for these?

COOK  
 They'll love 'em -- it's from their dad.

LIEUTENANT (O.S.)  
 (calling)  
 Major John Skeen? Major Skeen?

Skeen turns to see a YOUNG LIEUTENANT hustling up the line. He  
 shares a look with his buddy before acknowledging the summons.

SKEEN  
 I'm Major Skeen.

The lieutenant hustles over, salutes, then hands him a sealed  
 order -- Skeen opens it, reads.

SKEEN  
 (to himself)  
 But I'm shipping out for God's sake.  
 (to Cook)  
 They want me to report to JAG.

COOK  
 So don't go -- you were half-way to  
 Baltimore, they never found you.

LIEUTENANT  
 I'd go along with it, sir.

He indicates TWO MPs approaching along the line -- Skeen crumples the order in his fist.

SKEEN  
 Son of a ...  
 (to Cook)  
 Save my place, I'll be right back!

He grabs his duffel and follows the lieutenant.

COOK  
 (grinning)  
 Hey, Jack -- write if you get work.

8 EXT. JAG HEADQUARTERS - DAY

A jeep pulls to the curb in front of an ornate mansion, headquarters for JAG (Judge Advocate General). The lieutenant and MPs watch Skeen grab his duffel off the back.

LIEUTENANT  
 Good luck, sir.

SKEEN  
 Wait right here.

He climbs the mansion's front steps.

9 INT. COLONEL BROWN'S OFFICE - DAY

Skeen enters the office of LT. COLONEL BERNARD BROWN, 55, a by-the-book officer working through stacks of paper.

SKEEN  
 (saluting)  
 Major John Skeen, sir.

Brown looks up with tired eyes, indicates Skeen should sit.

SKEEN  
 Sir, I hope this won't take long --  
 I'm scheduled to ship out at 1300.

BROWN  
 Sorry to disappoint you, Major, but  
 you've been assigned to the Judge  
 Advocate General's staff, reporting  
 to me.

SKEEN  
 How could that be, sir, I ...

BROWN

War Crimes. You are now the chief defense counsel for General Masaharu Homma, the man behind the Bataan Death March.

Skeen conceals his shock with good-natured humor.

SKEEN

Excuse me, sir, but this must be a mistake -- I did pass the bar, but I never tried a case in court, in fact, I've never actually been in a courtroom, I was commissioned right after graduation.

BROWN

Well look at the bright side, Major -- now you get some experience.

SKEEN

With all due respect, sir, I haven't seen my family in four years.

Brown offers a manila folder -- several photographs spill onto his desk. Skeen can't avoid the grizzly images: emaciated prisoners, a mass grave, a beheaded torso. Brown tucks the photos back into the folder and slides it across the desk. Skeen doesn't pick it up.

BROWN

Is there a problem, Major?

SKEEN

Believe me, sir, a mistake has been made -- I'm not qualified to handle this case.

BROWN

Anything else?

SKEEN

Well, yes, sir -- I feel I'm, well, prejudiced, and wouldn't provide satisfactory defense for a Japanese officer.

BROWN

Is that everything?

SKEEN

No, it's not, I've got sixty-five points, I've done everything the Army  
(MORE)

SKEEN (CONT'D)  
 ever asked, I earned my ticket home --  
 dammit, sir, I'm shipping out in two  
 hours!

Brown's expression turns grim, his voice ominous.

BROWN  
 Major Skeen, this goes all the way to  
 the top. General MacArthur. Pick up  
 the folder.

Skeen stares with locked jaw, stunned by the turn of events.

10 INT. AMERICAN EMBASSY/STAFF ROOM - DAY

Followed by AIDES, General MacArthur swirls into the room where  
 General Thorpe and other high ranking officers confer at a  
 conference table.

MACARTHUR  
 I want a Filipino on this Commission.

THORPE  
 What about Basilio Valdez?

MACARTHUR  
 He's perfect, and get Arthur Trudeau,  
 we met in Australia in '42 -- he's  
 smart.

THORPE  
 I'll put in a call.

MACARTHUR  
 I need this to happen now -- who  
 else?

11 EXT. JEEP (TRAVELING) - DAY

A grim-faced Skeen drives through the Luzon countryside. Riding  
 shotgun is CAPTAIN GEORGE FURNESS, 43, wire-rim glasses, genial  
 with a calm demeanor and dry wit -- he's reading a file.

FURNESS  
 Donovan? He was one of the judges  
 that convicted Yamashita. He's got  
 less background in criminal law than  
 I do.

SKEEN  
 How much do you have?

FURNESS  
 None.

Coming around a bend, the jeep skids to a halt -- a herd of goats are crossing the road.

FURNESS

Some other big hitters -- Generals  
McNaught, Gard and Trudeau.

In the back seat, Lieutenant Robert Pelz, 27, the ladies' man with a healthy sense of humor from the Hotel Manila, shakes his head.

PELZ

I've never even seen a general -- now  
I got to face off with four of 'em?

FURNESS

Five. General Basilio Valdez, former  
Chief of Staff for the Filipino army.  
And by the way, a famous surgeon.

Also in back, CAPTAIN FRANK CODER, 30, brusque with stocky build, leans out to pat a goat.

CODER

There's one for the prosecution.  
Valdez's brother was beheaded by the  
Japs.

The jeep continues on, threading through the goats.

PELZ

I can't figure out why they picked me  
for a big case like this. I've just  
been doing low level courts martial.  
What about you guys?

FURNESS

I used to do real estate law in New  
York.

CODER

Last I saw a courtroom was the time I  
got drunk and stole a chaplain's  
jeep. They made me dig a hole six by  
six by six, then bury a match.

Laughing, they look to Skeen, who shrugs.

SKEEN

My father has an Admiralty law  
practice in Baltimore -- does that  
count?

PELZ  
 (grinning)  
 Gentlemen -- I believe we're ready.

Skeen pulls to a stop at the guard house of BILIBID PRISON, a decrepit Spanish fortress. He gives the on-duty MP a copy of their orders.

MP  
 Tough luck, sir. Drive ahead.

Skeen accelerates into the prison yard.

CODER  
 So how we supposed to defend this  
 butcher after what he did to our  
 guys?

PELZ  
 I know I'd sleep better if I was  
 prosecuting instead of defending.

CODER  
 I heard he used to entertain his  
 troops by tossing babies in the air  
 and spearing 'em on his sword.

FURNESS  
 (disapprovingly)  
 Funny, I haven't come across that yet  
 in the file.

CODER  
 Oh, yeah, these nips are cruel sons  
 of bitches -- I had a buddy on that  
 March, walked the whole nine yards,  
 let the Beast of Bataan hang is what  
 I say.

Skeen parks in the shade of the only tree left standing in the barren terrain.

SKEEN  
 If you fellas don't mind, once we're  
 inside -- I'll do the talking.

Coder shrugs, a grinning Pelz half-salutes.

PELZ  
 Major, tell me I'm wrong, but I swear  
 you and I have met somewhere before.

Skeen remembers, but he's not in the mood. He gets out of the jeep and hands Pelz a rumpled grey suit on a hanger.

SKEEN

I highly doubt it, Lieutenant.

12 INT. BILIBID PRISON CORRIDOR - DAY

In the dim corridors of Bilibid, the four officers plus assigned Nisei translator KISHIMOTO walk past cells holding JAPANESE PRISONERS and FILIPINO COLLABORATORS. They reach a separate cell-block where MASTER SERGEANT WILLIAMS, 30s, tough and bulky, checks Skeen's papers, then unlocks a heavy wooden door.

13 INT. HOMMA'S CELL - CONTINUOUS

The defense team finds LIEUTENANT GENERAL MASAHARU HOMMA, 59, dressed in his general's uniform, writing at a small field desk in his windowless cell. He stands. Japanese general and American officers stare as if across a firing line. He's not what they expected: tall and powerfully built, a commanding yet disarming presence, handsome.

SKEEN

(to interpreter)

Okay. Tell him my name is Major John Skeen, United States Army.

Kishimoto does SIMULTANEOUS TRANSLATION -- Homma bows to each attorney as he is introduced.

SKEEN

This is Captain Furness, Captain Coder and Lieutenant Pelz. We've been assigned to act as his legal counsel. His arraignment will be in two days before a United States military tribunal -- does he understand what an arraignment is?

Kishimoto and Homma speak rapidly in Japanese.

KISHIMOTO

Yes, he does.

SKEEN

Good. In order for us to do our job, we'll need to ask him a number of questions.

As KISHIMOTO TRANSLATES, Pelz mutters to Coder.

PELZ

I guess if you have to meet the Beast  
of Bataan, better here than some  
jungle, right?

The general's gaze falls on Pelz, unnerving him.

HOMMA

I'm a soldier, Lieutenant Pelz. Not  
a beast.

The Americans are stunned by Homma's precise diction and British  
accent.

HOMMA

The press called General Yamashita  
the Tiger of Malaysia -- they had to  
give me a contemptible name, too. It  
makes for a good headline.

CODER

GIs gave you that name, not the  
press.

HOMMA

Forgive me, but I haven't spoken  
English for several years.  
(ironic smile)  
There was a war, so I'm a little out  
of practice.

Unsure how to interpret this comment, Skeen gathers himself.

SKEEN

Do you want to conduct this interview  
in English?

HOMMA

As you wish -- I've already spoken  
with two American Army psychiatrists  
and some officers from the  
prosecution.

FURNESS

The prosecution?

HOMMA

At Yokohama. They questioned me for  
two weeks.

FURNESS

(to Skeen)  
That's illegal. Defense counsel  
(MORE)

FURNESS (CONT'D)  
should be present when prosecution  
questions an accused.

HOMMA  
In Japan this would be common  
practice.

CODER  
Well, I've got news for you, bud --  
you ain't in Japan anymore.

Homma offers Coder a half smile.

SKEEN  
Captain Coder, see if we can get  
transcripts of those interviews.

Homma picks up a sheaf of papers from the desk.

HOMMA  
Gentlemen, please, if you will  
permit, I wrote some notes in  
preparation for my defense.

He motions for Skeen to sit at the table, for the others to sit  
on his bunk -- no one accepts the invitation.

HOMMA  
Firstly, I wish to thank the United  
States Army for providing your  
service and thank you for your  
impartiality in taking my defense.

Skeen and Furness share a raised eyebrow.

HOMMA  
Every commander has his own way of  
discharging duties. What is good in  
one country may not hold as much good  
in another. Especially Oriental way  
is vastly different from Occidental  
one and American way is not our way.

CODER  
That's for damn sure.

HOMMA  
Whether I discharged my duty rightly  
or wrongly should be judged by persons  
who understand and appreciate our way.  
Nevertheless, I have tried ...

SKEEN  
Okay, thanks -- may I?

Homma gives him a look before handing over his valuable ream of notes.

HOMMA

I have tried to respond to the accusations against me.

SKEEN

We'll be sure to read this.

HOMMA

Major, please, one other concern. I have a son in the army, Masahiko. He is missing in China since 1942. I wonder if you could help to locate him.

SKEEN

If I can find the time.

Skeen hands the notes to Furness, then takes the suit from Pelz and gives it to Homma.

SKEEN

You'll wear this at the arraignment.

Homma lays the suit on the bunk. His disdain is obvious.

HOMMA

I admired General MacArthur. I thought of him as a good soldier and was quite satisfied to have fought against him for my honor. But now -- why must he rob me of my self-respect?

SKEEN

This was a decision by the Commission, not MacArthur.

HOMMA

I think you are naive, Major.

SKEEN

(irritated)

Maybe that's my problem because I'm having trouble trying to figure out how to defend you against the charges -- bayoneting, beheading, burying alive ...

HOMMA

(imperiously)

Major Skeen, your own American army, its discipline worthy of the highest

(MORE)

HOMMA (CONT'D)  
praise, committed hundreds of crimes  
in Japan during the first months of  
occupation ...

CODER  
Son of a bitch!

He makes a move toward Homma, but Skeen steps between them.

HOMMA  
... including rape, robbery, murder.

SKEEN  
That's got nothing to do with this.

HOMMA  
Sorry -- I believe no American  
commander is awaiting trial for these  
crimes.

SKEEN  
Are you telling me you excuse this  
behavior?

HOMMA  
I do not.

SKEEN  
Then help me understand why so many  
atrocities occurred under your  
command?

HOMMA  
(flaring)  
Major, did you lead an army into  
battle?

SKEEN  
I'll ask the questions.

HOMMA  
Men can do terrible things they would  
never contemplate in the peace time.  
It's a kind of insanity. Some  
allowance should be made for this  
state of mind.

He picks up the despised suit and hangs it from a crevice in the  
cement wall.

HOMMA  
If you don't mind, I am feeling very  
tired.

Dismissing his attorneys, Homma lies down on his bunk. None too happy, Skeen goes to the door and raps impatiently.

SKEEN

Have it your way, General.

The attorneys file out of the cell. Homma hears the door lock shut.

14 EXT. DOWNTOWN MANILA - DAY

Coder navigates past burned out buildings, piles of rubble, makeshift merchant stalls, UNEMPLOYED FILIPINOS, WHORES, PICKPOCKETS and EX-GUERRILLAS still in jungle uniform. He enters a two-story building and climbs a narrow stair behind TWO GIs hefting a desk over their shoulders.

15 INT. DEFENSE OFFICE - CONTINUOUS

Coder enters an office crowded with ARMY PERSONNEL delivering file cabinets, desks and supplies. He joins Pelz, Furness and Skeen meeting around a conference table -- Skeen stares as Coder nonchalantly grabs an empty chair, spins it around and straddles it. STREET NOISE filters through the open windows.

PELZ

... graduated second in his class from the Military Academy, which I gather is their West Point. An observer with the Brits in France during World War I, and here's the kicker, awarded the British Military Cross.

In the PRISON CELL, Homma, now dressed in prison garb, holds the grey suit up to himself, sizing it, then tosses it into the corner.

PELZ (V.O.)

Attaché to the embassy in London, four years. Traveled extensively in Europe, Russia, the Middle East and even the U.S. of A. Resident officer in India, had commands in China and Formosa, regarded as one of their top generals.

In the DEFENSE OFFICE, Coder scoffs.

PELZ

But get this -- his first marriage ended in an ugly divorce when the wife decided she'd rather be a geisha. He got the news in London and started drowning his sorrows in

(MORE)

PELZ (CONT'D)  
 the sauce, actually tried to kill  
 himself jumping out a hotel window.

The men exchange looks. Outside, a SIREN BLARES.

PELZ  
 In the end, he gave her his entire  
 estate and this is what he said, and I  
 quote, 'I have paid for the funeral of  
 my love.' After that, he had a series  
 of disastrous love affairs until he  
 met a broad by the name of Fujiko,  
 herself already divorced and fifteen  
 years his junior.

In his PRISON CELL, Homma stares at one wall, then turns to look  
 at another, then turns again.

PELZ (V.O.)  
 The psyche boys say high intelligence  
 with a tilt toward the emotional,  
 artistic, which they claim is an  
 unusual profile for a career officer  
 in the Imperial Army.

FURNESS (V.O.)  
 That's funny -- sounds a lot like  
 MacArthur.

In the DEFENSE OFFICE, Pelz rechecks the file.

PELZ  
 Oh, yeah -- and he likes to sing in  
 the shower.

SKEEN  
 (smiling)  
 Okay, thanks, Lieutenant.  
 (to Coder)  
 You got a problem with your watch?

CODER  
 I was detained, but so what -- this  
 case is a fuckin' joke.

There's a tension around the table, which Furness tries to diffuse.

FURNESS  
 John, if you don't mind, I'd like to  
 spend a few days looking at case law.  
 I think we may have some legitimate  
 questions pertaining to chain of  
 command.

SKEEN

On what basis?

FURNESS

The charge says he failed to control the members of his command -- that's not saying he did something, it's only saying he didn't do something. I've got more law to look at, but something here doesn't sit right. I think the army is opening up a huge can of worms, maybe even more than they realize.

Skeen and Pelz nod respectfully at the analysis.

SKEEN

That's good, George, keep us posted. I'd like you to also handle the charge of refusing to accept Wainwright's surrender. Bob, you take the open city charge. All of us can work on the Death March and mistreatment of prisoners at the camps -- that's where the bulk of the specifications are. So, Captain Coder -- did you discover anything in the prosecution's Q & A at Yokohama?

CODER

He repeats the same bullshit he wrote down on paper, has a comeback for nearly every specification. Just one more sneaky Jap trying to save his yellow ass.

An uneasy silence prevails.

FURNESS

You know, Frank -- it might make it a little easier if you tried to think of it as not defending the enemy, but simply upholding the law.

CODER

You learn that crap at Harvard?

Furness shakes his head with a wry smile.

PELZ

I learned it at CUNY, but hey, try this one -- every beast is presumed innocent until proven guilty.

CODER

Maybe that works for guys who spent the war pushin' papers around some desk, but not ...

SKEEN

That's it, Coder, we get your point -- and this is mine.

(gives folder)

You're on your way to Tokyo, to track down witnesses and go through archives at the War Ministry.

CODER

Not a chance.

SKEEN

Maybe you're not listening, my friend -- that was an order.

A smiling Coder looks away, watches the army personnel positioning the last desk in the corner.

CODER

Okay, Major -- anything for the war effort.

PELZ

Hey, Frank, really make a run for that General Wachi -- he was Homma's Chief-of-Staff.

CODER

Yeah, sure. When I find him, I'll run a bamboo shoot right up his ass.

SKEEN

Look, Coder, none of us want to be here, so just do the job.

CODER

I've been doing the job from Leyte to Mindanao, this is nothing to me -- what about you, Major, where did you serve?

Skeen clenches his jaw, doesn't answer.

CODER

Right. You'll get your witnesses.

He grabs the folder and goes. In the awkward silence, the irrepressible Pelz raises his hand.

PELZ  
Can I go home now?

SKEEN  
(trying to smile)  
Sure -- go see Colonel Brown about  
getting yourself replaced.

PELZ  
I tried that already.

SKEEN  
Yeah -- me, too.

They laugh, their first lighthearted moment in days.

16 INT. JAG HEADQUARTERS - DAY

In a darkened office, Skeen and lead prosecutor LT. COLONEL FRANK MEEK, 40, and Naval officer LIEUTENANT BENJAMIN SCHWARTZ, 35, view confiscated JAPANESE FILM on a pull-down screen: an imposing GENERAL HOMMA on horseback reviewing his TROOPS.

MEEK  
There's your boy, Major.

SCHWARTZ  
Cuts quite the profile.

Ignoring their comments, Skeen keeps his eyes on the screen.

MEEK  
This was their staging area near  
Balanga.

Images of AMERICAN and FILIPINO POWs MARCHING along a dusty road.

SKEEN  
How did we come by this?

MEEK  
Confiscated from a Jap film unit.  
Somebody obviously made a big mistake  
leaving this baby in the can.

Image of JAPANESE GUARDS herding POWs at bayonet-point.

SCHWARTZ  
I must say -- it's very generous of  
them to let us see their home movies.

Image of HEADLESS CORPSE tied to a tree.

MEEK

That's just the kind of people they  
are -- damned considerate.

The horrific images flicker across Skeen's face.

17 INT. JAG HEADQUARTERS - DAY

Meek escorts Skeen from the screening room into JAG's central office, a large hall decorated for Christmas; a STAFF OF ARMY LAWYERS, SECRETARIES, CLERKS and ASSISTANTS work full-tilt with CLACKING TYPEWRITERS and RINGING PHONES.

MEEK

I'd invite you to sit down for a  
drink but I'm due at Colonel Brown's  
office.

(offering hand)

Anyway, Major, next time I pour.

SKEEN

(shaking hands)

Colonel, there is one thing. Some of  
us were a little concerned that Homma  
was interviewed in Yokohama without  
defense counsel present.

MEEK

(laughing)

Oh, come on, Major -- did you  
actually think I was going to sit on  
my hands when we'd just captured the  
most notorious criminal of the war?

SKEEN

It's a question of fairness, sir.

MEEK

(smiling)

'Fair?' Is that what you just said,  
Major? Fair? Because if it is, I  
would ask whether your General Homma  
thought about fairness when he forced  
75,000 soldiers to march eighty miles  
with no food and no water under a  
tropical sun for days on end and  
subject them to the most heinous acts  
of torture.

He taps a stack of affidavits on a desk.

MEEK

I've got a hundred stories here, but they all end the same way.

He pulls a few off the top.

MEEK

(reading)

'I watched two Japanese soldiers strip a GI of his watch, canteen, wallet and finally his belt. When he started to resist, one soldier jabbed a bayonet into his stomach.'

(looks up)

Was that fair, Major?

CAMERA TRACKS slowly in on Skeen.

MEEK

Oh, here's a good one.

(reading)

'On the second day of the march, outside Balanga, I saw ...'

Meek's VOICE FADES as we see through Skeen's imagination: *haggard faces, decrepit boots, bedraggled American soldiers stumbling along a hot, dusty road. Riding in an open truck on their way to the front, laughing Japanese soldiers swing their rifles like baseball bats, knocking marchers to the ground.*

On Skeen's face, shaken.

MEEK

Over 17,000 murdered Americans and Filipinos -- that's what this trial is about.

18 INT. HIGH COMMISSIONER'S RESIDENCE/HOLDING CELL - DAY

*Manila - 18 December 1945*

MPs remove Homma's handcuffs in the spartan room. The general struggles to smooth the wrinkles out of his rumpled suit, then adjusts the knot in his tie. The CACOPHONY FROM THE STREET draws him to a barred window. He looks outside.

19 EXT. HIGH COMMISSIONER'S RESIDENCE - CONTINUOUS

An apprehensive Skeen leads Furness and Pelz into a THRONG of hostile FILIPINOS, angry GIs and aggressive REPORTERS and PHOTOGRAPHERS. They climb the steps of the elegant, shell-scarred mansion.

20 INT. COURTROOM - DAY

In a grand ballroom, its floor to ceiling French windows overlooking Manila Bay, Skeen is unnerved by the charged atmosphere of LIGHTS, MOTION PICTURE CAMERAS, POPPING FLASHBULBS and a PACKED AUDIENCE. He takes his place at the defense table next to an uneasy Homma, translator Kishimoto, Furness and Pelz. Emerging from a bevy of JAG PROSECUTORS, Schwartz hands Skeen a document. Skeen pages through a list of specifications -- Furness and Pelz read over his shoulder.

DONOVAN (O.S.)  
(on microphone)  
Is the accused now ready to enter his  
plea?

Overwhelmed, Skeen glances up at the five Commission judges seated on an elevated platform: presiding judge MAJOR GENERAL LEO DONOVAN, Filipino MAJOR GENERAL BASILIO VALDEZ, plus BRIGADIER GENERALS ARTHUR TRUDEAU, ROBERT GARD, WARREN McNAUGHT, all men in their 50s and 60s.

SKEEN  
Sir, I -- can we have a minute,  
please?

Donovan, covering his mic, confers with General Trudeau. Homma anxiously looks from the judges to Skeen whispering with his colleagues -- he can see they're floundering.

DONOVAN  
(on microphone)  
How does the accused plead?

SKEEN  
Sir, at this time, ah, five of these  
specifications we're seeing for the  
first time.

Further trying the court's patience, Skeen again confers with colleagues. When Homma stands, Skeen looks up in surprise. The general offers him a reassuring look, then picks up the table microphone -- a HUSH falls over the courtroom.

HOMMA  
I plead not guilty.

The GALLERY ERUPTS in protest. Skeen, struggling for ballast, glares as Homma sits back down.

DONOVAN  
This Commission will reconvene in two  
weeks -- on the 3rd of ...

FURNESS

Sir, excuse me, please, but we would like to place before the court a motion to postpone trial for two months, in order to locate and interview witnesses, most of whom are now in the United States, China and Japan.

Across the aisle, lead prosecutor Meek confidently stands to address the judges.

MEEK

May I remind the Court of General MacArthur's mandate to proceed expeditiously.

DONOVAN

Motion to postpone denied. Major Skeen, do you have anything else?

SKEEN

No, sir.

DONOVAN

This Commission will reconvene ...

PELZ

May the defense say one thing more, sir?

Skeen looks with annoyance at his colleague.

PELZ

Sir, these incidents occurred over three years ago. It is the tremendous amount of research and investigation ...

DONOVAN

I understand that. The Commission will now be in recess and reconvene on the 3rd of January, 1946.

The generals depart as Skeen, steamrollered, gathers his papers without returning the concerned looks of his co-counsel.

FURNESS

What do you think, Major?

SKEEN

I think three days ago I was on my way back to Baltimore.

He indicts Homma with an accusatory glance, then shoves papers into his briefcase. The general shakes his head in dismay before MPs lead him out a side door.

21 EXT. HIGH COMMISSIONER'S RESIDENCE - DAY

JOURNALISTS confront Skeen with QUESTIONS as he exits the courthouse. Waving off their queries, he starts down the steps, passing a GROUP OF REPORTERS, including New York Times correspondent ROBERT TRUMBULL, gathered around prosecutor Meek.

MEEK

General MacArthur wants to send a message to the whole world that Japanese war mongers will not be tolerated in a civilized society ...

(a look to Skeen)

... and we're confident that all patriotic Americans feel the same way.

TRUMBULL

You'll ask for execution, right?

MEEK

I can tell you this, boys -- it won't be three weeks in Shangri-la.

REPORTERS LAUGH as Skeen escapes onto the street.

22 EXT. TOKYO - DAY

*Tokyo - 24 December 1945*

Coder drives his jeep through the shattered remnants of an urban neighborhood, staring at the pitiful sight of REFUGEES living in its skeletal remains. When the jeep stops at a checkpoint, Coder is surrounded by ragged children begging for handouts. He shoos them away and continues on.

23 INT. TOKYO/WAR MINISTRY - DAY

CAPTAIN SANGER leads Coder down a corridor filled with U.S. ARMY PERSONNEL and JAPANESE BUREAUCRATS. They enter a small office where SONOKO, 25, pretty and demure, waits nervously.

SANGER

This will be your office for the next few weeks. Sorry it's not bigger.

Coder drops his briefcase on the desk.

CODER

Better than a foxhole.  
(pointing at Sonoko)  
What's this?

SANGER

This is Sonoko Sasaki. The Colonel  
thought you could use an assistant.

CODER

Don't need it. I'm kind of a one man  
show here.

SANGER

Unless you speak Japanese, a  
translator is pretty much a necessity.

Sonoko, avoiding eye contact, stands and bows. Grunting, Coder  
sits at his desk and starts pulling papers from his briefcase.

SONOKO

Excuse please, Captain Coder, but I  
wish to thank you for this honor.  
Before the war I studied English at  
the Iowa State.

CODER

(ignoring her)  
That's great.

SONOKO

I was asked to search for General  
Homma's 14th Army records.

CODER

Well, good -- that should keep you  
busy.

She picks a box off the floor and puts it on Coder's desk, then  
points to a dozen others stacked in the corner.

SONOKO

It is the full archive, including  
orders of each day, medical records  
and all court martial.

Coder's unable to conceal his surprise. Sanger gives him a 'see  
what I mean' look.

SANGER

I'll let you two get acquainted. If  
you need anything, just give a shout.

After Sanger departs, Coder glances at his new assistant.

CODER

What did you say your name was?

24 INT. HOSPITAL TENT - DAY

Underneath a huge Red Cross tent, Skeen scans through paperwork at a make-shift admitting desk; FILIPINA NURSES assist PATIENTS, both American and Filipino, with their physical therapies; a small group of CHRISTMAS CAROLERS stroll among the beds -- there's a spindly Christmas tree in the corner.

HELEN

Hey, Major.

He turns to see Helen Watkins, dressed in Red Cross uniform and carrying a tray of blood samples.

SKEEN

Well, hello, there ...

HELEN

Don't you remember our dance, soldier?

SKEEN

Oh, yeah -- Hotel Manila. What are you doing here?

HELEN

I'm a volunteer. I can empty a bedpan with the best of them. My name's Helen. Helen Watkins.

SKEEN

John Skeen.

HELEN

I know. I saw your picture in the paper yesterday. What's all this about you and the war crime business, I thought you were practically home.

SKEEN

I was, until the army suddenly decided I was a lawyer.

HELEN

The trial hasn't even started yet and you're already famous.

A new arrival passes by on a stretcher -- she checks to see the identity of the patient.

SKEEN

Don't remind me -- reporters from all over the globe, movie cameras, I mean, everybody and his brother is watching this thing and I'm a guy who doesn't even like to get his picture taken.

HELEN

Better get used to it.

A FILIPINA NURSE arrives with a chart.

NURSE

Sir -- I'm sorry but the patient you're looking for, Captain Koznicky, died several days ago.

Skeen closes his briefcase.

SKEEN

(to Helen)

He was an aide to General Wainwright, actually sat at the table when we surrendered to Homma at Corregidor.

HELEN

He wouldn't have testified for you -- Peter hated the Japanese, they tortured him.

SKEEN

Was he a friend?

HELEN

(nodding)

The one thing I really try to do at this place is look out for the Bataan vets.

SKEEN

It's about time somebody did. Well, listen, I better get going. My life's a little crazy right now -- tracking down witnesses, case law, putting an office together, it's endless.

HELEN

I think you're working much too hard on this -- after all, he's not called the Beast of Bataan for nothing, is he?

25 INT. HOMMA'S CELL - DAY

In a rage, Homma tears the blankets off his bunk and throws the ragged futon against the wall. He's stomping on his bedding when the cell door opens -- Skeen stands in the threshold.

HOMMA

Bedbugs.

He tosses the futon and blankets back on the bunk, then invites Skeen to sit at the desk.

HOMMA

It's good you're here. There's much for you to learn about this case and we have very little time.

Skeen offers a caustic smile, irritated by his client's didactic manner.

26 INT. BILIBID PRISON CORRIDOR/HOMMA'S CELL - DAY

Sergeant Williams carries two cups of coffee down the corridor, unlocks Homma's cell, then enters. Homma sits at the desk swatting mosquitos and calmly answering questions while Skeen, alone with the enemy for the first time, can't sit still.

SKEEN

General King turned over all vehicles to your forces on the day of surrender in Bataan -- why didn't you use them to help transport the prisoners?

Williams places the cups on the desk and leaves.

HOMMA

This is a good question. In the last days of fighting, the American army intentionally destroyed most vehicles. We had no parts for repair.

(slight smile)

The 14th Army was by no means mechanized. Our primary transportation was walking and bicycle. I even had to purchase 3000 Filipino ponies.

Skeptical, Skeen makes a note on his clipboard. Homma hands a coffee to his attorney, takes the other for himself.

SKEEN

Explain to me who was in charge of the transport and feeding of prisoners?

HOMMA

That was General Kawani.

SKEEN

Where do we find him?

HOMMA

He's dead. Committed seppuku after the surrender. Suicide.

Skeen shakes his head in disgust.

HOMMA

But you should talk to General Takatsu -- it was his responsibility to carry out the order.

SKEEN

Takatsu?  
(flipping through notes)  
He's a witness for the prosecution.

Homma can't hide a look of betrayal.

HOMMA

I'm not surprised. This is a difficult time for us -- everyone is afraid they are the next one to be arrested.

SKEEN

Okay, what about specification 4?  
(reading)  
'Widespread raping and brutal mistreatment of American and Filipino women throughout ...

Homma stands, manifesting his full stature as an Imperial General.

HOMMA

I prosecuted every case of rape brought to my attention, we court-martialed over one hundred men. If my conscience wasn't clear, do you think I would have given myself up to  
(MORE)

HOMMA (CONT'D)  
the Americans? It is not the way of  
the Japanese to be alive with shame.

SKEEN  
So tell me this -- did you and your  
conscience ever meet up with 1,200  
American soldiers marching to their  
death on the East Road?

HOMMA  
(CURSES in Japanese)  
I was fighting a war in Corregidor,  
not supervising prisoners!

SKEEN  
Let me advise you of something -- if  
you get angry like this, in court,  
the prosecutors will bury you.

He abruptly goes to the door, knocks.

HOMMA  
I'm simply trying to explain my  
feelings concerning these charges.

SKEEN  
Your feelings are irrelevant.

The general shakes his head in frustration. The door opens, but Skeen hesitates -- Homma's staring at him, tears welling in his eyes.

HOMMA  
Major Skeen -- you're not the only  
one who wants to go home.

Skeen hovers, surprised by Homma's display of emotion.

SKEEN  
Lt. Pelz will come by this afternoon  
to discuss your decision to bomb  
Manila after General MacArthur  
declared it an open city.

HOMMA  
It's a false charge -- MacArthur was  
warehousing materiel for his troops  
there.

Skeen departs. Homma angrily sweeps his papers off the desk.

27 EXT. WACK WACK CLUB/VERANDA - NIGHT

With the SOUNDS OF SWING echoing from the club, Helen gazes out at harbor lights; at night, the devastation of Manila isn't so visible. Skeen, carrying two beers, threads past OTHER COUPLES to join her at the railing. He shows her a coin.

SKEEN

Look what I got back in change -- a Japanese yen. Want a souvenir?

HELEN

No thanks.

He takes aim and fires -- the coin pings the helmet of an MP on the street. The guard looks around, wondering where it came from. Skeen and Helen smother their laughter.

HELEN

Good shot.

SKEEN

My first hit of the war.

HELEN

(toasting)

Death to the Emperor.

SKEEN

(clinking bottles)

Banzai.

From inside the club, the MUSIC STOPS and the SINGER'S VOICE can be heard on the microphone.

SINGER (O.S.)

Okay, people, this is it ... ten, nine, eight ...

HELEN

C'mon, we're going to miss it!

She grabs his hand and leads him running across the veranda and into the club. Laughing, they thread past exuberant SOLDIERS and CIVILIANS to the edge of a packed dance floor.

SINGER/CROWD

... three, two, one -- Happy New Year!!!

Bedlam. Helen and Skeen share a smile, then kiss -- she's more passionate than he expected. When they part, he sees that she's crying.

HELEN

I'm sorry, I didn't, I just didn't  
think another year would get by ...

SKEEN

Helen, what's the matter?

HELEN

(wiping tears)

My husband was on the Death March.  
That's why I'm in the Philippines.

The celebration swirls around them as the BAND PLAYS "Auld Lang Syne."

SKEEN

He still M.I.A.?

HELEN

(nodding)

A platoon buddy said he saw Tommy at  
the start of the March, near  
Mariveles, but somewhere along the  
road, he disappeared -- back up to  
the mountains or ...

(fights emotion)

... either I find him or they give me  
his dogtags.

He opens his arms and gives her a comforting hug. She looks  
over to Pelz, who's got a girl in each arm -- he kisses one,  
then the other, long and hard. She can't help but laugh. Skeen  
taps Pelz on the shoulder.

SKEEN

Happy New Year, Bob -- don't forget  
to come up for air.

Pelz surfaces, his face smeared with lipstick.

PELZ

I'll breathe tomorrow. Tonight, I'm  
on a mission from God.

He plants a wet kiss on Helen.

PELZ

I'll be right back. Keep me at the  
top of your dance card.

SINGING along with the BAND, he claims a kiss from every woman  
in the club. Furness emerges from the raucous crowd, throws an  
arm around Skeen and Helen.

FURNESS

Hey kids, welcome to 1946!

28 INT. BILIBID PRISON - SAME

CAMERA DRIFTS down a corridor past despondent prisoners to find Homma on the floor under his bunk -- he's carefully prying a long splinter of wood off the frame. He sits against the wall, feels the pulse of his carotid artery, then presses the wooden dagger against his neck. From down the hall, a SINGLE VOICE begins to SING in JAPANESE. Homma hesitates, his eyes welling, as he listens to the emotional New Year's song.

29 INT. WACK WACK CLUB - LATER

Skeen and Furness, feeling no pain, sit shoulder to shoulder at the bar. At the far end, a group of REPORTERS are SERENADING TWO pretty FILIPINAS.

FURNESS

This is our ticket to bigger things,  
John, better not muck it up. This is  
the biggest trial you and I will ever  
see.

SKEEN

Too bad we're up against the best  
lawyers the army can find.

FURNESS

Don't worry, we got your back, you  
got good personnel. What we lack in  
experience we make up for in ...  
something, due diligence, we'll do it  
right.

He offers his glass, Skeen clinks.

SKEEN

Even if the guy is guilty as sin.

Furness shushes Skeen while pointing to the nearby journalists.

FURNESS

(to the bartender)  
Another round, Captain.

FELIPE, the Filipino bartender, refills their glasses as Pelz, three sheets to the wind, rolls up to the bar with FELICIA, an alluring 25-year old.

SKEEN

Hey, there he is, where you been?

PELZ  
 (squeezing Felicia)  
 Lots of investigating, gentlemen, if  
 you get my drift.

FURNESS  
 Thank God you're on our team.

The defense team is laughing when COLONEL WILLIAM LECK, 40s, a  
 hardened combat vet, approaches the bar.

LECK  
 Skeen -- I want a word with you.

Their laughter stops as all glance at the hostile stranger.

SKEEN  
 You are?

LECK  
 Colonel William Leck, 21st Field  
 Artillery Regiment, 21st Division.  
 You got a lot of nerve coming here.

SKEEN  
 Excuse me?

LECK  
 I'm one of the Battlin' Bastards.  
 Ever hear of us?

SKEEN  
 Of course, let me buy you a drink.

LECK  
 I'm not gonna drink with any goddamn  
 shyster -- I just want to hear you  
 say to my face that Jap son-of-a-  
 bitch isn't guilty.

He shoves Skeen hard -- Pelz and Furness try to step between  
 them.

LECK  
 Go on, say it, say it to my face.

SKEEN  
 Colonel, believe me, I know you men  
 went through a lot, but ...

LECK  
 (another shove)  
 No, goddamnit, you don't know --  
 (MORE)

LECK (CONT'D)  
 traitors like you ought to have that  
 uniform burned right off their backs.

Skeen lunges, but Furness hugs him from behind, pinning his arms. Before Pelz can restrain the colonel, Leck throws a hard punch, knocking Skeen and Furness to the floor. The bartender blows a whistle.

LECK  
 You piece of shit disgrace, get up --  
 I'll kick your ass to hell and back!

Skeen scrambles to his feet and tackles Leck -- a full-scale brawl ensues as MPs swoop into the bar.

30 EXT. MANILA STREET - LATER

Skeen and Furness, both drunk and bruised, stagger along a city street littered with New Year's carnage and other STRAGGLERS. An ACCORDION ECHOES from a small bar.

SKEEN  
 ... I'm telling you, I put in for  
 action, I did, it's the god-damn  
 Army's fault, they kept me teaching  
 artillery four stinkin' years. How'm  
 I supposed to call myself a soldier,  
 know what I'm saying? Oh, I was  
 trainin' for the Jap invasion, but  
 then we dropped the big one. So  
 there you have it.

FURNESS  
 We're alive, Johnny boy.

SKEEN  
 Agghhh, I dunno ...

They reach the neighborhood whore house where scantily clad FILIPINAS motion them inside.

HOOKER  
 Hey, soldier -- fifty cent short  
 time, all night, one dollar, good  
 deal.

FURNESS  
 C'mon, let's start the New Year  
 right. My treat.

SKEEN  
 No, no. I got Dorothy waiting.

FURNESS

Not me -- I got a wife I never want to see again. In fact, I'm the one soldier in Uncle Sam's army that doesn't give a rat's ass if I ever get home. If you met my wife, you'd know why.

(referencing the hookers)

You sure?

SKEEN

(grinning)

Good night, Captain.

He salutes, then enters the adjacent door as the Filipinas engulf Furness. Skeen staggers up a flight of stairs to his spartan APARTMENT, where he collapses on the couch.

31 EXT. BILIBID COURTYARD - DAY

Standing in a cramped courtyard under a gray sky, Homma COUNSELS FIVE JAPANESE PRISONERS -- they listen raptly. When one man covers his eyes, in despair, Homma puts a hand on his shoulder, comforting him.

32 INT. DEFENSE OFFICE - DAY

Both hung over and sporting bruises from the night before, Furness writes amid a stack of books while Skeen studies a witness list with MANNY, 50, a Filipino investigator. PRIVATE ROY, 19, the secretary, bangs away on a typewriter.

SKEEN

Private -- you mind going a little easier on those keys.

PRIVATE ROY

Yes, sir.

Pelz hustles up the stairs into the office.

PELZ

Come on, Major, we're running behind, I got the jeep out front.

SKEEN

I'm not going anywhere -- especially with you.

(pointing at Furness)

Or him, for that matter.

PELZ  
Remember Felicia, Wack Wack Club? My  
work paid off.

                  SKEEN  
Congratulations, Bob, I'm happy for  
you.

Pelz grabs Skeen's elbow and maneuvers him toward the door.

                  PELZ  
Let's go, sir -- she helped me  
wrangle a meeting with the ex-mayor  
of Manila and for this we should not  
be late.

As they go out, Pelz kisses his fingers, then pats the ass of  
the Betty Grable cut-out tacked to the wall.

33     EXT.   JEEP (TRAVELING) - DAY

Pelz drives on a war damaged road through an up-scale section of  
Manila. Suffering the bumpy ride, Skeen leans out the window,  
pukes, then settles back in his seat. Pelz gives him a  
handkerchief.

                  PELZ  
You'll never guess what Homma's  
favorite book is.

                  SKEEN  
Mein Kampf?

                  PELZ  
Nope, one of ours -- Gone With the Wind.

                  SKEEN  
          (imitating Gable)  
Frankly, my dear, I don't give a damn.

Laughing, Pelz turns into a driveway with locked gate patrolled  
by FILIPINO SOLDIERS.

34     EXT.   VARGAS HOUSE/TERRACE - DAY

Sipping coffee on a terrace overlooking Manila, Pelz questions  
JORGE VARGAS, 60s, a white-haired Filipino aristocrat, while  
Skeen, hunched over the rail, looks out over the war-torn city.

                  PELZ  
What were your day-to-day dealings  
with General Homma?

VARGAS  
Very little.

PELZ  
Would you know why Homma was recalled to Tokyo so soon after conquering the Philippines?

VARGAS  
No.

PELZ  
We have a report that you and the general played tennis together, on a weekly basis.

VARGAS  
I don't remember.

Skeen takes a seat across from Vargas.

SKEEN  
Look, Mr. Vargas, we're not here to arrest you. Our sole purpose is to gain information that might be useful in the defense of our client. Please.

Vargas lights a cigarette, inhaling deeply.

VARGAS  
Do you want them to shoot me as a collaborator? It's not a propitious time to identify oneself with a Japanese commander.

Skeen and Pelz share a somber look.

PELZ  
Do you think Homma should hang for what happened in the Philippines?

VARGAS  
Masaharu was a good man, but I'm afraid he is a victim of circumstance. Let me tell you something so you won't be wasting your time ...

35 INT. HOLDING CELL - DAY

*Manila - 3 January 1946*

In his rumpled suit, handcuffed, Homma stands by the window with his forehead pressed against the bars, gazing sadly toward the sea.

VARGAS (V.O.)  
 ... no Filipino will testify for him  
 in your courtroom.

MPs unlock the cuffs, then escort him down a hallway toward the DIN of the courtroom.

36 EXT/INT. HIGH COMMISSIONER'S RESIDENCE - DAY

Patrolling the courthouse steps, MPs monitor Filipinos simmering behind barriers as CAMERA CRANES through the mansion's tall windows to find prosecutor Meek as he stands confidently before the Commission judges.

MEEK  
 The prosecution is ready.

Homma watches attentively as a nervous Skeen rises from his chair.

SKEEN  
 Colonel Meek, I beg your pardon, but  
 if I may interrupt ...

Meek stares annoyed as Pelz delivers a binder to each general, saving the last for prosecution.

SKEEN  
 ... at this time, defense would like  
 to file a motion for a Bill of  
 Particulars.

Homma offers Furness an approving nod.

SKEEN  
 We find these charges to be vague,  
 indefinite and ...

MEEK  
 Major Skeen, as to whether this  
 accused is adequately advised of the  
 charges against him -- to me that is  
 ridiculous.

Homma, expecting a response, looks to his attorney -- Skeen is tentative. Furness comes to his aid.

FURNESS

If the Court please, this is not a guessing game. A man's life is at stake and we should know everything they intend to show in this case, which is a fundamental right guaranteed by the 6th Amendment to our Constitution.

General Trudeau, appreciating the argument, whispers something to General McNaught, who frowns. Homma catches Trudeau's eye, trying to make a connection.

MEEK

Your Honor, the purpose of a charge is to acquaint the accused with the nature of the offense and it does so here adequately, clearly, and justly. We allege that his troops committed numerous atrocities and for that he must stand trial.

FURNESS

If I understand that, it means that every time a soldier commits a crime, that crime becomes the crime of the Commander-in-Chief. That is all the charge is.

Homma listens hopefully as the American attorneys exchange volleys.

MEEK

Captain Furness, this is a war crimes trial, the defendant ...

FURNESS

I think no such manner of fixing guilt exists in the jurisprudence of any civilized country.

SKEEN

If the Commission please, we would like to quote from some well-known cases ...

DONOVAN

I don't think that will be necessary, Major, I'm going to settle this thing right now -- the motion for a Bill of Particulars is denied.

Homma stares in disappointment at the presiding judge. Even Assistant Prosecutor Schwartz seems surprised by Donovan's summary judgement.

DONOVAN

Major Skeen, anything further from the defense?

SKEEN

(flustered)

Not at this time, sir.

A smug Meek watches Furness and Skeen return to their chairs. Skeen makes eye contact with Helen taking a seat in the gallery. She offers a friendly wave.

DONOVAN

Colonel Meek, go ahead.

MEEK

Thank you. I do not intend to make an extended opening statement, for there is in possession of the prosecution a great mass of evidence of the cruelties, the starvations, the tortures, the most cold-blooded murders under the most sadistic conditions imaginable.

Skeen sits ramrod straight, feeling like a freshman on his first day of school. Homma, in the adjacent chair, reconnoiters the hostile terrain, particularly the stern demeanor of the five generals.

MEEK

We will show conclusively that these atrocities were committed by the forces under the command of the accused with his knowledge and with his consent, that as Commander-in-Chief he could have prevented these violations of war, but failed to do so, that therefore the guilt and the responsibility for the commission of these violations rest squarely on the shoulders of Masaharu Homma.

CAMERA SETTLES on Homma trying to suppress the anger rising in his face.

MEEK

For these crimes, the prosecution will demand the conviction of this  
(MORE)

MEEK (CONT'D)

accused carrying with it a sentence  
of death.

CAMERA TRACKS across the grim faces of the judges to the elevated witness box where MAJOR GENERAL TOSHIMATSU TAKATSU uses a pointer to indicate the route on a large map of Bataan. Assistant prosecutor Schwartz questions the witness; SERGEANT YAJIMA TRANSLATES.

TAKATSU

... the plan was to march the prisoners from Mariveles to Balanga, a distance of 19 miles -- this is considered an easy day's march for a Japanese soldier. From Balanga, we can move prisoners by truck 33 miles to the railhead at San Fernando.

SCHWARTZ

General Takatsu, tell us the plan from San Fernando?

TAKATSU

Use freight trains to move men north, 30 miles, to Camp O'Donnell.

SCHWARTZ

What about food?

TAKATSU

Prisoners would eat their own rations on first day. Then same as Japanese, half ration.

SCHWARTZ

How did you plan to provide for the sick and wounded?

TAKATSU

Establish field hospitals at Balanga and San Fernando, and 'resting places' every few miles along the route.

SCHWARTZ

Isn't it true, sir, that this plan of trucks, equal rations, field hospitals, resting places, was a complete fantasy from the outset?

Homma shakes his head, offended by Schwartz's sarcasm.

TAKATSU

I don't think so.

SCHWARTZ

In fact General Homma knew there would be no adequate food, no adequate water, no adequate medical attention, did he not?

Homma, expecting an objection, looks to his attorney -- Skeen, feeling his gaze, stares back.

PELZ

Objection -- calls for speculation.

DONOVAN

Sustained.

SCHWARTZ

Did General Homma show any interest whatsoever in the prisoners of war?

TAKATSU

I don't understand.

SCHWARTZ

Sir, the question is quite simple -- how much interest and consideration did General Homma have for the prisoners of war?

Takatsu shares a resigned look with his commander.

TAKATSU

I think he was very much concerned over the prisoners, but I do not know the details.

A seated Meek hands Schwartz a document, WHISPERS instructions. Schwartz approaches the witness.

SCHWARTZ

For identification I show you prosecution's Exhibit number 6 dated 10 December 1945 and I will ask you if it bears your signature?

TAKATSU

Yes.

When Pelz sees that Skeen again isn't going to object, he jumps to his feet, surprising all with his stridency.

PELZ

Whoa, hold on there -- how is it that a witness says nothing to indicate he  
(MORE)

PELZ (CONT'D)

is hostile, and now out of a clear blue sky, an affidavit is given to the court and introduced as evidence?

SCHWARTZ

This witness was a staff officer of the accused, a potential hostile witness ...

PELZ

Sir, this is an entirely new doctrine of law which is being perpetrated on the court today.

Skeen is intrigued by his colleague's argument, until it's punctured by Donovan's brusque ruling.

DONOVAN

Just a minute -- I think the Commission is perfectly capable of deciding for itself what someone is trying to do to it. We will accept the document into evidence and give it whatever probative value we see fit. Major Skeen, is there any question about that?

SKEEN

No, sir.

DONOVAN

Proceed.

Pelz shares a disgusted look with Furness as he returns to his chair.

SCHWARTZ

Paragraph 3 of this document, signed by this witness, reads as follows.

(reading)

'I can say that if these things happened, that is the atrocities on the "Death March," and other brutalities by the Japanese against American and Filipino prisoners of war, it was due to the fact that, at the time, interest and consideration for prisoners of war was thin from General Homma on down.'

(to Skeen)

Your witness.

He returns triumphantly to his chair. Homma rivets a withering glare on his former staff officer. Takatsu sits with bowed head,

unwilling to look in his direction. Skeen shuffles his notes, then stands, tentatively, to do the cross.

FURNESS

If it please the Commission, defense requests a recess at this time.

DONOVAN

Ten minutes.

Skeen, caught off balance, returns to his chair.

37 INT. HOLDING CELL - DAY

Furness and Pelz watch an angry Homma pace the room. Skeen, his mind elsewhere, stares out the window toward the sea.

HOMMA

My order was to treat the prisoners in accord with the Geneva agreements.

FURNESS

All right. But what did you do to make sure the order was carried out by your subordinates?

Homma levels Furness with a chilling gaze.

HOMMA

Nothing! It is not the practice in the Imperial Army for the Commander to follow behind his officers and make sure they carry out their responsibility! That's the officer's duty, not the Commander's!

Skeen turns back to the room.

SKEEN

Unfortunately the Japanese military system isn't on trial here -- you are.

HOMMA

I refuse to admit that I failed to discharge my duty as Commander-in-Chief because I did not interfere with my staff officers!

An MP sticks his head in the door, addresses Skeen.

MP

We're back, sir.

The MP takes Homma away. The others start to follow, but Skeen remains at the window, intimidated by the prospect of litigating on a world stage.

FURNESS  
You all right, John?

SKEEN  
I don't know, I'm feeling a little queasy.

Furness and Pelz share a look.

FURNESS  
Why don't you let me handle the cross, you do the next one.

A chagrined Skeen nods, then trails Furness and Pelz out the door.

38 INT. COURTROOM - DAY

Homma seems relieved when Furness, replacing Skeen, stands to cross-examine Takatsu.

FURNESS  
General Takatsu, what were your duties at the time of the Bataan surrender?

Takatsu hesitates before responding.

TAKATSU  
I was in charge of the prisoners of war.

FURNESS  
I see -- you were in charge. In what condition did you find the prisoners of war at that time?

Skeen studies Furness at work.

TAKATSU  
There was nothing especially noticeable about them.

FURNESS  
Did you make any report to General Homma?

TAKATSU

There was nothing special to be reported and I believe I did not make any reports to him.

FURNESS

Is it the practice of the Imperial Army for the Commanding Officer to supervise the actions of his subordinates?

TAKATSU

I do not understand.

FURNESS

Was it General Homma's responsibility to supervise your handling of the prisoners of war?

TAKATSU

No.

BETTY ROLLINS, 26, attractive blonde, transcribes the court record, her fingers flying over the keyboard, as Meek rises from his chair.

MEEK

Was the East Road, the Death March Road, visible from General Homma's headquarters?

TAKATSU

I do not think so.

Meek picks a document off the table, approaches the witness.

MEEK

Because your memory seems a little hazy, let me help by referring once again to your statement, signed and sworn at Los Banos on 10 December 1945.

PELZ

(rising)

If it please the Court, I would like to inquire whether this man has been offered immunity in exchange for testimony against his commanding officer?

MEEK

How dare you ...

Donovan slaps his hand on the table.

DONOVAN

That's it. Lt. Pelz, the Commission will accept the testimony of this witness and give it whatever probative value we see fit. Colonel Meek, carry on.

At the defense table, Homma is frustrated by Donovan's hostile rulings. He leans past Skeen to whisper to Furness.

HOMMA

What is probative value?

FURNESS

Demonstrating proof or evidence.

SKEEN

It means whatever they can use to convict you.

Homma returns a sardonic smile. Meek hands the affidavit to the witness.

MEEK

General Takatsu, please tell the court how far the East Road was from General Homma's headquarters at Balanga?

TAKATSU

Approximately 500 yards east of the road.

The judges are attentive, aware of the import of the testimony.

MEEK

And now I will ask you again -- was the Death March road visible from General Homma's headquarters?

TAKATSU

(cornered)

Yes.

An ANGRY MURMUR ripples through the gallery. Helen, fanning herself in the sticky heat, nods approvingly.

39 EXT. MANILA CAFE - DAY

Over morning coffee, Skeen, Furness and Pelz confer at a sidewalk cafe frequented by AMERICANS and EUROPEANS.

SKEEN

There's no question we need to address it. They've got hundreds of affidavits they're planning to introduce as evidence.

PELZ

How are we supposed to cross-examine a piece of paper? It's a complete violation of due process.

FURNESS

At least we have the law on our side.

SKEEN

Bob, I'll need to get your notes. I want to present in court on Monday.

Pelz sneaks a look with Furness.

FURNESS

Bob's had his nose in the affidavit issue from the beginning. Maybe we should let him argue it.

PELZ

Yeah, I got it covered.

SKEEN

(after a BEAT)

I still want your notes.

PELZ

Of course.

Manny, their Filipino investigator, hustles up to toss a STARS AND STRIPES newspaper on the table -- the headline, 'HOMMA HEADQUARTERS JUST 500 YARDS FROM DEATH MARCH.'

MANNY

Went out over the AP, worldwide -- signed, sealed and delivered.

Frowning, they scan the article.

PELZ

I can't believe this -- they already got him convicted, over a piece of geography.

SKEEN

Well -- his headquarters was 500 yards from the road.

FURNESS

What's the difference how far it was?  
It's not like they were going to  
commit atrocities under their  
general's nose.

Holding the paper aloft, Pelz calls to Trumbull and other  
JOURNALISTS seated two tables away.

PELZ

You guys don't call this journalism,  
do you?

TRUMBULL

(grinning)  
We don't write the headlines.

Pelz strides with a stern look to their table.

PELZ

(imitating Donovan)  
Well, gentlemen -- I guess we'll just  
have to accept this for whatever  
probative value we see fit.

He pretends to wipe his ass with the paper, then tosses it on  
the table -- the journalists burst into laughter.

40 INT. TOKYO WAR MINISTRY - DAY

Reading the front page story 'HOMMA HEADQUARTERS JUST 500 YARDS  
FROM DEATH MARCH,' Coder navigates a busy corridor. Sonoko  
joins, taking his briefcase and giving him a cup of coffee.

SONOKO

Good morning, Coder-san -- two sugar,  
sorry, no milk.

CODER

That's okay. Who's my first  
appointment?

SONOKO

(checks clipboard)  
General F.S. Piggott, British Royal  
Army.

41 INT. TOKYO WAR MINISTRY/CONFERENCE ROOM - DAY

Coder and Sonoko sit opposite BRIGADIER GENERAL F.S. PIGGOTT,  
late 50s, an imposing British Royal officer speaking with a  
clipped accent. An ARMY STENOGRAPHER takes notes.

PIGGOTT

Nanking was just another word for hell-on-earth. The Japanese 10th Army burned, raped and looted for ten days, without pause. And this is hardly conjecture -- in '34 I was military attaché in China.

CODER

General Piggott, sir, what was Homma's role in the massacre -- was he 10th Army staff?

PIGGOTT

Bloody hell ...

In his PRISON CELL, Homma tries to clean his shoes with a dirty rag and water.

PIGGOTT (V.O.)

... he was the only officer who went to Nanking, on his own recognizance mind you, and personally disciplined the field commander of record. He was outraged by the comportment of the Japanese soldiery.

In the CONFERENCE ROOM, Coder shares a skeptical look with the stenographer.

PIGGOTT

That MacArthur's now trying him on these insidious charges ...

(searching for words)

Well, the irony's absolutely staggering.

CODER

Irony? I beg your pardon, sir, but similar atrocities occurred on his watch in the Philippines.

PIGGOTT

Captain Coder, let me explain something -- I've known Masaharu since we served together in the First War, I consider him one of my dearest friends. There is no way on God's earth he is guilty of these charges.

Coder's surprised by his passionate defense.

CODER

Then I assume you're willing to go to Manila and testify?

PIGGOTT

I'd consider it a duty and a pleasure. Believe me, there's more than a few back in England who join me in praising you chaps for the job you're doing.

CODER

Yeah, well, an order's an order.

PIGGOTT

(standing)

Jolly right. Let's hope your efforts are not in vain, shall we?

They shake hands, salute, then Piggott departs.

CODER

(to the stenographer)

Jesus H. Christ -- a Brit General stickin' up for a Jap. What's next? Mac gives back Okinawa?

The stenographer laughs.

STENOGRAPHER

Not in our lifetime, sir.

Embarrassed, Sonoko departs hurriedly. Coder winces at his faux pas.

42 INT. COURTROOM - DAY

Homma fidgets with the sleeves of his suit as Meek approaches the Commission with affidavits.

MEEK

The prosecution offers into evidence Exhibits number 7 and 8, which have been marked for identification, being the affidavits of Sergeant ...

PELZ

If the Commission please, we will object to the introduction of any and all affidavits.

MEEK

Sir, the atrocities in this trial happened three and four years ago. Many affiants are not able to appear in this courtroom, some have died, if ...

DONOVAN

Hold on, Colonel.

(glaring at Pelz)

I would like to ask Major Skeen if he has taken up with the members of his staff the regulations governing the conduct of this trial?

SKEEN

Sir, we realize it is within the discretion of the Commission to admit evidence of this type, however ...

Homma stops fidgeting when Pelz bolts out of his chair and plants himself in front of the Commission.

PELZ

Gentlemen, please, it is shocking to anyone trained in Anglo-American law to try a man by affidavit and deposition ...

MEEK

I don't know where counsel for the defense studied law, but ...

PELZ

... to sentence a man to death because of statements made by other men who never appear before the court. As Americans we are outraged at the thought that one of ours could be summarily dealt with by our enemies. How can we then deny this defendant the right to confront the witnesses against him?

MEEK

(pointing)

Are we going to allow this accused, this war criminal, to hide behind technicalities?

PELZ

Technicalities?! Without cross-examination, defense counsel is crippled!

Skeen and Homma are both surprised by his vehement demeanor.

FURNESS

(rising)

If the Commission please, Article of War 25, as stipulated by the United States Congress, expressly forbids depositions in a capital case tried before a military commission.

Donovan confers with McNaught and Gard, who nod agreement.

MEEK

Is it possible that anyone in this courtroom is still unaware that the Articles of War do not apply to this Commission?

FURNESS

Thank you, that is exactly the problem -- this Commission is not a legally constituted court of law.

Homma nods, staring at the judges, as if willing them to agree.

FURNESS

Only the President of the United States can prescribe the procedure for military commissions. Because the President has not done so, this Commission is required ...

DONOVAN

All right, that's about enough -- I would like to say right now that this Commission will function under the rules governing the trials of war criminals published by General MacArthur, Supreme Commander of the Allied Powers. About that there can be no question. The objection is not sustained. Affidavits will be allowed.

Homma slumps in his chair. Skeen looks accusingly at Pelz and Furness as they return to their chairs, believing that their strident approach assured a defeat. Meek positions himself near the defense table, as if reading for Homma's benefit. Homma stares straight ahead, unflinching.

MEEK

'This family crossed the trail in front of the Japanese officer and  
(MORE)

MEEK (CONT'D)  
 when they did so, he ordered his  
 detail of men to catch them.'

The gallery listens riveted as CAMERA TRACKS into a close-up of Skeen. We visualize through his imagination: *Japanese soldiers chase down a Filipino family through the jungle.*

MEEK (V.O.)  
 'After the family had been caught and  
 their hands tied behind them, the  
 Japanese officer grabbed the baby by  
 its legs and ...'

*A JAPANESE OFFICER holds the screaming infant aloft. His sword glistens in the sun, then slashes through the air.*

MEEK  
 '... cut its head off with his  
 sword.'

Jolted, Skeen looks to Homma, who is equally shaken by the testimony.

MEEK  
 'He then made the other seven members  
 of the family kneel, and one by one he  
 chopped their heads off with his sword  
 and let them lay on the ground.'

*A bloody sword slashing the air, again and again.*

MEEK (V.O.)  
 'I was less than fifty yards away  
 from this ordeal and I witnessed the  
 whole procedure.'

General Valdez puts his head in his hands. There's a smattering of TEARS and WAILING in the gallery.

43 INT. DONOVAN'S CHAMBERS - DAY

The sobered judges are gathered in Donovan's office, the mansion's former master bedroom.

MEEK (V.O.)  
 Signed by affiant Major Richard  
 Kadel, at Cave City, Kentucky, 7 May  
 1945.

Valdez, slumped in a chair, looks particularly shaken. Trudeau comes over, squeezes his shoulder.

VALDEZ

I don't know how many more of these affidavits I can listen to.

TRUDEAU

We shouldn't be listening to them at all.

McNaught and Gard share a look of disapproval. There's a knock on the door, Skeen enters.

SKEEN

General Donovan wanted to see me?

Donovan emerges from his private bathroom with his sleeves rolled up drying his hands.

DONOVAN

Would you or any member of your staff know what the word 'contumacy' means?

SKEEN

Excuse me?

DONOVAN

It means perverse opposition to lawful authority. That's me. You are the chief defense counsel and I am holding you responsible for the actions of your staff.

SKEEN

Yes, sir.

DONOVAN

You fuck with me and I promise you your career will end in a way you will not be happy about.

He sits at the desk and opens a file, ignoring Skeen's presence. Chastised, Skeen salutes, departs.

44 EXT. VERANDA - DAY

Smoking cigarettes beneath an arcade, Pelz and Furness watch the rain patter over the bay. Skeen joins, lights up.

PELZ

What did he want?

SKEEN

The general wanted to express his admiration for your courtroom etiquette.

FURNESS

What does that old Irish fart know about courtroom etiquette, he's not even a real judge.

SKEEN

Doesn't matter. No more shenanigans, boys.

PELZ

What's that supposed to mean?

SKEEN

It means if we don't abide by MacArthur's rules, they put my head in the noose.

FURNESS

He's just blowing smoke, John. That's how the army works.

PELZ

What the hell can they do that they haven't already done?

Skeen takes a last drag, then crushes his cigarette with his heel.

SKEEN

Plenty. We start playing ball, right now.

He returns inside. Furness and Pelz share a disappointed look.

PELZ

There goes our fearless leader.

FURNESS

Hey -- at least we're on the record.

45 INT. HOMMA'S CELL - DAWN

Naked on his bunk, Homma stares at the suit hanging from a crevice in the wall. He's filled with despair, paralyzed by the prospect of another day in court.

46 INT. COURTROOM - DAY

Prosecutor Meek approaches the witness box where SERGEANT JAMES BALDASSARRE, 40, battle-hardened vet, offers his testimony.

BALDASSARRE  
Colonel McConnell saw this big house.  
He said I have to go there.

CAMERA TRACKS into CU of Skeen: *on the DEATH MARCH ROAD, Baldassarre, filthy and parched, struggles to support a weak and desperate COLONEL MCCONNELL. There's a farmhouse just across the field.*

MCCONNELL  
*I can't make the hike any more. My feet hurt me.*

BALDASSARRE  
*If you go there you'll be shot.*

MCCONNELL  
*I have to take that chance.*

*Baldassarre tries to stop him, but McConnell shoves him away and staggers out of the line. A Japanese soldier runs after him, stops, aims and fires.*

MEEK (V.O.)  
Did the guards command Colonel McConnell to halt before they killed him?

BALDASSARRE (V.O.)  
No, they never do such things in the Japanese army, sir, never. They just shoot you. It's just a life. They just want to take a life away.

*The shot knocks McConnell off his feet -- he falls face forward in the dirt.*

In the COURT, Pelz stands.

PELZ  
I object to the last statement and ask that it be stricken.

Donovan gives Skeen a hard look, who conveys the same look to Pelz.

DONOVAN  
Read back the last statement.

Homma sinks in his chair with the agony of hearing the stenographer read it aloud.

BETTY

'No, they never do such things in the Japanese army, sir, never. They just shoot you. It's just a life. They just want to take a life away.'

DONOVAN

It will be stricken.

MEEK

Nothing further.

SKEEN

(from his chair)

Sergeant Baldassarre -- was the accused present on the day you have just described?

BALDASSARRE

(reluctantly)

No.

SKEEN

Thank you, that is all.

BALDASSARRE

But it's like I said -- I seen him at San Fernando, I seen him in his big car.

SKEEN

General Donovan, the witness is excused.

Donovan motions to the MPs, who grab Baldassarre and force him out of the witness box.

BALDASSARRE

He was stouter then, and he wore a uniform, but I remember him. He had some Jap lady with him, too.

Homma stares fiercely at his accuser -- Baldassarre lunges toward him, nearly breaking the MPs' grip.

BALDASSARRE

It was him -- Lieutenant General Masaharu Homma!

Skeen, watching Homma vigorously shake his head 'no,' suddenly doubts his client. The MPs haul Baldassarre past the defense table -- he points at Skeen.

BALDASSARRE

Send him over to me, I'll fix him up!

They manhandle him up the aisle.

BALDASSARRE

They should hang the no-good son-of-a-bitch, I'll pull the rope. This is too much of a trial. They should never give him a trial, he never trialed us. They killed people like flies.

47 INT. CORRIDOR/HOLDING CELL - DAY

Skeen hustles up as MPs lead Homma, handcuffed, down the corridor. He motions for the MPs to step away, then directs Homma into the holding cell, closing the door behind.

SKEEN

So when were you planning to tell us?

HOMMA

Tell you what?

SKEEN

That you were on the East Road.

Homma stares, inscrutable.

SKEEN

We can't defend you unless we know everything -- our system of law works because we preserve confidentiality between attorney and client.

HOMMA

If this trial is the example, I do not believe in your system.

SKEEN

It's the only system you've got. Let me know when you're ready to tell the truth.

He opens the door to leave.

HOMMA

Major.  
(Skeen waits)  
(MORE)

HOMMA (CONT'D)

A few times, yes -- I traveled on the road, but only for short distances.

Skeen is stunned by his client's admission.

HOMMA

Please forgive me, but I felt sure this information would be used against me.

SKEEN

Write it up -- include the days, the time and everything you saw, and I mean everything.

He departs, slamming the door behind. Sighing, Homma goes to the barred window and gazes out to the sea.

48 EXT. DEATH MARCH ROAD - DAY

44 *Adjacent Manila Bay, American and Filipino soldiers plod along the dusty road. A Japanese staff car approaches, its HORN BLARING, traveling against the grain of the March -- prisoners stagger out of the way. In SLOW MOTION, CAMERA DRIFTS along the car to the back seat where Generals Homma and Wachi mark aerial photos of Corregidor. Homma, distracted, looks to CAMERA.*

49 INT. COURTROOM - DAY

Homma stares impassively as COLONEL BALL, 36, testifies in the witness box.

BALL

I was placed at the head of the column and this Japanese sentry ...

*CAMERA TRACKS into CU Skeen: on the DEATH MARCH ROAD, a Japanese soldier manhandles Colonel Ball to the front of a column of prisoners, shouting and gesturing for him to pick up the pace.*

In the COURT, Skeen studies Homma out of the corner of his eye.

*On the ROAD, other Americans trudging behind Ball call quietly for him to slow down -- they 'can't keep up.' The Japanese soldier runs along the line toward Ball.*

In the COURT, Ball battles his emotion.

SCHWARTZ

Take your time, Colonel.

BALL

I would slow down, but he kept hollering at me to speed up -- and this happened several times, and the last time ...

*On the ROAD, the Japanese soldier, screaming obscenities, smacks Ball in the head with his rifle butt. In SLOW MOTION, he begins to fall. As he does ...*

*Japanese soldiers laugh at the sight of several Americans stumbling toward a dirty puddle. As the first soldier begins to drink, he is bayoneted through the head, heart and lungs.*

*In SLOW MOTION, Ball continues to fall.*

*Japanese soldiers heave a dying GI from the back of an overcrowded truck.*

*Ball's face hits the dirt.*

In the hushed COURT, Colonel Ball, weeping. Donovan shares a look with his fellow judges.

DONOVAN

The court will take a ten minute recess.

Skeen, Pelz and Furness stare at the floor as MPs escort a rattled Homma from the room.

50 EXT. TOKYO - DAY

Coder drives his jeep toward a walled fortress: Bunyoku Prison. Sonoko rides in the passenger seat.

51 INT. BUNYOKU PRISON - DAY

With Sonoko hovering behind him, Coder waits impatiently while a bored SERGEANT PIKE scans the list of prisoners.

PIKE

Come again with that name?

CODER

Wachi, like in 'watchee my lips' -- W-A-C-H-I.

SONOKO

Or excuse me, please look for 'Takaji' -- it may have been filed improperly, family name first.

PIKE

Yeah, yeah, there's no sense to you people.

(scanning)

Sorry -- I got a Whacko and a Wombat but no Wachi.

He laughs at his own joke but Coder's in no mood.

CODER

Look, Sergeant, do me a favor and check again -- my assistant confirmed the prisoner was transferred to your facility as of this a.m.

PIKE

Hey, he ain't on the list -- don't bust my nuts over some lousy monkey, I got better things to do than ...

Coder grabs him by the lapels, gets in his face.

CODER

You find that monkey or get busted all the way down to buck naked, you got that?

PIKE

Yes ... sir.

Pike heads off down the hall. Coder picks up the list and scans it himself. Sonoko looks away, covering a tear.

CODER

Sorry about that -- they must put something lousy in the water around here.

52 INT. COURTROOM - DAY

Skeen fidgets as CAPTAIN AGUILAR, 33, Filipino veteran, testifies.

AGUILAR

There were ten very weak Filipino prisoners, but the Japanese sergeant told us to bury all those weak ones.

CAMERA TRACKS into CU Skeen: *in a field adjacent to the DEATH MARCH ROAD, Aguilar shovels dirt onto a mass of bodies in a shallow grave. When one of the 'dead' prisoners feels the dirt hit his face, he tries to lift himself up.*

*EMACIATED FILIPINO*

*I am going to live, I am only weak,  
what I need is water.*

*A Japanese sergeant prods Aguilar with his bayonet. Without recourse, he shovels dirt onto the Filipino begging for life.*

In the COURT, Aguilar casts a burning stare on Homma, who sits head bowed, staring at his hands. Donovan is surprised by the impact of the story on the general.

## SCHWARTZ

Is it your testimony that, under threat of death by the Japanese guards, you buried these ten men alive?

## AGUILAR

Yes.

Skeen takes a long drink of water as CAMERA TRACKS into his eyes: *the Filipino moans as the dirt covers his face. His last breath triggers a RAPID FIRE MONTAGE: discarded boots, rifle fire, marching, a severed head mounted on a post, three men drinking from a dirty puddle, a bloody sword, men weeping, a prisoner screaming ...*

53 INT. SKEEN'S APARTMENT - NIGHT

Skeen in his bed, wide awake, haunted. He can hear a WOMAN'S rhythmic MOANING from the whore house next door.

54 INT. HOMMA'S CELL - NIGHT

Homma, unable to sleep, listens to a PRISONER WEEPING. He goes to the cell door window, barks a command into the darkness.

## HOMMA

(in JAPANESE)

Enough! Don't let them hear us cry.

The WEEPING becomes a WHIMPER, then falls to quiet. Lying back down, Homma wipes away a tear of his own.

55 INT. COURTROOM - DAY

Skeen and Homma, both exhausted, stare into space while the testimony continues.

## SERGEANT HOBBS

(fighting tears)

The Japanese sentry took his bayonet and jabbed it down between his shoulder blades ...

A MOTION PICTURE CAMERA switches lenses on its turret from WIDE ANGLE to TELEPHOTO CU of the witness.

SERGEANT HOBBS

... this Filipino made a noise that is one of the things you can't forget -- made a noise like a baby crying.

PRIVATE NORMANDY

You couldn't even think like a human being. It was a real inferno. A Japanese inferno.

CORPORAL GRASCHIO

I saw a Japanese tank deliberately swerve from its course and just flatten a soldier into the ground. His body became a part of the road.

LIEUTENANT LAWLER

I seen him prostrate on the floor, sopping wet, after the Japs gave him the 'water cure.' I heard him cry out in the most agonizing cries that I have ever heard a human being utter.

MARIA ESCOBAR

They stabbed my children with bayonets. All dead.  
(shaking fist)  
Tandaan mo, Homma!

Homma sits with his face buried in a handkerchief. Helen, reduced to tears, flees the courtroom. Skeen whispers to Pelz, then follows outside.

56 EXT. HIGH COMMISSIONER'S RESIDENCE - DAY

Skeen finds Helen on the steps, crying softly. He sits beside her, puts an arm around her shoulder. She buries her face in his chest.

HELEN

It's so terrible, John. It's just so terrible.

57 INT. COURTROOM - DAY

Standing before the court, a bare-chested CAPTAIN PEDRO FELIX shows the vicious scars on his arms, chest and back.

DONOVAN

Thank you, Captain.

Felix slips on his shirt and returns to the witness box. Valdez leans into his microphone.

VALDEZ

Can you tell us what happened, sir?

During testimony, CAMERA EXPLORES the faces of the riveted Commission, a horrified gallery, a sober prosecution team and a despondent Skeen and Homma.

FELIX

They made us sit on the ground, all tied together, 400 of us. The Japanese soldiers stuck cigarettes into our mouths and lit them for us. But on a given signal by the Japanese officer, they started bayoneting and beheading us.

MEEK

What happened to you, Captain?

FELIX

I saw two heads cut off before they struck me with a bayonet. The first thrust hit me on my shoulder blade, the second one went through and I thought they had cut out my intestines. I fell, and the Japanese soldier thrust again -- he hit my spinal column. The massacre started about 3 in the afternoon. By 5 o'clock, there was hardly anybody living. I was so desperate that I tried to commit suicide.

CAMERA TRACKS slowly into the wounded eyes of Masaharu Homma.

FELIX

I didn't expect to live anyway, so I tried to press my nose on the ground and force myself not to breathe, but nothing would come of it. I got tired of committing suicide and thought of a way to escape.

Homma, in abject defeat, his eyes red, moist.

MEEK

That is all. At this time, sir, the prosecution rests.

For the first time, Donovan looks with sympathy at the defendant.

DONOVAN

We will reconvene on Monday and begin the defense phase of the trial.

The MPs come for Homma, who stands, then turns to Skeen.

HOMMA

This trial is finished. I will change my plea to guilty.

Skeen stares in surprise as the MPs lead Homma away.

FURNESS

Hold up, Sergeant.

(to Homma)

In our system it's not customary to change a plea in the middle of a trial.

HOMMA

Every day I am more ashamed to hear the things my men have done. I did not realize.

FURNESS

General Homma, I must advise you not to change your plea ...

HOMMA

(waving him off)

I've made the decision.

Taken by surprise, the attorneys share a look as the MPs depart with Homma.

58 INT. DEFENSE OFFICE - NIGHT

Huddled around their conference table, the defense team contemplates Homma's request to change his plea. Outside, a HARD RAIN is falling.

PELZ

I say we keep fighting -- Coder has the entire 14th Army archive, which confirms everything Homma told us, plus we got a Brit General ready to testify on his behalf.

SKEEN

That's all fine and dandy, Bob -- but when did it become our job to talk

(MORE)

SKEEN (CONT'D)

the Beast of Bataan out of a guilty plea? I say we go along.

FURNESS

Not when the prosecution has yet to prove their case, even by the skewed standards of this trial. Why plead it away?

SKEEN

Because it's what the client wants.

FURNESS

I know that, John -- should we put the rope around his neck, too?

SKEEN

You heard the stories in that courtroom -- what more do you need?

FURNESS

Does that mean we don't put up a defense?! We're talking about this man's life. I swear, you're looking for any way out of this trial you can find.

SKEEN

You're damn right I am.

Pelz hoists his coffee cup in mock toast.

PELZ

Hear, hear -- to us, the indomitable defenders of the Beast of Bataan, and the jackass we rode in on.

He downs the coffee and taps his cup on the table.

PELZ

I say we ride her all the way into the barn.

Neither Skeen nor Furness are in the mood to laugh.

FURNESS

Maybe you should just step away from the case, let Bob and me handle it from here on out.

An awkward silence fills the room. Skeen stares at his accuser, then at Pelz, who looks away, then back to Furness.

SKEEN

You got it all figured out, don't you, George?

FURNESS

I didn't think you were ready when we started and, if anything, I think you're less ready now. With all due respect -- you got this job because of rank, not expertise.

SKEEN

Shut your goddamn mouth or I'll shut it for you.

FURNESS

You might be a great artillery instructor, John, but that doesn't make you a lawyer.

Skeen lunges at Furness, knocking him into the wall -- Furness charges back, but Pelz jumps between them.

PELZ

Hey, hey, c'mon -- war's over!

The combatants get in each other's face with Pelz sandwiched in-between.

SKEEN

Fuck you, Frank -- this trial is your little world, and from everything I know, it's the only one you've got!

FURNESS

At least I care about something besides myself!

SKEEN

You don't have a clue what I care about!

He shoves Pelz away, then retreats to his desk and angrily gathers his papers.

SKEEN

Maybe I'm just tired of all the hate mail, or I'm pissed off I ended up on the wrong side, or maybe we just see things differently. Do whatever the hell you want.

He throws the papers across the conference table, then walks out, slamming the door behind. Pelz offers Furness a raised eyebrow -- Furness shrugs.

59 EXT. MANILA STREET/SKEEN'S APARTMENT - NIGHT

Oblivious to a pounding rain, Skeen walks past the neighborhood whore house where the girls beckon. Dismissing their enticements, he enters the adjacent door and heads up a flight of stairs.

60 INT. SKEEN'S APARTMENT - CONTINUOUS

Skeen enters his apartment. Ignoring a RINGING PHONE, he tosses his keys on a table and wanders to the bedroom. He turns on the bedside lamp, revealing a framed photograph of his wife and two little girls. He picks up the photo and kisses it, then lies down on his bed, the photograph resting on his chest. He listens frustrated to the sounds of AMERICAN SOLDIERS HOLLERING angrily from the whore house.

61 INT. WACK WACK CLUB - NIGHT

Skeen drinks alone at the bar of the busy club -- AMERICAN OFFICERS, CIVILIANS and UP-SCALE FILIPINOS dance to a COMBO playing state-side tunes.

MEEK (O.S.)

Major Skeen.

The glassy-eyed prosecutor slaps a hand on his shoulder.

MEEK

Saw your boys in here earlier, Bob with a very striking Filipina -- on assignment, I presume?

SKEEN

Ask me if I give a shit.

Laughing, Meek slides onto the adjacent stool.

MEEK

I think it's time I bought you that drink I promised.

(flagging bartender)

Felipe, scotch on the rocks for my colleague and the same for me.

He leans into Skeen, who'd rather be drinking alone.

MEEK

Counselor, you're doing a great job -- too bad you got those two prima

(MORE)

MEEK (CONT'D)  
donnas gummin' up the works.  
(nudging him)  
If you need any help kicking their  
asses, just say the word.

SKEEN  
I'll take that under advisement.

Felipe delivers the drinks.

MEEK  
At least you understand our real  
purpose here.

SKEEN  
And what's that?

MEEK  
To hang that war criminal from the  
nearest tree.

SKEEN  
(laughing bitterly)  
Oh, really? Why don't we just skip  
the trial part and take all the Japs  
out and hang 'em?

Meek claps him on the shoulder.

MEEK  
Now you're talking, my friend --  
that's exactly what we're going to  
do.

He raises his glass in toast.

MEEK  
To the Beast of Bataan, and the short  
rope we hang him on.

Skeen can only stare, his conscience awakened. He puts the  
glass down, pushes it away.

SKEEN  
Thanks. I'll get this one.

Smiling ironically, he throws some bills on the counter and  
goes. Meek holds up his glass in parting.

MEEK  
Banzai -- counselor for the defense.

62 EXT. JEEP (TRAVELING) - NIGHT

In the pouring rain, Skeen pulls to a stop at the Bilibid guard house -- the sentry waves him on.

63 INT. BILIBID PRISON CORRIDOR - NIGHT

Bearing the weight of the world, Skeen walks the dark corridor.

64 INT. CORRIDOR/HOMMA'S CELL - NIGHT

Dripping wet, Skeen peers through the cell window at Homma curled up on the bunk, staring at a PHOTOGRAPH of his WIFE and CHILDREN. Williams unlocks the door and Skeen enters.

SKEEN

I need to ask you some questions.

HOMMA

I'm tired of questions.

SKEEN

That may be, sir, but I need clarification on a few matters.

Homma sits up, returns the photo to the night table.

HOMMA

They hung General Yamashita, like a common criminal. I only wish I were a more enlightened man and could view death as a new beginning.

Skeen sits at the desk, looks him in the eye, probing.

SKEEN

General Homma -- do you still want to change your plea to guilty?

HOMMA

Of course.

SKEEN

Is that because you are guilty?

HOMMA

It doesn't matter.

SKEEN

It matters to me.

Homma is surprised by Skeen's change of demeanor.

SKEEN

General, did you order anyone in your command to abuse prisoners of war?

HOMMA

(sighing)

My orders were to treat all prisoners humanely and honor Geneva convention. That was my command, that was my sincere wish.

SKEEN

Did you know your troops were committing atrocities up and down the East Road?

HOMMA

I did not know.

SKEEN

Do you feel you are responsible for what happened during the Death March?

Homma ponders before answering.

HOMMA

When a boy goes out and does wrong, won't the policeman come to the house and seek out the father?

It's Skeen's turn to ponder.

SKEEN

But that father isn't punished for his son's crime. I'm sorry -- I'm your attorney and I can't comply with your request to change the plea.

HOMMA

I can not go back to that courtroom.

SKEEN

You must, sir -- if you're not the Beast of Bataan, it's our duty to tell them so.

Homma nods. Skeen raps on the door. Sergeant Williams opens it.

HOMMA

Major Skeen.

(Skeen waits)

I know they want to hang me, but I

(MORE)

HOMMA (CONT'D)  
 would prefer rifles. If you can,  
 permit me to die as a soldier.

SKEEN  
 Don't think like that, General.

65 EXT. MANILA AIRPORT - DAY

Furness and Pelz do their best to keep pace with an energized Skeen as he hustles across the tarmac toward a military transport plane preparing for take-off. They reach the plane as RUNWAY TECHS are getting ready to roll the stair platform away.

SKEEN  
 I want you to draw up a motion to  
 dismiss.

FURNESS  
 (surprised)  
 On what grounds?

SKEEN  
 You said it yourself -- they haven't  
 proved a damn thing.

FURNESS  
 John -- if we try a stunt like that,  
 we may never get home.

SKEEN  
 Got your hooch, Bobby?

PELZ  
 Yes, sir.

He pulls a flask from his pocket, gives it to Skeen. Smiling, Skeen challenges his colleagues with a toast.

SKEEN  
 Gentlemen -- to courage, Lord knows I  
 need it.

He drinks, passes the flask to Furness, who shakes his head with an appreciative smile.

FURNESS  
 All right then -- courage it is.

He drinks, passes it to Pelz.

PELZ  
 And what a glorious court-martial it  
 will be.

He drinks. A CORPORAL beckons from the top of the gangway -- Skeen hustles up the stair.

                          PELZ  
 Hey, John.  
                           (tosses flask)  
 Drive safe.

Skeen catches it with a laugh, then disappears inside the plane.

                          PELZ  
 We obviously bring out the best in  
 him.  
                           (Furness smiles)  
 Wack Wack Club?

                          FURNESS  
 I thought you'd never ask.

66     EXT.   TOKYO - DAY

Skeen and Coder travel in a jeep through a city virtually destroyed by American bombing.

67     EXT.   HOMMA'S TOKYO RESIDENCE - DAY

Skeen pulls on a bell cord; the exterior and adjacent block are still scarred by extensive war damage. After a moment, the MARQUIS TOKUGAWA, an elderly aristocrat with a serviceable command of English, opens the door.

                          TOKUGAWA  
 Major Skeen, welcome. I am Marquis  
 Tokugawa, a friend of the family. We  
 are pleased you are able to visit  
 Mrs. Homma.

68     INT.   FOYER - CONTINUOUS

Skeen and Coder enter to the sound of a piano, Beethoven's 'MOONLIGHT SONATA.' A FEMALE SERVANT hovers with two pair of slippers. Skeen, unsure of Japanese custom, is surprised when Coder removes his shoes. The servant, bowing, offers the second pair to Skeen. He looks to Coder.

                          CODER  
 When in Rome ...

Grinning at Coder's unexpected cue, Skeen takes off his shoes.

69 INT. HALL/LIVING ROOM - DAY

Tokugawa leads Skeen and Coder through the house: collected art from Europe and India provide a sense of the general's eclectic taste. An extensive book collection contains many volumes in English. Tokugawa pauses in front of an oil painting: a cherry orchard in bloom.

TOKUGAWA

Masaharu is like the Sir Winston Churchill -- he loves to paint. This is his family's cherry orchard at Sado Island. His mother still lives there.

SKEEN

The general never fails to surprise me.

TOKUGAWA

He is a student of many disciplines.

Skeen peers at a framed case containing a MILITARY MEDAL.

TOKUGAWA

From Bataan. Masaharu designed it himself, to give to members of his army.

CODER

What's it say?

TOKUGAWA

It's his poem, very difficult I think to translate. About soldiers, the memory of friends who die in battle.

Skeen points to a FRAMED PHOTOGRAPH of a young JAPANESE OFFICER.

SKEEN

General Homma, early in his career?

TOKUGAWA

No, this is his son, Lieutenant Masahiko Homma.

Skeen takes a closer look at the photo, remembering Homma's request.

TOKUGAWA

He's about your age, from his first marriage.

He continues outside. At the door, Skeen and Coder hover with a glimpse in a far room of HISAKO, 18, Homma's daughter, playing

the sonata on a grand piano. At the sight of American officers, she stops abruptly and stares.

70 EXT. HOMMA'S GARDEN - DAY

Skeen, Coder and Tokugawa wait at a stone table in a traditional Japanese garden of flowing water, rock and bonsai. They stand when FUJIKO HOMMA, 44, gracious, impeccable, leads Hisako and SEISAKU, 16, Homma's son, into the garden.

TOKUGAWA

Fujiko, this is Major John Skeen and  
Captain Frank Coder. Gentlemen, Mrs.  
Homma.

She bows deeply -- the officers return the bow, albeit awkwardly.

FUJIKO

(in English)

Major John Skeen, Captain Coder,  
please meet our children -- Hisako  
and Seisaku.

The children bow -- the officers bow again; Fujiko speaks IN JAPANESE to the children.

HISAKO

(faltering English)

For my brother Seisaku and me, we  
thank you for protection of father.  
We so happy you will do this. We  
wish you good life.

Skeen, unsure what to say, shares a look with Coder. Fujiko speaks IN JAPANESE -- the children bow again, depart. She indicates they should sit as the servant arrives with an English tea set, places it on the table.

SKEEN

Thank you, Mrs. Homma, for seeing us  
in your home. It's very beautiful.

FUJIKO

We are doing our best to keep  
everything ready for the time when  
Masaharu can return to us.

Skeen nods. Fujiko begins to pour.

FUJIKO

You heard Hisako at the piano?

SKEEN  
She sure can play.

FUJIKO  
She was embarrassed you were  
listening.

SKEEN  
Gee, I hope not -- I'd love it if my  
girls could learn to play like that  
someday.

FUJIKO  
Ah, you have a family?

SKEEN  
We have two daughters.

Fujiko looks to Coder.

CODER  
I've got a wife and a little boy.

FUJIKO  
Then you can appreciate the  
difficulty of this time.

SKEEN  
Yes, we can.

FUJIKO  
They would not let us see him since  
the day he was arrested.

CODER  
That's tough.

FUJIKO  
What is tough?

Tokugawa translates IN JAPANESE -- she nods readily.

FUJIKO  
Ah, tough, yes, thank you. Major  
John Skeen, Captain Coder, what do  
you think -- is there chance they  
will give him back to us before our  
children are all grown?

Skeen, aware that he's the only thing standing between Homma and  
a hangman's noose, sips from his cup.

SKEEN

Mrs. Homma -- I don't know what will happen. I can only promise we'll do our best to defend your husband.

Tokugawa and Fujiko speak IN JAPANESE.

FUJIKO

We are fortunate to have you.

She bows her head respectfully.

SKEEN

Mrs. Homma -- we would like to request that you come to Manila and testify on your husband's behalf.

She looks to Tokugawa.

TOKUGAWA

I'm sorry, but for Fujiko this can not happen. In our culture, it is not acceptable for a wife to appear in public, in this way.

Fujiko and Tokugawa speak in JAPANESE. Frowning, he shakes his head.

MRS. HOMMA

(to Skeen)

Yes. I will come to Manila.

71 EXT. TOKYO MILIARY AIRPORT - NIGHT

Under the glare of portable lights, Skeen supervises as MPs march SEVERAL JAPANESE OFFICERS up a mobile stairway into a military transport plane. Coder and Sonoko emerge from the make-shift terminal and hustle across the tarmac with GENERAL TAKAJI WACHI, 60s, stocky build and shaved head.

CODER

You can check General Wachi off your list, Major. I just dug him out of his hole in Bunyoku prison.

He delivers Wachi to the MPs, who lead him up the stairway.

SKEEN

How'd you do it?

CODER

All charm and sex appeal. Where's Mrs. Homma?

SKEEN  
Already on board.

Escorted by two motorcycles, a Rolls Royce motors across the tarmac.

SKEEN  
There he is, right on time.

The car stops next to them, the rear window rolls down: it's Piggott.

SKEEN  
General Piggott, we've arranged for you to sit up front with the pilot. You should be more comfortable there.

PIGGOTT  
I have some rather disappointing news. London just issued a directive -- under no circumstance should a British officer testify for the war crime trials in Japan or the Philippines.

CODER  
Says who?

PIGGOTT  
The Prime Minister. But I'm afraid this has more to do with my particular case as I rather doubt anyone else is anxious to testify on behalf of a Japanese officer.

The disappointment weighs heavily on the American defenders.

SKEEN  
Why would Churchill care?

PIGGOTT  
I don't know, but the timing certainly smacks of politics. I'm sorry, gentlemen. More sorry than you know. Tell Masaharu I'm thinking of him. All the best.

He salutes, then rolls up his window and the Rolls drives off.

SKEEN  
Son-of-a-bitch!

CODER

It didn't take 'em long to put the kibosh on that one.

They return to the stairway where Sonoko is waiting.

SONOKO

Captain Coder, sumimasen -- I don't think we will see each other again.

CODER

Probably not. Thanks, Sonoko, for all your help. Much appreciated.

Skeen watches as she gives Coder a small gift wrapped in tissue paper.

SONOKO

In the beginning I was afraid of you, and all American army. Thank you for your kindness.

Unsure what to say, he bows awkwardly. Smiling, she returns the bow.

SONOKO

Good luck, Coder-san.

As the officers start up the stairway, Skeen looks to Coder with a raised eyebrow.

CODER

Can it, Major.

SKEEN

What? I didn't say anything.

They disappear inside the plane.

72 INT. MILITARY TRANSPORT PLANE (FLYING) - NIGHT

Mrs. Homma and Tokugawa are seated on a bench at the front of the plane. Nearby, Skeen interviews Wachi with the assistance of a TRANSLATOR. Alone at the back, Coder unwraps Sonoko's present: a hand-made, two-sided paper doll. On one side is a Japanese woman, on the other, an American soldier. Touched, Coder laughs, then wipes away sudden tears, then laughs again.

73 INT. MANILA AIRPORT - DAY

On the tarmac, Coder and MPs escort Wachi and other prisoners past REPORTERS gathered around a gracious Fujiko. Skeen and Tokugawa stand next to her.

CHICAGO TRIBUNE  
What are the general's hobbies?

She answers their questions with a nervous energy.

FUJIKO  
The first one is reading. He also composes poetry and verses. For athletic recreation, he likes to play tennis under the blue sky. He does not indulge in hunting or fishing. To hunt birds and animals which are joyfully playing, just for the hobby, he could not do it.

LONDON TIMES  
What about religion? Does your husband believe in God?

FUJIKO  
Ah, yes, as to his religion, he has studied all kinds ...

74 INT. BILIBID PRISON - DAY

Skeen escorts Fujiko, dressed in her best kimono, through the dank bowels of the prison, her presence as extraordinary as a flower in a field of hard lava.

FUJIKO (V.O.)  
... he has spoken to many religious leaders, leaders on Christianity, and other religions, however, the family is Buddhist.

The SOUND FADES as REPORTERS CALL OUT QUESTIONS. Outside Homma's cell, Sergeant Williams searches Fujiko. The whole time, her gaze is locked on Skeen, the shame welling in her eyes. Finally Williams unlocks the cell. She gathers herself, then enters.

75 INT. HOMMA'S CELL - CONTINUOUS

Homma and Fujiko are awed to see one another, on the verge of joy and anguish in the same breath. She goes to him -- they kiss passionately, then hold each other. Homma, tears streaming his cheeks, offers his attorney a look of thanks before Skeen and Williams retreat. Fujiko touches her husband's face and hair -- five months of loss begin to pour out of her. CAMERA TRACKS into Homma as his expression comes to life, her words like water to a dying plant. (DIALOGUE IN JAPANESE)

FUJIKO

Masaharu, I'm so happy, don't be depressed -- we shall be dining at home again before very long. The children miss you so much, they wanted to come, too. Seisaku has grown two inches since September and Hisako is practicing very hard on Beethoven's 'Moonlight Sonata,' to surprise you. Oh, and wait until you see the garden, I planted a primrose ...

76 INT. BILIBID CELL BLOCK - DAY

Skeen and Williams wait in silence. Williams looks at his watch, then starts toward the cell.

SKEEN

Hold on, Sergeant -- by my clock, they've still got a few minutes.

WILLIAMS

No, sir, as I'm sure you're aware -- SCAP orders are two visits, ten minutes each.

SKEEN

For the love of God, man, please.

WILLIAMS

Sorry, sir.

77 EXT. HIGH COMMISSIONER'S RESIDENCE - DAY

At dawn's first light, a FILIPINO sweeps the front steps.

SKEEN (O.S.)

If the Commission please, at this time ...

CAMERA CRANES through the mansion's front doors ...

78 INT. COURTROOM - DAY

... to find Skeen as he rises from his chair, determined, forgetting his lack of experience.

SKEEN

... defense counsel will introduce a motion to dismiss all charges.

Helen stares stone-faced as a shock wave ripples through the gallery. Homma, his heart racing, watches Pelz deliver a copy

of the motion to a confounded Commission and outraged prosecution attorneys.

SKEEN

We move that this case be dismissed for the following reasons -- one, that the evidence provided by the prosecution does not support said charges, rendering them moot and without merit.

Donovan puts his hand over the microphone and WHISPERS urgently to Generals McNaught and Gard.

SKEEN

Second, that this Military Commission does not have jurisdiction in this case because at the time of its appointment, no state of war existed between Japan and the United States.

Prosecutors read the motion, Meek in disbelief, Schwartz with professional respect.

SKEEN

Third, that the Supreme Commander for the Allied Powers, General Douglas MacArthur, has no authority to appoint this Commission, and even if such authority did exist, the accused is denied a fair trial in that the military commander who ordered this trial was defeated in battle by the accused ...

DONOVAN

(standing)

Hold it right there, Major Skeen! I want all attorneys in my chambers.

Livid, he exits as defense attorneys share a wary look. Homma offers Skeen a respectful nod.

79 INT. DONOVAN'S OFFICE - DAY

Prosecution, defense and Commission generals watch Donovan, his face beet-red, slam a copy of the motion on his desk.

DONOVAN

Whose goddamn idea is this crap?

SKEEN

Our point, sir, is that no man should be placed in the position of being

(MORE)

SKEEN (CONT'D)

all things -- accuser, prosecutor,  
judge, jury, court of review and  
court of final appeal, which is what  
General MacArthur ...

DONOVAN

Son of a bitch, who the hell do you  
think you're working for?! You're an  
officer in the U.S. Army and you're  
about this far from a court-martial.

SKEEN

I understand that, sir, but as a  
lawyer appointed to defend the  
accused, I believe my duty is to  
pursue all legal remedies, including  
to question the issue of jurisdiction.

DONOVAN

Don't you lecture me, goddammit,  
Major -- your duty is to help us  
determine the facts, nothing more.

SKEEN

Yes, sir.

Donovan scans the motion with a disgusted shake of his head.

DONOVAN

This motion will not go into the  
record as worded -- 'defeated in  
battle' -- Jesus Christ.

There's a silence until Pelz ventures, innocently.

PELZ

What about 'unsuccessfully opposed,'  
sir? Something like that.

Donovan shares a look with his colleagues -- Trudeau shrugs.

DONOVAN

(disgusted)

Fine.

FURNESS

Sir, regarding our contention that the  
prosecution has failed to prove ...

DONOVAN

We'll rule on that.

FURNESS

Thank you, sir.

DONOVAN

Any more wise guy crap like this and so help me God I'll hold you in contempt -- you personally, Major Skeen -- and you'll be a long goddamn time getting home.

Saluting, an unrepentant Skeen leads his team out the door, followed by the prosecution. The generals read the motion in a tense silence.

DONOVAN

This is embarrassing, dammit.

TRUDEAU

I'll say this for the kid -- he's got some guts.

DONOVAN

Art, for Christ's sake -- Mac wants us to hang this guy yesterday and now we got a goddamn dogfight.

MCNAUGHT

Don't forget, Leo -- the world is watching this trial. It's got to look like we're doing it properly.

VALDEZ

Not look like -- we need to do it properly.

MCNAUGHT

If the Japs did to my brother what they did to yours, I'd drop another bomb and ask questions later.

DONOVAN

The best thing we can do for Homma ...

80 INT. COURTROOM - DAY

Homma studies the five judges as they take their seats, challenging them with his fervent gaze. Donovan looks at the accused with pity.

DONOVAN (V.O.)

... is get this trial over and done and put the s.o.b. out of his misery.

Shifting his glance, he rivets a punitive stare on Skeen before going on microphone.

DONOVAN

With respect to the motion to dismiss  
-- denied. Is the defense ready to  
proceed?

Skeen takes a deep breath, then stands before the Commission.  
He gathers himself with a look to Homma.

SKEEN

If the Commission please, the defense  
will show that the accused is  
innocent of the charges brought  
against him. It is our intention to  
prove that any alleged offenses  
committed by individual members of  
the Japanese forces were not only  
done without his consent, but were  
done without his knowledge and even  
against his very orders.

Coder and two MPs usher General Wachi into the courtroom.

SKEEN

It will be shown that the accused  
believed in the humane treatment of  
civilians and prisoners of war as  
opposed to the severe policy  
advocated by the Imperial  
Headquarters in Tokyo. Upon proof of  
the above facts, it will be evident  
that the accused cannot be held  
responsible and is innocent of the  
charges brought against him.

ANGRY PROTESTS ripple through the Filipino spectators. Helen  
shakes her head in disgust.

SKEEN

As its first witness, the defense  
would like to call General Takaji  
Wachi to the stand.

Reporters scribble notes and photographers shoot FLASH PICTURES  
of the belligerent General Wachi.

SKEEN

Were you formerly chief-of-staff to  
General Homma?

WACHI

Yes.

SKEEN

Is it true that a plan was prepared regarding how to handle the prisoners of war some two weeks prior to the surrender of the American forces?

WACHI

That is true.

SKEEN

And who prepared this plan?

WACHI

Major General Kawani, General Takatsu, Major Wada and Major Sekigushi from the Medical Section.

SKEEN

And who approved this plan?

WACHI

First myself. Then the commanding general.

SKEEN

Whose obligation -- strike that -- whose job was it to see to the prisoners of war?

WACHI

The chief of logistics, General Takatsu.

SKEEN

As a reminder to the Commission, this is the same General Takatsu who appeared in this court and tried to deflect responsibility ...

DONOVAN

We know General Takatsu -- continue.

In late afternoon, the gallery listens riveted despite the debilitating heat.

SKEEN

General Wachi, did any staff officers from Imperial General Headquarters in Tokyo come to Bataan at the time of the surrender?

WACHI

Yes.

SKEEN  
Who was that?

WACHI  
Colonel Tsuji.

SKEEN  
Was this officer on Tojo's General Staff?

WACHI  
Yes.

Glancing at Homma, Trudeau leans into the mic.

TRUDEAU  
I would like to know what General Homma's relationship was to Prime Minister Tojo.

WACHI  
General Homma was leader of the minority faction who favored peace with England and the United States. Tojo was leader of the German faction that came to power. There was much bitterness between them.

Trudeau, understanding real world politics, shares a sympathetic look with Homma.

SKEEN  
What was Colonel Tsuji's reputation in the Japanese military?

WACHI  
Extreme right wing.

MCNAUGHT  
Just a moment, please.  
(to the witness)  
What does that mean -- extreme right wing?

WACHI  
He believed Japan was fighting a racial war to end western imperialism in Asia.

SKEEN  
Is this the same Tsuji who ordered the execution of five thousand  
(MORE)

SKEEN (CONT'D)  
 Chinese in Singapore in February '42  
 for their support of the British?

WACHI  
 It was said.

SKEEN  
 Did you hear reports of this Colonel  
 Tsuji visiting units along the Bataan  
 road?

*On the EAST ROAD, TSUJI jumps from the passenger seat of a jeep  
 and marches toward a field tent. Through the open flap, we see  
 him berating a JAPANESE OFFICER.*

WACHI (V.O.)  
 Yes -- Tsuji had been threatening  
 many officers, ordering them to  
 punish the Americans and Filipinos  
 with severe treatment.

SKEEN (V.O.)  
 What did Tsuji mean by severe  
 treatment?

WACHI  
 It means to kill. He wanted to  
 execute the white colonialists and  
 the Filipino soldiers for betraying  
 their fellow Asians.

SKEEN  
 How did Homma's officers respond to  
 this order?

WACHI  
 Well, I heard that one commander,  
 Colonel Matsunaga, told Tsuji ...

MEEK  
 Objection, this is pure hearsay.

An indignant Pelz jumps from his chair.

PELZ  
 If the Commission please, I am amazed  
 -- this is the first time we've heard  
 prosecution object to hearsay. We've  
 been objecting to it right along.

DONOVAN  
 Overruled -- witness may answer.

WACHI

Matsunaga rejected the order.

SKEEN

Why did Matsunaga reject the order?

*At BALANGA HEADQUARTERS, Wachi reports Tsuji's activities -- Homma angrily overturns his field desk.*

WACHI (V.O.)

When General Homma learned of Tsuji's actions, he issued contrary orders to treat the prisoners with friendly spirit and not to mistreat them.

SKEEN (V.O.)

What about other officers?

WACHI

Tsuji was persuasive. He may have had influence. We'd been fighting in the jungle for five months and suffered many casualties, our troops were very angry.

SKEEN

Do you recall the date when Colonel Tsuji was in Bataan?

WACHI

He arrived in Balanga on the afternoon of April 10 and left on the 15th.

SKEEN

Do those dates correspond to the first five days of the march of prisoners?

WACHI

Yes.

CAMERA WHIPS across blurred faces of the Commission to settle on Meek.

MEEK

So let me understand this little story of yours -- you're telling this Commission the reign of terror now known as the Death March was in fact caused by the five-day visit of a single Japanese officer?

WACHI  
You twist my words, I said ...

MEEK  
A yes or no answer will be quite  
satisfactory.

Wachi's expression reveals a contempt for the entire proceeding.

WACHI  
Tsuji reported directly to Tokyo, he  
undermined General Homma's authority.

Homma looks to Skeen, confirming that the testimony is true.

MEEK  
So then is it your contention Tsuji  
was the real Beast of Bataan and not  
the accused sitting before us in this  
courtroom?

Neither Meek nor Wachi avert their piercing glare.

MEEK  
Could the witness at least tell us  
where we might find this notorious  
Colonel Tsuji?

WACHI  
He is reported missing.

MEEK  
Missing? Well isn't that convenient.

SKEEN  
Objection!

MEEK  
Are you, sir, presently under  
indictment?

WACHI  
I am not.

MEEK  
You will be. I have nothing further  
for this witness.

MPs escort Wachi from the stand. Wachi hovers in front of his  
commanding officer before offering a bow, their mutual pain  
captured by POPPING FLASHBULBS.

81 EXT. RESTRICTED COURTYARD - DAY

Skeen catches up with Wachi and his INTERPRETER just before MPs load him onto a transport vehicle.

SKEEN

General Wachi -- thank you for your testimony ...

WACHI

(via INTERPRETER)

General Homma is an honorable man -- if you wish to hang him, please do so and be done. He does not deserve this.

Wachi boards the vehicle, staring straight ahead, conversation over. The MPs look to Skeen -- he nods, permitting them to shut the doors.

82 INT. SKEEN'S APARTMENT - NIGHT

Late at night, Skeen tosses in bed. He can hear a NOISY PARTY from the whore house. He turns on the bedside lamp, illuminating his work strewn on the floor: files, papers, photographs. One thing catches his eye -- the old Stars and Stripes headline 'HOMMA HEADQUARTERS JUST 500 YARDS FROM DEATH MARCH' over the picture of the witness, General Takatsu.

83 EXT. PELZ'S APARTMENT - NIGHT

Skeen knocks on the door. After a few moments, a bare-chested Pelz opens the door in his boxers. Behind him, a disrobed ARMY NURSE covers herself with a bed sheet.

PELZ

Major?

SKEEN

C'mon -- we're going to the East Road. I want to see Homma's headquarters.

PELZ

What the hell for? Manny was out there weeks ago.

SKEEN

And what'd he say?

PELZ

He said it was 500 yards from the stinking Road.

SKEEN

So maybe I feel like bringing my own yardstick.

PELZ

John, I've got company here, not to mention we've got to be in court at o-nine-hundred.

SKEEN

Exactly right. We got four hours ahead on some pissant roads and you're wasting precious time.

Pelz shakes his head, turns back to the nurse.

PELZ

Sorry, darlin' -- duty calls.

84 EXT. BATAAN PENINSULA/EAST ROAD - NIGHT

Skeen sips from a flask, then passes it to Pelz, who's driving their jeep through the night on the unpaved road. Skeen gazes at the moonlit bay, then at the dark jungle fleeting past. In imagination, he 'sees' GHOSTLY IMAGES of the Death March: HUNDREDS OF PRISONERS shuffling along the road -- rough COMMANDS, bitter CURSES, desperate CRIES, GUNSHOTS -- the banal DIN of evil.

85 INT. HOMMA'S FIELD HEADQUARTERS - DAY

At dawn, Skeen and Pelz sleep on the floor wrapped in army blankets. The sound of a DISTANT RUMBLING wakes Skeen. He looks around the decimated Quonset hut, taking in Homma's overturned desk and chair, the partially destroyed roof and anti-Japanese GRAFFITI on the walls. Disoriented, he goes to the window.

BATAAN ROAD - SKEEN'S POV

An endless column of army vehicles, tiny specks five hundred yards away, rumble along the road.

BACK TO:

SKEEN

Shaking his head.

SKEEN

(to himself)

You can't see a goddamn thing from here.

86 EXT. FILIPINO COUNTRYSIDE - DAY

CAMERA TRACKS across a field, revealing a weathered FILIPINO FARMER, ARMY PERSONNEL, a RED CROSS TEAM and, finally, Helen. The farmer stops at the edge of a ditch and points. Helen reaches his side and looks down: in a shallow grave are the skeletal remains of TEN AMERICAN SOLDIERS. She slowly drops to her knees.

87 INT. COURTROOM - DAY

Alone with Furness at the defense table, Homma appears anxious as the judges take their seats.

DONOVAN

Is the defense ready to proceed?

FURNESS

No, sir -- Major Skeen is handling our first witness.

DONOVAN

We don't have time to waste. You'll have to get started without him.

Furness shuffles his papers, trying to get organized, when a disheveled Skeen bustles into court. He slips into the empty chair next to Furness, who gives him a disapproving look.

FURNESS

(sotto voce)

Rough night?

Skeen smiles, then addresses the Commission.

SKEEN

At this time the defense would like to recall General Takatsu to the stand.

DONOVAN

(whispering to Gard)

What's this kid up to now?

In the witness box, Takatsu glares defiantly as Skeen approaches.

SKEEN

Sir, you previously testified that General Homma's headquarters was 500 yards from the East Road, did you not?

TAKATSU

Yes.

SKEEN

And you also testified the road was visible from that Headquarters, isn't that right?

TAKATSU

Yes.

SKEEN

Do you wear glasses, sir?

TAKATSU

No.

Homma looks to Furness for explanation -- Furness shrugs.

SKEEN

Now -- if I could ask you to go to the window and describe what you see.

MEEK

Objection -- what possible relevance ...

SKEEN

If the Commission please, we believe this demonstration to be highly relevant.

DONOVAN

I'll allow it -- but let's get to the nub of it, Major.

Skeen nods to the witness. Takatsu, though reluctant, goes to the window.

SKEEN

All right, Mr. Takatsu -- look to the end of the pier and tell the Commission what you see.

Takatsu squints into the distance: there's something out there, but what? The Commission members crane their necks, curious.

TAKATSU

I see nothing.

SKEEN

Please, look again.

TAKATSU

Something red.

SKEEN  
Can you be more specific?

TAKATSU  
No.

Takatsu returns to the stand as Skeen addresses the Commission.

SKEEN  
What I have asked the witness to describe is in fact Lieutenant Pelz standing at a distance of 500 yards signaling an SOS with regulation Navy flags.

(to Takatsu)  
Is it still your testimony that the Death March Road was quote 'visible' from General Homma's headquarters?

Takatsu drops his chin, ashamed. In the gallery, Helen watches grimly.

SKEEN  
We know your eyes are good -- is there something wrong with your hearing?

MEEK  
Objection!

SKEEN  
Nothing further.

Homma and Furness nod respectfully as Skeen returns to his chair.

88 INT. COURTROOM - DAY

As people depart the court at end of day, Skeen and Furness collect their papers at the defense table. Prosecutor Schwartz approaches.

SCHWARTZ  
That was a good piece of lawyering today.

SKEEN  
We try.

SCHWARTZ  
I've been meaning to say how much I appreciate the job you guys are doing -- it's not exactly a level playing field.

FURNESS  
Welcome to the army.

SCHWARTZ  
(laughing)  
C'mon, let's get a drink.

They start up the aisle. When Skeen sees Helen waiting at the back, he hesitates while the others exit the court. She approaches.

HELEN  
I hope you're proud of yourself.

He's unsure what to say.

HELEN  
Your stupid little charade won't make  
a guilty man innocent.

SKEEN  
I don't understand.

HELEN  
What kind of person goes out of his  
way to protect somebody so evil?  
Just who are you?

SKEEN  
Helen, I'm just trying to ...

HELEN  
They found him. They found my Jimmy.

SKEEN  
Oh, God.

She unfolds a clenched fist revealing a set of dog tags.

HELEN  
Buried in a ditch with ten other GIs,  
every one butchered by that monster  
you defend ...

She can't finish, on the verge of tears. He reaches out to comfort her.

HELEN  
Don't! Don't touch me. You make me  
sick to my stomach.

SKEEN  
Helen, I'm so sorry ...

HELEN

How dare you say that to me.

Tears running down her cheeks, she spits in his face.

HELEN

I hope you both fry in hell.

She storms from the room. Reeling, Skeen falls back to a gallery chair.

89 INT. MANILA RESTAURANT - NIGHT

Seated at a center table in a fancy restaurant, a subdued Skeen half-listens to a resplendent Fujiko charming the defense team. Other DINERS, a mix of American officers and well-heeled Filipinos, stare at the unusual party, some with disapproval. An AP PHOTOGRAPHER stops by the table to take a FLASH PICTURE.

90 INT. COURTROOM - DAY

EXPLODING FLASHBULBS reveal Furness probing MAJOR MORIYA WADA.

WADA

Rice was very scarce, and General Homma sent a wire to Tokyo and Saigon, but no rice came.

FURNESS

How many requisitions were made in that manner?

WADA

Six times. Finally General Homma sent Wachi to Tokyo to demand that prisoners be included in the Order of Battle for the 14th Army -- this was the only way to get food for the camps.

Homma whispers to Skeen, who scribbles notes.

FURNESS

Was General Wachi successful?

WADA

Hmmnn ... we asked for one hundred thousand tons of rice, but we received only two thousand.

FURNESS

How then did General Homma handle the problem?

WADA

In June he released most of the Filipino prisoners from the camps, as a gesture of good will. He hoped they would find food with their families.

FURNESS

Were you surprised by this decision?

WADA

To release prisoners of war so soon after they were taken was I believe unprecedented.

FURNESS

Were there repercussions?

WADA

The War Ministry felt his policies were too soft. Tojo relieved General Homma of his command, only one month after his victory at Corregidor, then denied him the commander's privilege of reporting his victory to the Emperor.

CAMERA WIPES across the blurred faces of the gallery to settle on witness COLONEL SHUSHUME HORIGUCHI, chief of Medical Corps.

PELZ

Dr. Horiguchi, at the time of the surrender, what was the condition of the Japanese 14th Army?

HORIGUCHI

Very poor -- malaria, dysentery, beri-beri.

General Valdez leans into the mic.

VALDEZ

Can you tell us approximately what percentage of Japanese troops were afflicted with these diseases?

HORIGUCHI

80 percent.

Skeen watches Homma cleaning his nails with the edge of a folder.

PELZ

What was your situation with regard to medicines?

HORIGUCHI

For malaria, we had only one-fourth of the required quinine. Medicine for gangrene and tetanus, only one-third. Dysentery, diphtheria, we had none.

CAMERA drifts behind a column to reveal Meek cross-examining the witness.

MEEK

Out of 75,000 prisoners of war walking on that March, do you have any record or any recollection of any more than one prisoner of war being placed in your hospital?

HORIGUCHI

I think that there were others, but I do not remember the exact number.

MEEK

Would you care to make an estimate of the total number placed in hospital?

HORIGUCHI

No, I cannot.

MEEK

What is the answer?

HORIGUCHI

No, I cannot.

91 INT. DEFENSE OFFICE - NIGHT

Late at night, Skeen is working when the TELEX begins to clatter. He goes over to read the message as it comes in.

92 INT. HOMMA'S CELL - NIGHT

Skeen enters the cell to find Homma, bare-chested, sitting cross-legged in a corner peeling paint off the wall. He adds it to a ball of paint that he's shaping in his hand.

SKEEN

I've got some good news, sir.

He hands the telex to Homma.

SKEEN

Your son's alive. The Russians are holding him prisoner, in the Kurile Islands.

Emotional, Homma reads the telex.

HOMMA  
I do not like war.

SKEEN  
When did you last see him?

HOMMA  
Five years ago, before I took command  
of the 14th Army. He was so eager to  
fight for his country.

He carefully folds the telex, stands and places it on his desk,  
then slips into his shirt.

HOMMA  
Fujiko and I thank you for this  
kindness.

SKEEN  
Sir, we should get to work on your  
testimony.

Homma motions for him to have a seat. A KNOCK -- Sergeant  
Williams enters with two plates of food and sets them on the  
desk.

WILLIAMS  
Army favorite -- shit on a shingle.

HOMMA  
Thank you, Sergeant.

Williams departs.

HOMMA  
What will the American people think?

SKEEN  
What do you mean?

HOMMA  
In Japan it is not considered  
dignified for an accused person to  
defend himself. The Creator knows  
the truth and will make the final  
judgment.

SKEEN  
Well, General, in this courtroom we  
can't trust heaven to that extent.  
C'mon, let's eat.

Homma joins him at the desk. Skeen digs in, but Homma just pushes the food around his plate.

93 INT. COURTROOM - DAY

Homma stands in front of the witness box with upraised hand before the COURT OFFICER.

COURT OFFICER

Do you swear that the testimony you are about to give is the truth, the whole truth and nothing but the truth, so help you God.

HOMMA

I do.

CAMERA TURRET LENS rotates from WIDE to CLOSE-UP of Homma on the stand -- his demeanor is attentive, dignified.

HOMMA

I decided to become a soldier as a boy in middle school, when Japan was at war with Russia in 1904.

CAMERA TRACKS into Homma: *a SEVEN YEAR OLD HOMMA plays soldier with his friends, using sticks as rifles; a TWELVE YEAR OLD HOMMA smiles proudly, standing at attention in his cadet's uniform; a SEVENTEEN YEAR OLD HOMMA accepts the Valedictorian Medal at his graduation ceremony.*

HOMMA (V.O.)

I wanted to serve my country and honor my Emperor.

SKEEN (V.O.)

How long did you serve in the Imperial Army?

HOMMA (V.O.)

Thirty-eight years.

In COURT, Skeen approaches the witness box.

SKEEN

When did you assume command of the 14th Army?

HOMMA

November, 1941. Two weeks before I was ordered to attack the Philippines.

SKEEN

Did you choose your own staff officers?

HOMMA

No, I did not. I was almost the last one chosen.

SKEEN

Prior to the invasion of the Philippine Islands, did you issue an order to the 14th Army regarding how to treat prisoners of war?

HOMMA

Of course. My order was to treat all prisoners in accordance with international law. To treat them with a friendly spirit.

SKEEN

General Homma, as Commander-in-Chief of the 14th Army, would you say you had control of the sixty-five thousand troops under your command?

MEEK

Objection. Calls for speculation.

DONOVAN

Sustained.

General Trudeau leans into his mic.

TRUDEAU

I'd like to hear the answer to that question, please.

Donovan gives Trudeau a look, then nods begrudgingly to Homma.

HOMMA

I do not think so. The most perfect Commander-in-Chief finds himself powerless in controlling the individual actions of sixty-five thousand men. In my case, I was given command of an army organized by others ...

*CAMERA TRACKS into Homma: the General inspects his troops -- the gaunt faces of battle-weary VETERANS, the naive bravado of eager DRAFTEES.*

HOMMA (V.O.)

... some from the 26th Army were veterans from Manchuko, very cold-hearted and resentful to be transferred to the Philippines after fighting the Chinese for many years. The rest were farm boys with no education and minimal training.

SKEEN

Did the war in the Philippines proceed according to your expectations?

HOMMA

Far from it. My order from Imperial Headquarters was to secure the Philippines in three weeks. Instead, it took me six months. I was considered a failure. We suffered many casualties -- it was only six weeks into the battle when Tojo took away my best troops to fight in Java. From my original troop strength of sixty-five thousand, I was for a time down to three thousand men. I was sure MacArthur would attack and destroy me.

SKEEN

Is it true you contemplated suicide during that time?

Unprepared for this question, Homma hesitates -- CAMERA TRACKS into his pained eyes: *sitting cross-legged on the floor of his field tent, Homma holds his samurai sword against his abdomen. His hands tremble, his eyes fill with tears.*

In COURT, his attorney offers a look of encouragement.

HOMMA

For a time I felt seppuku was the only way to an honorable end.

94 EXT. HIGH COMMISSIONER'S RESIDENCE/SEAWALL - DAY

On the seawall overlooking the bay, the Commission generals smoke cigarettes during the lunch break.

VALDEZ

Look at Iwo Jima, Okinawa -- the Imperial Army fought to the last man. In the Japanese military culture, the  
(MORE)

VALDEZ (CONT'D)

concept of surrender doesn't exist. When a boy goes off to war, his father tells him come back victorious or die in the field. If you fall into the hands of the enemy, don't come home at all.

MCNAUGHT

What's that got to do with the Death March?

VALDEZ

It played a part -- they despised the American and Filipino boys for not fighting to the death. To them, a prisoner wasn't even a human being.

MCNAUGHT

I don't understand those people, and I never will.

DONOVAN

I'll say this -- I see pain on his face and that I never expected to see.

Trudeau flicks his cigarette over the parapet.

TRUDEAU

The whole thing's a goddamn bloody mess. Sometimes I think we make a mistake looking too closely at what men do in war-time -- better to draw a curtain across it and forget the whole damn thing.

DONOVAN

It'll be a long night in hell before this war's forgotten.

95 INT. COURTROOM - DAY

Despite non-stop questions, the tropical heat and the lateness of the day, Homma maintains his composure -- the packed house listens riveted.

SKEEN

So then is it fair to say you were surprised when the American and Filipino forces on Bataan surrendered only three days into the April offensive?

HOMMA

Yes, we were utterly unprepared, it was chaos -- our intelligence told us to expect twenty-five thousand, instead ...

CAMERA TRACKS into Homma: *HUNDREDS of RAGGED GIs emerge from the jungle waving white flags and carrying their weapons overhead.*

HOMMA (V.O.)

... there were seventy-five thousand soldiers and thirty thousand civilian refugees, twice the number of my entire army. We had no food or medicine to give them, no trucks to move them out of the battle zone and not nearly enough officers to supervise the enlisted men.

SKEEN

After the Bataan surrender, when did you first leave your headquarters?

HOMMA

I believe it was one week later.

SKEEN

During the time your troops were moving prisoners to San Fernando, did you have occasion to travel on the East Road?

CAMERA TRACKS into CU of Homma: *General Homma, in full battle dress, strides from his headquarters with other officers (Takatsu, Wachi). Soldiers salute their commanding officer as he hurries into his staff car. Planes fly overhead; in the close distance, BOMBS EXPLODE.*

HOMMA (V.O.)

Yes. I left my headquarters three times -- once to Bagac, once to Cabcaben and once to Clark Field.

*Homma's staff car motors past hundreds of American and Filipino prisoners walking in the opposite direction. Inside the car, Homma and his generals plan the attack on Corregidor, marking troop positions on a map.*

HOMMA (V.O.)

On the trip to Bagac, I saw my troops organizing queues off road and a large group of men in a field beside the Lubec River, some washing.

*Homma rolls down his window and focuses momentarily on the haggard prisoners blurring past; the SOUNDS of PLANES and BOMBS get LOUDER as the car nears the front line of battle.*

HOMMA (V.O.)

On my other trips, I saw prisoners marching, but most of them were already to the north.

*A MORTAR ROUND explodes in an adjacent field. Barely flinching, Homma gives a last look to the prisoners, then slowly rolls up his window.*

SKEEN

Sir, during your time on the East Road, did you see any of your troops harm or mistreat prisoners in any way?

HOMMA

I did not.

SKEEN

Were you kept informed about the condition of the prisoners?

HOMMA

A fighting Commander-in-Chief depends on his staff to handle those details. I heard nothing until I arrived in Manila in mid-May, after the Corregidor campaign.

SKEEN

Once you arrived in Manila, were you then informed of any atrocities that had occurred?

HOMMA

No. No kind of report of mistreatment or cruelty, official or otherwise, nothing to say of atrocity, reached my ears.

SKEEN

Was it the intention of your administration to rule the Philippines by force?

HOMMA

No. I well understood through Japanese experience in China the folly of turning native peoples hostile towards our army.

CAMERA TRACKS into Skeen: *the doors of the prison swing open to free hundreds of sick and emaciated Filipinos.*

HOMMA (V.O.)

It was not my intention to harm the sons, brothers and fathers of Filipino people. I sought cooperation with Filipinos by winning their good will.

SKEEN

General Homma -- did you order or instigate the commission of any atrocities?

HOMMA

I did not.

SKEEN

Did you condone any atrocities?

HOMMA

I did not.

SKEEN

Were you aware of any atrocities being committed by members of the 14th Army?

HOMMA

I was not.

Skeen returns to the defense table, pauses, then turns back to Homma.

SKEEN

One final question -- while Commander-in-Chief of the 14th Army in the Philippines, did you act under the rules of war and comply with international treaties and the Geneva Convention?

HOMMA

Yes. I did.

96 INT. BILIBID PRISON/WACHI'S CELL - NIGHT

Two AMERICAN OFFICERS interrogate Wachi as Furness, Pelz and Coder walk past his cell.

97 INT. HOMMA'S CELL - CONTINUOUS

They enter with files, coffee and sandwiches. Homma, scanning notes on his bunk, shushes them -- Skeen's asleep in the chair. Furness gives Homma a coffee, then sets the others on the desk. Pelz, with a grin, drops the heaviest file on the floor. Skeen wakes with a start, sips his coffee, then continues without even acknowledging he'd dozed off.

SKEEN

We know Meek will be coming after you  
with both barrels.

(Homma nods)

Let's go through it again.

The defense team starts pulling files from their briefcases.

PELZ

You know what, boys? I think we  
actually got a shot here.

HOMMA

A shot?

SKEEN

It means a chance, sir. A chance to  
win.

98 INT. COURTROOM - DAY

Meek stands before Homma as if sizing him up -- Homma calmly returns his gaze. The defense team exudes a guarded optimism: their client's well prepared.

MEEK

Now, you testified yesterday the  
Commander-in-Chief only hears of the  
important matters?

HOMMA

Yes.

MEEK

Do you consider the treatment of  
prisoners of war an important matter?

HOMMA

It was one of the important matters.

MEEK

One of the important matters. You  
previously testified that you didn't  
leave your headquarters until one

(MORE)

MEEK (CONT'D)  
 week after the Bataan surrender. Is that correct?

HOMMA  
 Yes, I went out on the 16th, I believe, to Bagac.

MEEK  
 You want this court to believe you didn't leave your headquarters for one whole week?

Trudeau and Valdez share a knowing glance -- they understand the rigors of commanding an army.

HOMMA  
 I was planning the attack on Corregidor -- it was considered to be an impregnable tunnel fortress ...

CAMERA TRACKS into Homma: *on a hill, Homma looks through binoculars at the stone fortress of Corregidor -- bombs explode.*

HOMMA (V.O.)  
 ... there was great pressure from Tokyo to capture it quickly. I was already three months behind their schedule.

MEEK  
 Oh -- behind schedule. So when you finally did make your trip to Bagac, will you describe the prisoners that you saw.

Coder whispers his concern to Pelz and Furness.

HOMMA  
 They looked rather tired and haggard.

MEEK  
 Tired and haggard.

HOMMA  
 But so were my soldiers after six months in the jungle with half rations and no medicine.

CAMERA TRACKS into Homma: *Homma tries to comfort JAPANESE SOLDIERS huddled during a jungle monsoon -- sick, hungry, some with gangrenous wounds.*

MEEK (V.O.)

I'm not interested in your soldiers.

(in COURT)

So let me understand this -- you made three trips along the Death March Road, yet you expect this court to believe you saw no mistreatment of prisoners?

Homma hesitates.

SKEEN

Objection -- what exactly is the question?

MEEK

Withdrawn. Did you see any bodies along the road?

HOMMA

No, I did not. But I wasn't particularly looking for bodies. I was conducting a war.

MEEK

Did you receive any reports, after the prisoners were in Camp O'Donnell, as to the number of deaths that were occurring there?

HOMMA

A report came that more than 100 a day were dying.

CAMERA TRACKS into Skeen: *prisoners bury prisoners in a mass grave under the shadow of Camp O'Donnell.*

MEEK (V.O.)

Did you think that was an excessive amount?

HOMMA (V.O.)

Yes, it was.

MEEK (V.O.)

What did you do about conditions there, yourself, as Commander-in-Chief?

HOMMA

I thought I made myself clear on the point. When requisitions for food and medicine were not forthcoming,

(MORE)

HOMMA (CONT'D)

I came to the conclusion to release the Filipino prisoners as a means to ease the situation of the camp.

MEEK

But after getting this information that more than 100 men a day were dying, you didn't yourself, personally, go to O'Donnell to see what you, as Commander-in-Chief, could do about it, did you?

HOMMA

As Commander in Chief, I was responsible for establishing an administration to govern the country, fighting guerrilla insurgencies and ...

MEEK

Sir, answer the question -- I asked if you personally went to Camp O'Donnell?

As a fellow general, Donovan appears uncomfortable with Meek's persistent attack.

HOMMA

I was planning to, but I was relieved of my command only thirty days after the fall of Corregidor.

MEEK

So your answer is no. We have heard testimony that prisoners were beaten, beheaded, bayoneted and shot. Does that indicate to you that the order for the 'friendly' treatment of prisoners of war that you issued prior to the invasion was being followed?

HOMMA

I came to know for the first time in this court of such atrocities ...

CAMERA TRACKS into Homma -- through his imagination we see RAPID-FIRE IMAGES: *discarded boots, rifle fire, marching, a severed head mounted on a post, three men drinking from a dirty puddle, a bloody sword, men weeping, a prisoner screaming ...*

HOMMA

... and I am ashamed of myself should these atrocities have happened.

MEEK

Should they have happened? What is it we've been listening to for the last month?

SKEEN

Objection!

MEEK

Withdrawn. You knew when you were placed in command of the 14th Army and ordered to invade the Philippine Islands, you knew what your responsibilities were, did you not?

HOMMA

Yes, I knew.

MEEK

Did you know that your responsibility was to treat prisoners of war according to the terms of international law and the Geneva convention?

HOMMA

It should be observed.

The defense team braces for the worst.

MEEK

Is that the best answer you can give? Are you not responsible for the actions of your troops?

Homma seems to go deep within himself -- the entire courtroom awaits his reply.

HOMMA

I have responsibility in the moral sense about everything that happened under my command.

The gallery erupts with an OMINOUS BUZZ. Skeen stares in shock, even Meek seems surprised.

MEEK

Read the answer.

BETTY

(reading)

'I have responsibility in the moral  
(MORE)

BETTY (CONT'D)  
 sense about everything that happened  
 under my command.'

The defense watches despondently as Meek goes for the kill.

MEEK  
 That included the care, feeding, the  
 furnishing of medicine to prisoners  
 of war?

HOMMA  
 (impatiently)  
 Everything that happened under my  
 command, I said.

MEEK  
 I want to specify some of them --  
 would that include responsibility for  
 the 17,000 who died on the March and  
 the conditions at O'Donnell, where  
 100 men were dying each day, was that  
 also your responsibility, as  
 Commander-in-Chief?

HOMMA  
 I am morally responsible for whatever  
 happened under my command.

MEEK  
 I did not ask if you are morally  
 responsible. I am asking if you  
 considered yourself responsible, as  
 Commander-in-Chief, for conditions on  
 the Death March and at Camp  
 O'Donnell?

The courtroom is dead silent, the judges look weary. Skeen  
 wants to protect his client, but doesn't know how.

MEEK  
 Were you responsible?

SKEEN  
 If the Commission please, I think the  
 witness has answered that question.

DONOVAN  
 I don't think the witness has.

HOMMA  
 I repeat the same answer -- I am  
 morally responsible.

Meek radiates an almost palpable hatred for Homma. The defense team sits anchored in gloom.

MEEK

I have nothing further for this accused.

For the first time, Homma looks shaken on the stand. As does Skeen.

FUJIKO (V.O.)

You said Americans were honorable people, but it's not true ...

99 INT. HOMMA'S CELL - NIGHT

Seated on the bunk, Homma watches Fujiko pace angrily. (DIALOGUE IN JAPANESE)

FUJIKO

... they have no right, you didn't do any of those things. They are stupid, vindictive men.

He takes her hand, pulls her next to him.

FUJIKO

You're the only friend America had and now they ...

HOMMA

Fujiko, I am angry, too, but this is our time together, don't let them spoil it.

The pleading look in his eyes quiets her.

HOMMA

Did you bring them?

Nodding, she removes a small scissors, two tissues and a black lacquered cigarette case hidden in the sleeve of her kimono. They share a knowing look as he takes the items and slips them under his pillow.

HOMMA

I would like my funeral ceremony to be very quiet, with only the family present. I won't need a very large tomb, either.

She starts to protest, but he takes her hands, calming her.

HOMMA

Twenty years feels short but they are long. I am content that we have lived a happy life together.

She kisses his hands.

HOMMA

If there is what is called the other world, we'll be married again. I'll go first and wait for you there, but you mustn't hurry.

Her eyes welling with tears, she starts to speak, but the words catch in her throat. He touches her lips, indicating she need only listen. She nods imperceptibly, swallows.

HOMMA

Live as long as you can for the children and do those things for me I haven't been able to do.

She tries to steady her trembling hand as she caresses his face.

HOMMA

You will see our grandchildren and even great grandchildren and tell me all about them when we meet again in the other world.

Concealing the ache in her heart, she smiles.

HOMMA

Thank you very much for everything.

Husband and wife probe each other's eyes. She rests her cheek against his chest. He holds her, tightly. A KNOCK, then the door opens and Sergeant Williams enters the cell. Sympathetic, yet duty bound, he hovers in front of the couple, who are desperately clutching each other, refusing to let go.

100 EXT. HIGH COMMISSIONER'S RESIDENCE - DAY

JOURNALISTS throw QUESTIONS as Coder and Furness escort Mrs. Homma through a NOISY CROWD jostling to enter the court. They pass a BOY HAWKING the morning paper, its headline, 'JAP GENERAL ADMITS GUILT.' Troubled, Furness buys one, keeps going.

101 INT. COURTROOM - DAY

Skeen prepares his notes at the defense table as the COURT SIMMERS with anticipation. Furness drops the newspaper in front

of Skeen, who curses. Pelz enters from a side door, WHISPERS to Skeen -- his face drops.

102 INT. HOLDING CELL - DAY

A riled Skeen rushes in to plant himself in front of Homma.

SKEEN

What the hell is going on?

HOMMA

I've decided Fujiko should not appear in this courtroom.

SKEEN

It's a little late, isn't it?

HOMMA

I am afraid of what they'll do to her in the cross-examination. I can not allow her to be shamed.

SKEEN

We agreed Mrs. Homma would testify.

HOMMA

I have changed my mind.

SKEEN

Well you're going to have to change it back again.

HOMMA

No. I do not want the last memory of my wife to be in that courtroom.

The two men stare at one another, both equally determined.

103 INT. COURTROOM - DAY

Homma seethes in his chair, refusing to look, as Skeen approaches Fujiko in the witness box. He encourages her with a warm smile.

SKEEN

Mrs. Homma, please tell us, if you would, what General Homma's ideas were concerning the Japanese Army.

The generals lean forward, taking special interest in this unique witness.

FUJIKO

He believed that the military force should be used to defend the Mother  
(MORE)

FUJIKO (CONT'D)

Land, to preserve the peace and should never be used to invade other countries. He constantly said, 'If a country ever engages in a war of invasion, that country will inevitably lose.'

Skeen looks back to Homma, who stares at his hands.

SKEEN

Did General Homma ever tell you his views about the present war?

FUJIKO

He disagreed with the war from the beginning -- he always said Japan had politicians, but no statesmen.

SKEEN

Was he subjected to criticism for his views?

The defense team listens, spellbound.

FUJIKO

Yes. His views were not popular and not welcomed. People used to call him pro-American. At that time, that name was an insult.

SKEEN

Can you tell us what kind of man General Homma is?

Homma turns gradually to absorb his wife's presence.

FUJIKO

My husband is a man who likes to create a peaceful atmosphere and get inside it and live at peace within that atmosphere, and all his conduct is based on this. And for instance, no matter what troublesome affair may have taken place outside, whenever he came back home, he always came with a smile on his face.

Homma, overwhelmed by memory, listens transfixed.

FUJIKO

I have come from Tokyo to here and I am proud of the fact that I am the wife of General Homma.

She pauses to gather herself. For a moment, husband and wife lock on each other's gaze -- Homma fights for composure.

FUJIKO

I have one daughter, and my wish for her is that some day she will marry a man like my husband, Masaharu Homma.

Homma begins to sob. Skeen, fighting his emotions, looks from his client to Fujiko, who wipes away tears.

SKEEN

That is all the questions I have, Mrs. Homma.

Pelz studies the faces of the judges, all of them moved by her testimony. Donovan looks to Meek, who is conferring with Schwartz.

MEEK

The prosecution has no questions.

DONOVAN

All right, the witness is excused.

Fujiko slips from the stand with an assured dignity. The entire court watches mesmerized as she hovers in front of her husband. She bows deeply, fearing this is their farewell. Homma returns the bow, tears streaming down his cheeks, as MPs lead Fujiko past the silent gallery.

SKEEN

If the Commission please, with the testimony of this witness, the defense rests.

104 INT. BILIBID PRISON - NIGHT

Only the PATTERN of RAIN accompanies Skeen's walk through the dark prison. He nods to the NIGHT MP guarding the cell block, then peers inside Homma's cell. He hesitates, suddenly aware that something private is taking place.

105 INT. HOMMA'S CELL - CONTINUOUS

With the small scissors, Homma clips a fingernail, wraps it in a tissue. He cuts a lock of his hair, wraps it in a second tissue. Suppressing the ache in his heart, he places both tissues in the black lacquered cigarette case, then slips the case under his pillow. There's a QUIET KNOCK. He stands as Skeen enters.

HOMMA

Is something wrong? Fujiko?

SKEEN

No, she's fine. She returned safely to Tokyo. It's something else.

Homma motions for him to sit -- he does.

SKEEN

General Homma -- when I received orders to be your defense attorney, I did everything in my power to get out of it.

HOMMA

I understand, I am the enemy ...

SKEEN

Not only that -- I had no experience in criminal law, in fact, none of us did, and that was a great disservice. For you, everything is at stake here, your life. You deserved better, sir, much better than I could ever be. I am truly sorry.

Touched, Homma goes to sit beside Skeen on the bunk.

HOMMA

Major Skeen -- I want you to accept my gratitude for the impartial stand you have taken so bravely. I respect Americans all the more for your sake. You stood by justice. You left no stone unturned to give me a fair trial.

SKEEN

But I'm afraid, sir, that I won't be able to change the mind of the Commission.

Homma nods sadly.

HOMMA

Sometimes we begin a battle knowing we can not win, yet we fight on because it is our duty, because we are soldiers.

Skeen absorbs every word from 'his' general, grateful for Homma's affirmation.

HOMMA

I think tomorrow is a good day to die.

(smiling)

Do you know who said that, preparing for battle?

(Skeen shakes his head)

Your great American general -- Crazy Horse.

SKEEN

You sure can pick the winners.

HOMMA

But I didn't pick you -- you were appointed.

They share a laugh, comfortable in each other's company.

SKEEN

Maybe there's hope, General -- if I remember my history, Crazy Horse beat Custer at Little Big Horn.

106 INT. COURTROOM - DAY

There's great anticipation in the crowded court -- the overflowing gallery includes JAG brass, Colonels Brown and Leck, plus many who testified, including Baldassarre, Ball and Aguilar. Skeen shares a look with Homma and colleagues as Meek rises to begin his closing.

MEEK

If the Commission please, I ask you to go back with me to 1941 and 1942. Let us not consider this accused in the light of his appearance here today, but rather when he was the dominant, victorious commander of the Imperial Japanese Forces in the Philippines. And what do we find when we return to that time? We find the testimony of the dead and the dying. There has been proven in this courtroom a pattern of atrocities starting with the initial landing on December 10th and it carried right on through. It is not that the accused did not have knowledge of the atrocities. They were too widespread not to be known. He knew. But did nothing about it -- because?

He turns on Homma with an accusing stare.

MEEK

Because he did not care. Never will there be a blot on human history to compare with the Death March, that eighty mile long path of infamy. Someone is to blame and that someone is this accused. His headquarters was 500 yards from the Death March as those 75,000 Americans and Filipinos dragged themselves past, day after day, within sight of his headquarters, within sound of it. If he would have cared to listen, he could have heard the screams of the wounded and the dying.

The gallery watches spellbound, emotionally charged by Meek's oratory.

MEEK

I submit that this accused, by his own admission, is responsible for the actions of his troops, that he knew or he should have known of the conditions existing, not only on the Death March, but in the prisoner of war camps as well that resulted in thousands of brutal deaths and torturings. He knew, but he did nothing about it -- because?

CAMERA PANS slowly across the faces of the men at the defense table to settle on Homma, his gaze even.

MEEK

Because he did not care. General Homma has said he is morally responsible -- I submit to you that he is responsible in every sense of the word. There is but one plain and clear duty for the members of this Commission, and that is to find this accused guilty as charged, and in doing that, the prosecution expects and demands the penalty of death by hanging. Thank you.

Meek rivets a disdainful stare on Homma while returning to his chair. Skeen touches Homma's shoulder as he finds his way to the heart of the court. He gathers himself, then confronts the five stony faces of the judges.

SKEEN

'The only good Jap is a dead Jap.'  
That's a quote from the general I've  
always admired more than any other.  
He said that he would return to the  
Philippines and return he did. And  
it was on one of those beaches,  
coming upon the dead body of a  
Japanese soldier, that General  
MacArthur said those famous words.  
It's occurred to me that if things  
hadn't gone our way and, God forbid,  
Japan had won the war, General  
MacArthur might be the one on trial  
here today.

POPPING FLASHBULBS, the WHIR of newsreel cameras. A seething  
Donovan, Gard and McNaught glare, the blood rising in their faces.

SKEEN

Members of the Commission, with this  
trial we are setting a dangerous  
precedent. If another war occurs, we  
face the possibility that next time we  
won't be the victor. And then what?  
Is it possible someone who doesn't  
look like us and doesn't speak our  
language will come knocking on our  
door? And then will it be our turn to  
answer for the inevitable cruelties of  
war? Will we be arrested and put on  
trial for our lives? Please --  
consider the implications.

The JAG brass and gallery listens impassively; Homma, riveted.

SKEEN

I say to you that those American  
leaders who ordered the bombing of  
Hiroshima and Nagasaki knew that  
hundreds of thousands of innocent  
civilians, including women and  
children, would be killed -- but we  
have not yet put those men on trial.  
Isn't Homma's real crime not that he  
violated the laws of war, but only  
that he ended up on the losing side?

Skeen faces Homma, as if speaking only to him.

SKEEN

Yes, he did accept 'moral  
responsibility' -- but this was not an  
(MORE)

SKEEN (CONT'D)

admission of guilt but rather a profound expression of personal regret for the things which happened in Bataan. The things which he learned about for the first time with us, listening in horror to the atrocities visited by one man upon another.

Impassioned, committed to every word, Skeen appeals to the members of the Commission, focusing on the sympathetic faces of Trudeau and Valdez.

SKEEN

The prosecution would like you to believe they've proved their case, but I am still asking -- where is the evidence? General Homma did not commit any crimes, nor aid in their commission, nor order them, nor condone them.

The other defense counsel members listen with pride. Skeen locks eyes momentarily with an emotional Homma.

SKEEN

Finally it must be stated that not all the evidence is to be found within the pages of the court record. In the short space of six weeks, defense counsel has become thoroughly convinced of the sincerity and integrity of General Homma and we are proud to have represented him. He is a man who can do much in the coming years to mend the wounds of war and build the peaceful world for which we all pray. We submit that after a careful analysis of the evidence, and in the name of American justice, this Commission must render a verdict of not guilty.

Homma nods gratefully as Skeen returns to his chair.

107 INT. HIGH COMMISSIONER'S RESIDENCE/OFFICE - DAY

Skeen waits while Betty, the court stenographer, pulls papers from a file cabinet.

BETTY

Here's the transcript from Wednesday. Come back this afternoon and I'll give you yesterday's, too.

SKEEN

Thanks, Betty.

BETTY

It's funny, he wasn't at all what I expected.

SKEEN

Who's that?

BETTY

The Beast of Bataan. General Homma.

Skeen smiles knowingly, then leaves. As he comes down the corridor, he hears a VIGOROUS DEBATE. He turns the corner, glimpsing the Commission generals through the partially open door of Donovan's chambers.

TRUDEAU

... the question is whether or not the senior commander can be held accountable down to the last private ...

MCNAUGHT

Oh, come on, Art -- that's no excuse, besides, we've already been over the chain of command.

General Gard looks up and sees Skeen in the hallway -- he motions with his eyes to someone else.

VALDEZ

The problem here is that the prosecution has charged him with everything they could think of to charge him with ...

Suddenly Donovan is standing in the threshold -- he closes the door on Skeen.

108 INT. HOMMA'S CELL - NIGHT

Homma's on his bunk killing bed bugs when Skeen knocks and enters the eerily quiet cell.

SKEEN

You wanted to see me, sir?

Homma sits up on his bunk.

HOMMA

Yes, thank you for coming.

SKEEN  
Nothing's back, we're still waiting  
for the verdict.

HOMMA  
(nodding)  
I've been having a dream of losing  
all my teeth, and I wasn't able to  
wear false teeth. You see, there is  
no way I can have a good dream here.

He gets a sealed envelope from the desk and hands it to Skeen.

HOMMA  
Please, for my children.

SKEEN  
I'll make sure they get it.

Homma retrieves Fujiko's black-lacquered case from under his  
pillow.

HOMMA  
I have been thinking about the days  
to come, and realize it's possible  
they won't return my body to Japan.  
It may go to ashes. To the wind. To  
nothing.

SKEEN  
General, let's wait for the verdict.

HOMMA  
No, now is the time. After the  
verdict, they may isolate me and make  
it impossible for us to see each other.

SKEEN  
Sir, I don't ...

Homma puts up his hand, for quiet, then proffers the case.

HOMMA  
Please. Give this to Fujiko. Unless  
my body is consecrated at a funeral  
ceremony, I will not be able to find  
my wife and children in the next life.

Skeen seems reluctant. Homma rests a hand on his defender's  
shoulder, touching him for the first time.

HOMMA

So they will know a place to find me.  
So I can be at peace.

Skeen accepts the case.

109 INT. COURTROOM - DAY

*Manila - 11 February 1946*

In the hushed court, Homma, Skeen, Pelz, Furness and Coder stand before the grim-faced Commission.

DONOVAN

Charge -- that Masaharu Homma, then  
Commander-in-Chief in the Philippines  
of the armed forces of Japan at war  
with the United States of America and  
its allies ...

Homma turns to Skeen, offers a slight bow, then starts walking up the aisle. Gallery spectators are surprised by his departure.

DONOVAN (V.O.)

... did unlawfully disregard and fail  
to discharge his duties to control  
the operations of the members of his  
command ...

Walking with dignity, Homma sees his staff officers -- Wachi, Takatsu, Wada, Horiguchi -- seated together. They bow respectfully.

DONOVAN (V.O.)

... permitting them to commit  
brutal atrocities and other high  
crimes against the people of the  
United States, its allies and  
dependencies ...

On the other side of the aisle, F.S. Piggott and other BRITISH STAFF OFFICERS, all friends, salute him.

DONOVAN (V.O.)

... and that he, Masaharu Homma,  
thereby violated the Laws of War.  
Upon secret written ballot, two-thirds  
or more of the members concurring, the  
Commission finds you ...

Homma steps outside the courtroom, shutting the door behind. He stands alone on the top step of the High Commissioner's

Residence. He lifts his face to the sun, deeply inhaling the sweet ocean breeze.

110 EXT. SADO ISLAND FERRY - DAY

Standing at the prow, Homma looks out over the sea toward his beloved home island, Sado.

111 EXT. SADO ISLAND/CHERRY ORCHARD - DAY

In the full bloom of spring, Homma hurries across his mother's orchard. Through the cherry trees he sees Fujiko and his children awaiting him. They run toward each other. He's almost in his family's embrace when a sudden wind fills the air with pink blossoms, so densely that he can no longer see his family.

112 INT. COURTROOM - DAY

Homma is a thousand miles away.

DONOVAN  
... guilty.

The verdict strikes Skeen as if it were a blow to his stomach. From the gallery, CHEERING and APPLAUSE. Homma, his expression unchanging, bows to the Commission before MPs escort him away. Skeen, now unable to help his friend, watches him go.

113 EXT. HIGH COMMISSIONER'S RESIDENCE - DAY

A tight-lipped Skeen makes his way down the crowded steps, ignoring all REPORTERS' QUESTIONS. Trumbull, of the New York Times, shoulders next to him.

TRUMBULL  
Major Skeen, just so you know, the  
guys in the press room took a poll  
and it was unanimous -- acquittal.

Skeen, with a sad but appreciative smile, continues away.

114 INT. TOKYO/SCAP HEADQUARTERS - DAY

Skeen and Fujiko wait in MacArthur's outer office. The door swings open and COLONEL BUNKER, Mac's assistant, approaches.

115 INT. MACARTHUR'S OFFICE - DAY

Skeen and Fujiko sit opposite a grim MacArthur. Above his large desk are portraits of Washington and Lincoln.

FUJIKO  
General MacArthur, I thank you for  
the way I was treated in Manila, for  
(MORE)

FUJIKO (CONT'D)  
having been permitted to visit my  
husband and I thank you for the  
effort made on my husband's behalf by  
Major Skeen and his officers.

MacArthur nods stoically.

FUJIKO  
I ask you to review carefully the  
facts in my husband's case. He was a  
splendid soldier and I believe his  
death would be a loss to the world.

She waits for his reply, but there's only an awkward silence.

MACARTHUR  
Continue.

FUJIKO  
I ask you to please read through the  
records of the trial.

MACARTHUR  
I will.

FUJIKO  
I hear that the death sentence will  
be sent for your confirmation. It's  
a very hard job for you, I suppose.

MACARTHUR  
Never you mind about my job.

Rebuked, realizing the interview is over, she stands, bows.

FUJIKO  
Please remember me to your wife.

MacArthur nods. Fujiko leaves, followed by Skeen, but he  
hesitates at the threshold.

SKEEN  
General MacArthur, sir, I feel  
compelled to make a request.

MACARTHUR  
Yes?

SKEEN  
I ask that you treat General Homma as  
a soldier, because, sir, if nothing  
else, he is that -- he is a soldier.

MACARTHUR

What's your point, Major?

SKEEN

I'm asking that General Homma not hang. I spoke to the Commission and everyone except General McNaught has agreed, but of course I understand it requires your approval.

MacArthur offers an inscrutable look before returning to his paperwork. Skeen closes the door on his general.

116 INT. SCAP HEADQUARTERS PRESS ROOM - DAY

MacArthur stands at a podium addressing a packed room of JOURNALISTS, RADIO REPORTERS and NEWS CAMERAS.

MACARTHUR

Mrs. Homma's visit was one of the most trying moments in my life. No incident could more deeply illustrate the utter evil of war ...

117 EXT. HOMMA'S RESIDENCE - DAY

A U.S. Army jeep stops before the Homma residence. The DRIVER waits while Skeen escorts Fujiko to the door.

MACARTHUR (V.O.)

... and its dreadful consequences upon those like her who had no part in it.

At the threshold, Skeen draws the letter and black-lacquered box from his pocket and gives them to Fujiko.

MACARTHUR (V.O.)

I earnestly hope that a merciful providence may help and sustain her.

She bows deeply, then goes inside, closing the door behind. Skeen exhales.

118 INT. BILIBID/CELL-BLOCK - DAY

At his usual post, Sergeant Williams listens intently to Mac's broadcast on the RADIO.

MACARTHUR

(ON RADIO)

Now I am confronted with the repugnant duty of passing final

(MORE)

MACARTHUR (CONT'D)  
 judgment on a former adversary. I  
 have concluded that no trial could  
 have been fairer than this one.

Williams enters Homma's cell with sandwiches and beers. The  
 general, smiling, invites him to sit down.

MACARTHUR (V.O.)  
 No accused was ever given a more  
 complete opportunity for defense. No  
 judicial process was ever freer from  
 prejudice.

119 INT. DEFENSE OFFICE - DAY

GIs carry out the last desk, leaving Furness, Pelz and Coder  
 sitting on the floor listening to a radio in the now empty office.

MACARTHUR  
 (ON RADIO)  
 The proceedings show that the  
 defendant lacked the basic firmness  
 of character and moral fortitude  
 essential to officers charged with  
 high command ...

They share a look, then Coder clicks off the radio mid-speech.

120 INT. COURTROOM - DAY

The judges enter the packed courtroom. Homma and the defense  
 team rise together.

DONOVAN  
 Has the accused or his counsel  
 anything further before sentence is  
 announced?

HOMMA  
 I wish to thank the gentlemen on the  
 Commission for the courteous ways in  
 which I have been treated all through  
 my trial. When I come to think that  
 I am this man so misunderstood by the  
 world, I feel sad, but it can not be  
 helped. Thank you.

DONOVAN  
 Sentence -- upon secret written  
 ballot, two-thirds or more of the  
 members concurring, the Commission  
 sentences you to be shot to death, by  
 musketry.

Homma turns to Skeen, offers a nod of thanks.

121 INT. HOMMA'S CELL - DAY

Homma, dressed in his general's uniform, positions himself in the center of the defense team. A PHOTOGRAPHER adjusts their pose, then goes behind the tripod camera and fires the shutter: the picture, though formal, captures an affectionate camaraderie. When the photographer leaves, Homma gathers some items.

HOMMA

Please don't go until I have given you a small token of my appreciation, for what you've done for me and my family.

SKEEN

It's unnecessary, sir.

HOMMA

I say necessary and in this battalion -- I'm the general.

They smile. He begins with Coder: wrapped in tissue, a shot glass.

HOMMA

Captain Coder, please, I hope you will accept this -- it was a gift to me from my good friend in the British Royal Army, General Piggott.

CODER

Thank you, General.

HOMMA

He told me it was for 'throwing back' scotch whiskey -- my only regret is there were never sufficient supplies of single malt in my country.

They laugh. He hands Pelz a dog-eared book: Gone With The Wind.

HOMMA

For you, Lieutenant Pelz, a man of many words -- one of my favorite books, Gone With the Wind. Please excuse all my writing in the margin, a bad habit I acquired long ago.

Pelz is moved in a way not seen before.

PELZ

Thank you, General Homma -- I wish I had something to give you, but ...

HOMMA

Will they let me take it with me?

The team smiles at Homma's dark humor.

PELZ

Sir, what I mean to say -- it's meant a great deal to me to have known you.

Homma has to gather himself before responding.

HOMMA

And to me. All of you.

He hands Furness a small tea set.

HOMMA

For you, Captain Furness, my tea set, because ... well, because you're the old dog who understood so much.

(Furness smiles)

I hear you will be going to Tokyo.

FURNESS

Yes, sir -- they need defense attorneys for the next round of trials.

HOMMA

I hope they thank me for providing you so much experience.

They laugh. Homma removes a medal from his uniform.

HOMMA

Major Skeen, for you, I want to give this medal, which I used to give to my bravest men in Bataan.

He pins it on Skeen's uniform.

HOMMA

You are a soldier, worthy of honor and respect.

Skeen swallows the lump in his throat. So does Homma.

SKEEN

I was told, sir, you wrote the poem,  
the inscription, on the back.

HOMMA

(modestly)

It is my poem.

SKEEN

I'd like to hear it.

The others murmur agreement. Homma takes a deep breath. For him, this poem embodies his love for the men he led into battle.

HOMMA

'In such a situation, it should be  
forgiven. In such a jungle, beyond  
the shade of a tree, disappeared  
friends. This should be called to  
mind.'

All are moved.

HOMMA

Twenty thousand of my 'friends' were  
lost in Bataan and other islands of the  
Philippines. It is not without  
significance that I can join them now.

They stare at the emotional Beast of Bataan, Skeen fighting his tears. All hover awkwardly, no one wanting to say good-bye. Homma lightly claps his hands twice, trying to break their somber mood.

HOMMA

All right, men, we all have much to  
do, I'm sure.

Homma goes to the door, knocks.

HOMMA

I wish you all a safe journey.

The door opens. With final looks, they leave.

HOMMA

Major Skeen.

Skeen hovers on the threshold.

HOMMA

I want to apologize for keeping you  
so long from your family. God speed  
back to Baltimore.

SKEEN

Thank you, sir.

Unexpectedly for both men, they embrace, briefly but heartfelt.

HOMMA

God speed getting home.

122 EXT. BILIBID PRISON COMPOUND - DAY

Emerging from the prison, the defense team tries to ignore GIs erecting a gallows in the shadow of Bilibid. They somberly board a jeep. In silence, Skeen drives across the yard. Each man's face reflects the end of a long journey. At the guard house, the MP raises the gate. Before departing, Skeen turns back to the prison -- the others share his look.

SKEEN

May God rest his soul.

FURNESS

And have mercy on the rest of us.

All nod in silent prayer toward Bilibid, then, after a respectful look to one another, Skeen drives away.

123 INT. LOS BANOS/PRISON CORRIDOR - NIGHT

Sergeant Williams and MPs lead Homma, his hands cuffed behind, from a cell and down a dark corridor; other JAPANESE PRISONERS bow respectfully from their cells as he passes.

124 EXT. TOKYO/HOMMA'S GARDEN - NIGHT

Fujiko leads 18 year old Hisako and 16 year old Seisaku into the garden. She lays the black lacquered box on a simple altar adjacent to the trickling water of a fountain.

At LOS BANOS, they reach a door at the end of the corridor. Sergeant Williams unlocks it -- Homma steps outside.

In the GARDEN, Fujiko opens Homma's letter to his children and begins to read.

FUJIKO

Please, my children, take care of  
your mother -- she is the best  
inheritance I leave to you.

At LOS BANOS, Homma smiles at the dome of stars, takes a deep breath, then looks around: a parked ambulance, a lit post at the end of the yard, TWELVE SOLDIERS waiting with rifles.

FUJIKO (V.O.)  
 Don't lose courage! Don't give into  
 temptation. Walk straight on the  
 road of justice.

In the GARDEN, Hisako lays her cheek against her mother's shoulder.

FUJIKO  
 The spirit of your father will long  
 watch over you.

At LOS BANOS, the MPs march Homma to the post. Homma bows northward to his Emperor with a farewell "Banzai," then turns to face the firing squad. Sergeant Williams, with a look of apology, cuffs his hands to the post. The MEDICAL OFFICER pins a white circle of cloth on his chest.

FUJIKO (V.O.)  
 I will be pleased if you will make  
 your way in the right direction  
 rather than bring flowers to my  
 grave. Don't miss the right course.  
 This is my very last letter to you.

In the GARDEN, Seisaku tries not to cry, but he's only a boy, and his tears fall.

A YOUNG LIEUTENANT, commander of the squad, arrives with a black hood.

YOUNG LIEUTENANT  
 Any last words?

Homma takes his final look at this world as the CAMERA TRACKS into his knowing eyes.

HOMMA (V.O.)  
 ... God speed getting home.

When Homma says nothing, the lieutenant lowers the hood over his head. The world goes BLACK. ORDERS BARKED. The DIN of TWELVE RIFLES.

125 INT. TRAIN (TRAVELING) - DAY

Out of the BLACK, Skeen's face is illumined by sunlight as his train emerges from a tunnel into the Maryland countryside.

Still in uniform, he watches the familiar landscape fleeting past. In his eyes, another world entirely.

126 EXT. BALTIMORE TRAIN STATION - DAY

Skeen steps off the train onto the BUSY PLATFORM -- his beloved DOROTHY and their TWO YOUNG DAUGHTERS are already running toward him. He rushes into their embrace, his own tears now falling, a young man from Baltimore, home at last.

FADE OUT:

THE END