

"In The Land of Burnt Out Fires"

by

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Inspired by a true story

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FADE IN:

EXT. FORT KLAMATH - DAY

Oregon. 1873.

In the early morning light, U.S. Army SOLDIERS finish building a gallows.

One ties a sandbag to the dangling rope, pulls the lever, and the sandbag falls through.

WALTER BRUBAKER, late 40s, walks past the scaffold and heads for the prisoner's stockade.

INT. PRISON CELL - DAY

A Modoc Indian known as CAPTAIN JACK, 36, sits on the floor of the dark cell. His skin is dark from the sun and his hair is long.

He looks up and sees Brubaker through the bars.

Brubaker looks down at Captain Jack.

BRUBAKER

I work for the newspaper.

Captain Jack looks out the window.

BRUBAKER

I've followed you for quite some time.

CAPTAIN JACK

Leave me in peace.

BRUBAKER

Let me tell them what's happened here and how you feel.

Captain Jack stands up, looks at him through the bars.

CAPTAIN JACK

How I feel?

BRUBAKER

Yes.

CAPTAIN JACK

All ever wanted was home for our families.

INT. COURTROOM - DAY

Through the windows, a group of folks push each other as they try to get a look inside.

Captain Jack sits at a table, feet shackled in chains.

A single chair in front serves as the witness stand.

U.S. Army OFFICERS surround the room. Five OFFICERS serve as the jury, one of which is the JURY FOREMAN.

Lieutenant ELLIOTT, 40s, paces in front of the jury.

ELLIOTT

The prisoner has not requested any legal representation so the court presumes he will act on his own behalf.

JURY FOREMAN

Very well, let's make this brief. Lt. Elliott, please call your witness.

ELLIOTT

Thank you. The court calls Alfred Meacham to the stand.

ALFRED MEACHAM, late 40s, walks up and sits in the chair.

Meacham's face is badly scarred and he has a bandage around his head.

ELLIOTT

Please state your name, sir.

MEACHAM

Alfred Meacham, former chairman of the peace commission.

ELLIOTT

Thank you, sir. Now, we've all read your testimony so this is merely a formality. Can you tell the jurors, for the record, that Captain Jack here was indeed the one who pulled the trigger?

Meacham lowers his head.

ELLIOTT

Mr. Meacham?

Meacham looks at Captain Jack.

MEACHAM  
I'm sorry, Kientpoos.

INT. PRISONER'S STOCKADE - NIGHT

Captain Jack eats a meal in his cell.

Two SOLDIERS, mid 20s, sit outside on guard. They both read newspaper accounts of the trial.

SOLDIER #1  
(reads)  
President Grant has received petitions from Philadelphia, New York and Baltimore. They are demanding clemency for the Modoc chief Kientpoos, known to the whites as Captain Jack. The groups protest any hanging of a native American.  
(looks up from paper)  
What horse manure. These folks never had to fight these savages.

SOLDIER #2  
(reads)  
The prisoner is guarded by several armed guards.

He looks around and laughs since they are the only two.

SOLDIER #1  
Damn Injun lovers. All they're gonna do is slow this down.

SOLDIER #2  
They won't slow anything down.

The soldier gets up and walks up to the cell, looks at Captain Jack through the bars.

SOLDIER #1  
You do understand what's going to happen to you?

Captain Jack looks up at him. A SHOT is fired.

EXT. LOST RIVER - DAY

California/Oregon border. 1852.

The water glistens in the morning light.

Inside a canoe is COMBUTWAUSH, 40s, a Modoc Indian Chief and his son, KIENTPOOS, 15 -- Kientpoos is the young Captain Jack.

Combutwaush holds a rifle and shoots in the air again.

BANG!

Birds fly away as he misses. He looks at his son and smiles.

They speak in their native Lituami dialect.

COMBUTWAUSH  
(subtitled)  
I'm not very good with a rifle.

YOUNG KIENTPOOS  
(subtitled)  
Why do we always fight the white man?

Combutwaush drops the rifle and picks up a paddle.

COMBUTWAUSH  
(subtitled)  
They came to our country and scared away our food.

They paddle their canoe up to the shore.

COMBUTWAUSH  
(subtitled)  
Then they rob us of our land and say it is theirs.

YOUNG KIENTPOOS  
(subtitled)  
But fighting only leads to death.

They get out of the canoe and gather the fish they caught.

YOUNG KIENTPOOS  
(subtitled)  
We should make peace with them, talk to them and all the fighting will stop.

Combutwaush smiles, pats him on the head.

COMBUTWAUSH  
(subtitled)  
You have much to learn my son.

EXT. SHASTA RIVER - DAY

MINERS along the Shasta River see an INDIAN steal some bread from their nearby camp.

The Indian jumps on his horse and hands the bread to his WIFE and SON who ride on another horse.

The Miners grab their rifles and run after them.

MINER  
Sons of bitches!

ANOTHER MINER  
Dirty thieves!

The Miners fire.

The Indian falls as his wife and son ride away.

EXT. SHASTA RIVER - NIGHT

Four MINERS sit around a campfire. Suddenly, they are attacked by a group of INDIAN WARRIORS.

Two get pierced by arrows and drop.

The other two try to run and are shot.

EXT. FARM LAND - DAY

A group of INDIANS on horseback lead a team of cattle away.

Some RANCHERS fire at them.

Two of the Indians are shot and fall off their horses while the others escape with the herd.

EXT. SOUTH ROAD - DAY

A WAGON TRAIN moves down a dusty road.

At the head of the trail, a FATHER pulls up on the reins as he sees smoke rise out from behind a hill.

He turns, signals for them to stop.

BANG!

A bullet rips into his face and his jaw explodes.

EXT. YREKA, CALIFORNIA - DAY

A group of SETTLERS storm down main street and into the town hall building.

A sign outside: Yreka Military Council Meeting.

INT. TOWN HALL - DAY

The SETTLERS scream at each other.

In the corner sits one of the para-military Captains, BEN WRIGHT, late 30s.

SETTLER #1  
I've been robbed three times!

SETTLER #2  
We need to protect our families!

Judge ELIJAH STEELE, early 50s, gets up and tries to calm them.

JUDGE STEELE  
Gentlemen, I understand your anger  
but you have to be rational.

SETTLER #3  
We're tired of this violence!

The group yells at him.

JUDGE STEELE  
What did you expect them to do?  
This is their home.

Some of the men point their rifles at the Judge.

SETTLER #1  
Indian lover!

SETTLER #2  
Elijah, this is partly your fault!

SETTLER #3  
You're nothing but a red lover,  
Steele!

JUDGE STEELE  
These Modocs are peaceful I tell  
you. You have to understand them.

Pandemonium.

BANG! The room is suddenly quiet.

Wright walks up, his pistol pointed in the air.

WRIGHT

I beg to differ with you, Judge.  
You weren't out at Bloody Point.  
You didn't see the mutilated bodies  
with heads bashed against wagon  
wheels and --

JUDGE STEELE

Now, Ben, there's no proof that  
these were Modocs and --

WRIGHT

I saw one little girl holding her  
doll in her hand. Her doll's head  
was there but the little girl's was  
across the field.

The men start talking at the same time, Steele raises his hands.

JUDGE STEELE

There's no need to make this any  
worse than it --

WRIGHT

Judge, pardon me, but a red rat is  
a red rat.

He holsters his pistol.

WRIGHT

You let me clean this land with my  
men.

JUDGE STEELE

This will only make things worse.

EXT. MODOC VILLAGE - DAY

Young Kientpoos practices throwing a spear.

He sees the Modoc CHIEFS enter his father's hut for a council meeting.

INT. FATHER'S HUT - DAY

One of the chiefs named LEGUGYAKES, 50s, paces.

LEGUGYAKES  
 (subtitled)  
 Shall we run every time we see  
 them?

Everyone speaks over each other. Combutwaush stands up.

COMBUTWAUSH  
 (subtitled)  
 My son, who shall be a chief one  
 day, thinks we should talk to them.  
 I think he is right.

LEGUGYAKES  
 (subtitled)  
 Combutwaush, you are a wise man but  
 I believe your mind is clouded.  
 You let a child guide you now?

The chiefs argue.

COMBUTWAUSH  
 (subtitled)  
 This fighting has to stop.

LEGUGYAKES  
 (subtitled)  
 We talk and talk and they kill.

COMBUTWAUSH  
 (subtitled)  
 Let us each cast a vote. To fight  
 or to talk with the white man.

EXT. MODOC VILLAGE - DAY

Wright walks into the Modoc village early in the morning.

Wright's ARMY of armed men, some of whom are Indians, are  
 positioned along the perimeter of the camp.

There are WOMEN and CHILDREN everywhere along the camp.

Nearby, Young Kientpoos plays with his cousin, a young girl  
 named WINEMA, 11.

He sees Wright and takes her by the hand.

YOUNG KIENTPOOS  
 (subtitled)  
 Come, Winema.

EXT. MIDDLE OF VILLAGE - DAY

Wright walks up to Chief Combutwaush who stands in the middle of the village with the other chiefs.

Wright wears his full military uniform, a saber hangs from his belt.

Combutwaush nods to Wright and points to a large rug in front of him.

COMBUTWAUSH

Please sit.

Wright steps up to him.

WRIGHT

Your people have killed many of us.

COMBUTWAUSH

And many Modocs have died. But you think all Indians are Modoc.

WRIGHT

Most of the ones I seen were.

COMBUTWAUSH

This is not true. There are many tribes.

Wright laughs.

WRIGHT

You speak good English for a rat.  
How 'bout the rest of you?

Legugyakes steps up and shouts at Combutwaush.

LEGUGYAKES

(subtitled)

This is wrong! He laughs at us!

The chiefs all scream at each other.

COMBUTWAUSH

(subtitled)

Calm yourselves.

WRIGHT

You're nothing but savages!

Wright pulls out his pistol from under his coat.

Combutwaush turns back to Wright.

Wright laughs and pulls the trigger, shoots Combutwaush in the head.

In the distance, Young Kientpoos sees his father fall as he hides behind a tree with his cousin.

Wright shoots the chiefs as they run away.

Wright's men open fire on the village.

Women and children run in all directions.

The armed Modoc WARRIORS barely have time to pull up their rifles when they are hit with the firepower.

Mayhem as bullets fly in the air.

Wright runs out of the camp as his men cover his retreat with guns blazing.

A group of Modocs jump into Lost River and they are shot.

Young Kientpoos runs up to his MOTHER, 40s, who is draped over his father's body.

YOUNG KIENTPOOS  
(subtitled)  
Mother!

BANG!

Young Kientpoos falls back as a shot almost hits him.

He reaches out but notices his Mother lies dead on top of her husband.

Wright is nearby, shouts to his men.

WRIGHT  
Kill them all!

Young Kientpoos rolls on the ground and runs behind some tents.

Gunfire erupts from all sides as Modocs drop.

EXT. MODOC VILLAGE - DAY

Minutes later, the aftermath of the massacre.

Cries of women and children throughout the camp as dead bodies lay everywhere.

Wright's men step over dead bodies.

Nearby, children cry as they huddle in groups with their mothers.

Some of Wright's soldiers scalp the dead warriors and raise the scalps in the air like trophies.

SOLDIER  
Look, Captain!

One shows Wright a scalp.

WRIGHT  
Good work, boys.  
(turns to two of his men)  
Go fetch me the Chief. I'm too  
tired to walk anymore.

Young Kientpoos hides behind a hut.

EXT. MIDDLE OF VILLAGE - DAY

The men pull up Combutwaush in a seated position as one holds him by his long hair.

WRIGHT  
I need to show the rest of these  
savages what will happen if they  
fight us.

Wright lifts the blade high in the air and cuts the Chief's head clean off.

The men laugh.

Nearby, Young Kientpoos drops to his knees and buries his face in the ground, face covered in tears.

THUNDER rumbles.

EXT. MODOC VILLAGE - NIGHT

Near the California/Oregon border. 1863.

Rows of huts line the village as the THUNDER rumbles and LIGHTNING cracks in the night sky.

INT. MODOC HUT - NIGHT

Captain Jack sits up in a cold sweat. He is now 26 years-old.

EXT. MODOC VILLAGE - NIGHT

Caotain Jack sees a fire inside one of the huts.

INT. MODOC HUT - NIGHT

Captain Jack enters the hut and sees his friend in front of the fire -- SCARFACE, late 20s, so named because of a scar that runs down his left cheek.

Scarface looks up at him.

SCARFACE  
(subtitled)  
Your father again?

Captain Jack nods.

CAPTAIN JACK  
(subtitled)  
I was the one who made him talk to  
the white man.

SCARFACE  
(subtitled)  
The devil Wright killed your father  
and mother. Until you stop blaming  
yourself, your spirit will never be  
free of these bad dreams.

EXT. YREKA, CALIFORNIA - DAY

It's early morning as Captain Jack rides down the main street of Yreka with Scarface and another Modoc warrior known as HOOKER, mid 20s.

They carry rugs and pots on their horses and they greet several of the townspeople.

They reach a general store and the STORE OWNER and his FRIEND, both 50s, greet them outside the store.

STORE OWNER  
What does Captain Jack have for us  
today?

CAPTAIN JACK  
We got plenty good.

The owner samples the rugs.

STORE OWNER  
You're not trying to cheat me again  
are you?

CAPTAIN JACK  
Me no cheat anyone.

MINUTES LATER

The Owner drops some silver dollars in Captain Jack's hands.

CAPTAIN JACK  
Next week more nice rugs.

STORE OWNER  
Until next week then. Adios,  
Captain Jack.

They get on their horses and ride away.

The Owner's friend smiles and spits chewing tobacco.

FRIEND  
Strange name for an Injun?

STORE OWNER  
Steele started calling him that  
cause he reminds him of some feller  
he knew once. He started naming  
all the Modocs after that. The  
other fella goes by the name  
Hooker, on account of his hook  
nose.

The Friend laughs.

FRIEND  
The judge sure is an 'ole Injun  
lover, ain't he? Just like you I  
reckon.

The Owner holds up the rugs.

STORE OWNER  
No, I'm just a business man.

FRIEND  
(smiles)  
A business man who likes to cheat  
Injuns.

EXT. FARM LAND - DAY

Captain Jack rides with Hooker. They see some farmers in the  
distance.

Hooker yells at them.

HOOKER  
Stay off Modoc land!

CAPTAIN JACK  
(subtitled)  
Leave them alone.

HOOKER  
(subtitled)  
You are too nice to the white man,  
Kientpoos.

CAPTAIN JACK  
(subtitled)  
I don't want any trouble. Remember  
what the Judge said.

HOOKER  
(subtitled)  
The Judge is not one of us.

CAPTAIN JACK  
(subtitled)  
He is a human being.

HOOKER  
(subtitled)  
He is a white devil. They are all  
the same. Some day you will learn.

EXT. MODOC VILLAGE - NIGHT

Captain Jack hides behind a hut as some young women walk by.

He leaps out and scares them and they run away.

One of them doesn't flinch. Her name is LIZZIKA, early 20s.

CAPTAIN JACK  
(subtitled)  
Are you not afraid of the great  
warrior like your friends?

She tries not to laugh.

LIZZIKA  
(subtitled)  
No.

He sees the other girls giggle from a distance.

CAPTAIN JACK  
(subtitled)  
I brought you something.

He holds a small candle in his hand. He grabs her arm and  
leads her to a bonfire.

CAPTAIN JACK  
(subtitled)  
You put this string in the fire and  
it burns with a flame.

He lights the wick and shows it to her. She doesn't seem  
thrilled.

CAPTAIN JACK  
(subtitled)  
You do not like? I have other  
things.

She smiles.

LIZZIKA  
(subtitled)  
It's beautiful, thank you.

He blows the flame out and hands her the candle, sees the  
girls stare at them.

CAPTAIN JACK  
(subtitled)  
And what are they looking at?

She drops her head, smiles.

LIZZIKA  
(subtitled)  
They are waiting.

CAPTAIN JACK  
(subtitled)  
Do they think I brought them gifts  
too?

LIZZIKA  
(subtitled)  
No, they wait for you to kiss me.

CAPTAIN JACK  
(subtitled)  
They do?

LIZZIKA  
(subtitled)  
I think they might leave if it  
happens.

CAPTAIN JACK  
(subtitled)  
I want them to leave.

She smiles and nods her head. He steps up to her and they are about to kiss.

HOOKER (O.S.)  
(subtitled)  
Kientpoos!

He steps back and sees Hooker run up to them with rifle in hand.

HOOKER  
(subtitled)  
Enos the Klamath is here.

CAPTAIN JACK  
(subtitled)  
Wright's guide?

HOOKER  
(subtitled)  
He asks for you.

INT. CAPTAIN JACK'S HUT - NIGHT

Captain Jack walks into his hut and sees ENOS, 40s. Captain Jack pulls his knife from his buckskin.

ENOS  
(subtitled)  
Enos came to help you.

CAPTAIN JACK  
(subtitled)  
Are you going to have Wright  
butcher what is left of my people?  
Is that why you're here?

ENOS  
(subtitled)  
Enos is no longer his guide.

CAPTAIN JACK  
(subtitled)  
You expect me to believe you?

ENOS  
(subtitled)  
He travels to Butte City to find  
some Klamaths. They camp at Gold  
Beach.

CAPTAIN JACK  
(subtitled)  
Why should I care what you tell me?

ENOS  
(subtitled)  
He only has a few men left.

Captain Jack looks at him.

ENOS  
(subtitled)  
Enos thinks the great Captain Jack  
can kill him now.

EXT. GOLD BEACH - NIGHT

Nearing midnight, Ben Wright's army of ten SOLDIERS sit around a fire.

Wright stumbles out of his tent with a young INDIAN girl, 20s. He is now in his late 40s. Wright is extremely drunk.

WRIGHT  
Get some more whiskey!

A soldier hands him a bottle.

SOLDIER #1  
(laughs)  
First you kill 'em and then you  
love 'em!

WRIGHT  
Shut up!

Wright kicks him and he falls.

He kisses the young girl and pushes her back in his tent.

SOLDIER #2  
Hey, Cap'n, do we get her after you  
finish?

Wright turns around and points his pistol at them.

WRIGHT  
If any of you skunks got any nerve  
then come on 'in.

EXT. BUSHES - NIGHT

In the darkness, Enos prowls on the ground and signals.

Behind him are Captain Jack, Scarface, Hooker and about twenty other Modoc WARRIORS.

They are armed with axes and rifles. Enos points to the fire and whispers.

ENOS  
(subtitled)  
Enos was telling the truth.

Captain Jack lowers his head.

CAPTAIN JACK  
(subtitled)  
If we butcher these men, are we not animals like them?

HOOKER  
(subtitled)  
Are you afraid?

CAPTAIN JACK  
(subtitled)  
I want Wright but there is no need to kill all his men.

HOOKER  
(subtitled)  
No, we kill them all.

EXT. WRIGHT'S CAMP - NIGHT

Two soldiers stand guard outside the camp.

GUARD  
Did you hear something?

They walk into the bushes. Their throats are slashed.

The Modocs jump out and run into the camp.

The soldiers are not ready and are shot by the warriors.

Scarface and Enos run into Wright's tent, joined by two other Modocs.

INT. WRIGHT'S TENT - NIGHT

Wright jumps off the girl and turns with pistol in hand.

He fires and kills Enos with a shot to the chest.

Scarface throws his knife and catches Wright in the shoulder.

EXT. WRIGHT'S CAMP - NIGHT

Captain Jack walks over to a horse. A bunch of scalps adorn the saddle.

He holds one up to Hooker.

CAPTAIN JACK  
(subtitled)  
My father.

SCARFACE (O.S.)  
(subtitled)  
Kientpoos!

Scarface has Wright by the hair as he drags him out of his tent.

He lets go and Wright drops.

Captain Jack walks up to him. Wright is too drunk to do anything.

Hooker takes Wright's blade out of the sheath and hands it to Captain Jack.

WRIGHT  
Hey, red rat, you better not cut  
yourself with my blade.

Behind them, the Modocs have killed all his warriors.

Captain Jack is motionless.

HOOKER  
(subtitled)  
Are you weak?

Captain Jack holds the blade in front of Wright's eyes, speaks to him in English.

CAPTAIN JACK  
I saw you kill my father with this  
devil blade.

WRIGHT  
Is that so, red rat?

HOOKER  
(subtitled)  
Kill him!

Captain Jack hesitates.

HOOKER  
(subtitled)  
Kill him, Kientpoos!

Captain Jack slashes Wright's throat.

Wright screams, holds his neck and blood oozes through his fingers.

He drops dead.

The warriors yell and dance around Wright's body.

Hooker begins to hack Wright's body with his axe.

The warriors join him.

Scarface walks up to Captain Jack.

SCARFACE  
(subtitled)  
Now your father is free like the eagle. You no longer have to have his dreams.

Captain Jack angrily sticks Wright's blade in the ground.

Hooker lifts up Wright's heart in the air as a symbol of victory.

EXT. MODOC VILLAGE - DAY

Near the California/Oregon border. 1864.

Children play together as their mothers watch them. Nearby, the rows of huts.

INT. MODOC HUT - DAY

Captain Jack sits with the other Modoc chiefs in a council meeting.

The eldest chief, OLD SCHONCHIN, 60s, stands up.

OLD SCHONCHIN  
(subtitled)  
You are the one who always speaks of peace.

CAPTAIN JACK  
(subtitled)  
But not like this. Not thrown out of our home.

The Modocs all talk at once.

OLD SCHONCHIN

(subtitled)

White man cannot tell difference  
between us and the Klamaths or  
other tribes. They will always  
blame us for all the attacks. I am  
an old man, I throw down my gun.

The Modoc chiefs agree with Old Schonchin.

OLD SCHONCHIN

(subtitled)

They are to give us our own land up  
north.

CAPTAIN JACK

(subtitled)

But we cannot live with these other  
tribes.

HOOKER

(subtitled)

For once I agree with Kientpoos.  
This is the devil's work.

OLD SCHONCHIN

(subtitled)

No! We have voted and we will go  
north.

Captain Jack stands up.

CAPTAIN JACK

(subtitled)

You are making a grave mistake.

He storms out.

HOOKER

(subtitled)

You are all a bunch of cowards.

EXT. SIX MILES FROM FORT KLAMATH - DAY

Under a great pine tree stands PERIT HUNTINGTON, 50s.

He addresses a large gathering of Indian TRIBES. Some  
INTERPRETERS translate his words to the group.

HUNTINGTON

I am Perit Huntington and I have replaced Judge Steele as your agent.

He nods to some SOLDIERS who gather some supplies from a wagon.

A rough-looking man named LINDSAY APPELEGATE, 40s, sits down next to Huntington.

HUNTINGTON

Agent Applegate and I have come from Washington from a meeting with the Great Father. We will divide the land for you and you will all live as one tribe.

As the interpreters translate the words, the group looks at him with stone faces.

EXT. PEACE TENT - DAY

Lindsay Applegate hands Huntington a cup of coffee as they look at the tribes.

APPELEGATE

You know, there is only one problem with your proposal.

HUNTINGTON

Please tell me, Counselor.

APPELEGATE

If you put enemy wasps in one nest, there's gonna be a lot of stinging.

HUNTINGTON

Once they start living together, they'll turn their attention to more civilized pursuits.

APPELEGATE

You can't expect different tribes to coexist.

HUNTINGTON

They won't have time to fight if they're trying to survive.

INT. PEACE TENT - NIGHT

Huntington signs the Council Grove Treaty. He stands up in front of the chiefs, looks at his Interpreter.

HUNTINGTON  
Tell them they all need to sign.

EXT. PEACE TENT - NIGHT

Captain Jack paces in front of the tent.

A group of SOLDIERS watch him as they sit near a bonfire.

INT. PEACE TENT - NIGHT

Old Schonchin signs the treaty. He looks at the other chiefs.

OLD SCHONCHIN  
(subtitled)  
These mountains shall fall before  
Modocs make war against the white  
brother.

He turns to Huntington.

OLD SCHONCHIN  
No more blood. Modoc promise.

EXT. PEACE TENT - NIGHT

Applegate walks up to Captain Jack, who sits on a tree stump.

APPLEGATE  
They are waiting for you to sign.

CAPTAIN JACK  
How can I do what no believe in?

APPLEGATE  
You have no choice, Jack.

INT. PEACE TENT - NIGHT

Captain Jack takes the pen from Huntington. He marks an "X" on the paper as Huntington smiles.

HUNTINGTON  
You did the right thing by signing,  
Captain Jack.  
(to the chiefs)  
The Council Grove Treaty is now  
official. You will all live  
together in peace.

EXT. MODOC VILLAGE - DAY

Old Schonchin walks up to Captain Jack and Scarface.

OLD SCHONCHIN  
(subtitled)  
We signed the white man's paper and  
we promised them we would go.

CAPTAIN JACK  
(subtitled)  
A white man's treaty means nothing  
to me.

OLD SCHONCHIN  
(subtitled)  
You are stubborn men.

CAPTAIN JACK  
(subtitled)  
Nothing will happen to us here.

OLD SCHONCHIN  
(subtitled)  
Many times I felt that way. But  
all it brought was more bloodshed.

CAPTAIN JACK  
I am sorry but I am not going away  
just because they say we must.

Old Schonchin mounts his horse, looks down at them.

OLD SCHONCHIN  
(subtitled)  
I am dying, Kientpoos. I choose to  
live my last days in peace, in this  
land they give us.

He extends his arm and Captain Jack shakes it.

OLD SCHONCHIN  
May Kumookumts watch over you.

Old Schonchin kicks his horse and rides away.

Hundreds of Modocs leave with him, some on horses, some on  
foot.

Scarface turns to Captain Jack.

SCARFACE  
(subtitled)  
We have split our tribe in half  
like we split logs.

CAPTAIN JACK  
(subtitled)  
We will be fine.

SCARFACE  
(subtitled)  
I hope you are right, my friend.

EXT. FORT KLAMATH - DAY

Oregon. 1869.

Lindsay Applegate rides into Fort Klamath under heavy rains.

INT. LT. JACKSON'S OFFICE - DAY

The commanding officer of Fort Klamath, LT. JACKSON, 40s,  
sits behind his desk.

Alfred Meacham is nearby going through some documents.

Applegate sips on hot coffee. Jackson shows him the  
newspaper.

JACKSON  
What kind of president do you think  
Ulysses Grant will make?

APPLEGATE  
Only God knows, Jackson. Why don't  
you ask our new Indian  
superintendent here?

Alfred Meacham speaks with bread in his mouth.

MEACHAM  
Never mind that, we have bigger  
problems to solve.

He holds up a stack of documents.

MEACHAM  
From Butte Valley and Lost River  
settlers. Complaints of Captain  
Jack and his merry braves causing  
trouble.

APPLEGATE  
We can't be sure these that all  
these reports of fights and thieves  
are all of Jack's Modocs.

MEACHAM

Maybe not all but I'm getting pressure regardless.

Applegate takes the letters.

JACKSON

Most of my men would like nothing better than to go fight them. They tell me they're dying of boredom and want action.

MEACHAM

We don't want a fight, Lieutenant. We just need to convince him to go join the rest of the Modocs up north.

JACKSON

Mr. Meacham, the only way you will convince those savages is by gunfire.

MEACHAM

I will go talk to him again.

JACKSON

You have every right to, Mr. Meacham but I think you will be wasting your time.

EXT. CAPTAIN JACK'S VILLAGE - NIGHT

The Modocs surround a large bonfire. The shaman, CURLEY HEAD, 30s, dances around the Fire.

Captain Jack holds his baby daughter in his arms as Lizzika sits with him.

CAPTAIN JACK

(subtitled)

How will the spirit treat us?

The shaman stops his incantation.

CURLEY HEAD

(subtitled)

You and Lost River are one and the same. You will always be together.

Captain Jack looks at Lizzika and smiles.

EXT. FORT KLAMATH - DAY

A cold day as a small group leaves the fort.

They are Alfred Meacham, Lindsay Applegate, an American named FRANK RIDDLE, 30s, and his Modoc wife, TOBY, late 20s.

EXT. CAPTAIN JACK'S VILLAGE - DAY

Outside Captain Jack's camp, Meacham dismounts his horse.

He signals back to his party for them to stay put.

Outside Captain Jack's hut, he sees Scarface with a rifle in his hands.

MEACHAM  
Hello, Scarface.

SCARFACE  
Meacham.

INT. CAPTAIN JACK'S HUT - DAY

Meacham enters and sees Captain Jack seated on a blanket. Meacham extends his hand for a shake.

MEACHAM  
Hello, Jack.

Captain Jack doesn't move. Meacham sits down, lights up his pipe. Scarface steps up to him.

SCARFACE  
What you want?

MEACHAM  
I want you to abide by the Council  
Grove Treaty and go to the  
reservation.

Captain Jack just stares at the ground as Meacham sucks on his pipe.

MEACHAM  
So you're not talking to me I take  
it?

Meacham stands up as if he is about to leave. Captain Jack jumps to his feet.

CAPTAIN JACK  
All whites liars! Lie to us like  
we animals.

MEACHAM

Please, you know me, my friend. I  
only want to help Modocs.

Captain Jack shakes his head. Meacham plead with him.

MEACHAM

Please, Jack.

Captain Jack calms down.

CAPTAIN JACK

Sit.

Meacham sits down.

MEACHAM

I'd like to ask someone to come in  
and meet with you.

CAPTAIN JACK

No.

MEACHAM

I've brought Mr. and Mrs. Riddle  
with me.

CAPTAIN JACK

Winema?

EXT. MODOC VILLAGE - DAY

Toby Riddle and Captain Jack embrace -- she is actually  
Captain Jack's cousin, Winema.

TOBY RIDDLE

Kientpoos.

CAPTAIN JACK

No, me Captain Jack. Just like you  
not Winema but Toby.

He looks at Toby's husband, Frank Riddle, and then at her.

CAPTAIN JACK

He good to you?

FRANK RIDDLE

You know I'd give my life for my  
wife.

TOBY RIDDLE

My Frank is a good husband.

EXT. MODOC HUT - DAY

A large group of Modocs surround Meacham's party.

Meacham shows them a copy of Huntington's Council Grove Treaty.

MEACHAM

You accepted its terms so you must abide by it. You should have gone up there several years ago.

CAPTAIN JACK

Meacham, you think I'm fool. Judge told me that white man no approve of treaty. So even if Captain Jack sign, it no good.

MEACHAM

You gave your word. You cannot just come and go as you please. Many folks have complained about your people.

CAPTAIN JACK

They are liars. We have been peaceful for long time.

MEACHAM

Jack, you know this isn't true. You can't control all the Modocs with you. They want you to go to avoid any kind of trouble.

Captain Jack rubs his neck. He is very tired and slowly starts to weaken.

CAPTAIN JACK

If we go, where in Klamath Reservation we stay?

Several of the Modoc warriors, including Hooker grab their rifles.

HOOKER

We done talkin'! Get out!

Toby Riddle steps up to them.

TOBY RIDDLE

(subtitled)

Meacham is your friend! He wants to give you a good life. Lay down your guns!

Captain Jack gets up. Meacham grabs him by the arm.

MEACHAM

I'm getting pressure to take you back. Don't do this to me.

CAPTAIN JACK

What happen if no go?

MEACHAM

Think of your family. You want your daughter to live like an animal for the rest of her life?

Captain Jack is silent. Hooker stares at him.

HOOKER

(subtitled)

Don't let white devil tempt you again.

MEACHAM

Be reasonable and move your people up north.

Captain Jack takes a deep breath.

MEACHAM

I know you and the Klamaths can live together.

HOOKER

(subtitled)

You let the white devil fool you again.

Hooker storms away.

MEACHAM

If you go, you will be doing the right thing.

EXT. TREE-LINED FOREST - DAY

Modoc/Klamath Territory. 1870.

Under stormy skies, a group of MODOCS cut logs and split some rails.

They move over to a large pile of ponderosa pine logs and sit down to rest.

Some young KLAMATHS ride up with a wagon.

KLAMATH WARRIOR #1  
 (subtitled)  
 All this Klamath land.

KLAMATH WARRIOR #2  
 (subtitled)  
 So these are our logs.

They jump off and begin putting the logs in the wagons.

Some of the Modocs stand up as if to fight but the Klamath warriors point their pistols at them.

EXT. RIVER BED - KLAMATH LAND - DAY

A group of MODOCS walk by a river.

Some KLAMATHS on horseback ride up and stop them.

YOUNG KLAMATH  
 (subtitled)  
 You must pay to walk along our shore.

YOUNG MODOC  
 (subtitled)  
 This land belongs to us all.

The Klamaths eye the Modoc women and pull out their rifles.

YOUNG KLAMATH  
 (subtitled)  
 If you do not pay, then you cannot cross.

EXT. KNAPP'S OFFICE, KLAMATH RESERVATION - DAY

Captain Jack rides up to a government building.

INT. KNAPP'S OFFICE - DAY

KNAPP, 50s, is behind his desk. He is more preoccupied with some papers than with Captain Jack who sits in front of him.

CAPTAIN JACK  
 They steal our logs and fence rails  
 and say we have to pay them.

Knapp is too busy with his papers and never looks up as he speaks.

KNAPP  
 I'll deal with this.

CAPTAIN JACK  
We hear that before.

KNAPP  
I'm the new superintendent so  
they'll listen to me. Now go away.  
I'm a very busy man.

EXT. MODOC TERRITORY - DAY

Some MODOCS carry fish in baskets.

A group of KLAMATH warriors ambush them.

EXT. NEAR A STREAM - DAY

Several young Modoc WOMEN gather wocas seed with their MODOC  
HUSBANDS.

KLAMATH warriors attack from behind.

The women try to fight but are dragged away into the bushes  
as the Klamaths beat up the husbands.

INT. KNAPP'S HOME - NIGHT

COUPLES dance to a waltz played by the army orchestra.

INT. LIBRARY - NIGHT

Knapp enters his library and sees Captain Jack and Scarface.

KNAPP  
What is so urgent that you must  
interrupt my party?

CAPTAIN JACK  
Klamaths steal timber again.

KNAPP  
We'll deal with this tomorrow in my  
office.

CAPTAIN JACK  
No! I not come here to work for  
Klamath so they can steal all from  
us. You pay for stolen timber.

KNAPP  
Nonsense.

CAPTAIN JACK  
What you do about this?

Knapp takes them both by the arm and leads them to a side door.

KNAPP

I have guests waiting for me.

He opens the door for them.

KNAPP

Just come to my office tomorrow and we can discuss this.

Captain Jack looks at Scarface.

KNAPP

Tomorrow.

They leave and Knapp closes the door on them.

INT. KNAPP'S OFFICE - DAY

Knapp points to a large map as Captain Jack stands in front of him.

KNAPP

Pick your own site on the reservation.

CAPTAIN JACK

We move three times and the Klamath continue.

KNAPP

Can't you work this out for yourselves? Do you need me to do everything?

CAPTAIN JACK

Klamath will not leave us Modocs alone.

KNAPP

That is all I can do for you.

CAPTAIN JACK

This not right.

KNAPP

Listen to me carefully. If you come here again, I will put you where you cannot cause my government any more trouble.

CAPTAIN JACK  
What you mean?

KNAPP  
I will lock you up where the  
Klamaths will not bother you any  
longer.

Captain Jack lowers his head, disgusted.

KNAPP  
Now go work this out for  
yourselves. You people are worse  
than my pack of hunting dogs.

INT. HUT - NIGHT

Captain Jack is surrounded by his warriors.

CAPTAIN JACK  
(subtitled)  
I promise you if we return to Lost  
River, we can live there in peace.  
We will demand our own reservation  
near Tule Lake.

HOOKER  
(subtitled)  
All you do is talk. I say we fight  
and if all of you say different  
then you're just a pack of cowards.

CAPTAIN JACK  
(subtitled)  
I am leaving so you must decide for  
yourselves.

EXT. KLAMATH RESERVATION - DAY

Captain Jack and the Modocs leave Klamath reservation.

There are about 150 of them, 60 of which are warriors. Even  
Hooker has joined him.

EXT. FARM LAND - DAY

Lost River Territory. 1872.

Captain Jack rides with two Modocs, BARNCHO and SLOLUX, late  
30s. They ride by a herd of cattle.

BARNCHO  
 (subtitled)  
 Some day, we will have cattle like  
 these.

CAPTAIN JACK  
 (subtitled)  
 Yes, your sons and daughters will  
 have many.

Slolux laughs.

SLOLUX  
 (subtitled)  
 Sons and daughters? His wives are  
 so old, he's lucky if they have one  
 tooth between the whole lot!

BARNCHO  
 (subtitled)  
 At least I sleep with wives. You  
 sleep with your horse's head  
 between your legs.

CAPTAIN JACK  
 (subtitled)  
 You two act like children. And  
 children need to drink.

SLOLUX  
 (subtitled)  
 Ah, now you speak my language,  
 Kientpoos.

INT. YREKA SALOON - DAY

The saloon is filled with COWPOKES.

Captain Jack stands at the bar, enjoys a glass of beer.

The BARTENDER pours Captain Jack another beer.

BARTENDER  
 Plenty good, huh?

CAPTAIN JACK  
 Taste like honey from bee.

The bartender hands Barncho a bottle of whiskey. Barncho  
 pays him with a silver dollar.

BARNCHO  
 (subtitled)  
 He says he needs his medicine.

CAPTAIN JACK  
 (subtitled)  
 His woman will not be happy.

BARNCHO  
 (subtitled)  
 Who cares what that fat old cow  
 thinks.

A group of RANCHERS enter the saloon armed with rifles.  
 They walk up to the Modocs.

RANCHER #1  
 You people stole one of my cattle.

Captain Jack pours himself another drink.

RANCHER #1  
 Did you hear me, Injun?

CAPTAIN JACK  
 I no steal nothin'.

RANCHER #2  
 Damn you!

CAPTAIN JACK  
 (turns around)  
 Want no trouble. Us here for drink  
 and then go.

POKER PLAYER (O.S.)  
 Hey, leave him alone.

BAR PATRON  
 What do you expect? You cheat them  
 out of their land and then you  
 expect them to starve.

RANCHER #1  
 Shut your filthy mouths!

Some of the men stand up with the Modocs. Some grab their  
 guns.

One of the POKER PLAYERS steps up to the rancher.

POKER PLAYER  
 If they steal a couple of your  
 cows, as I see it, they're  
 entitled.

RANCHER #2  
We're taking him to Fort Klamath.

POKER PLAYER  
Make the first move.

Tension fills the air.

RANCHER #3  
Here, here. We're not looking for trouble.

PATRON  
If you come in here with rifles,  
then I say you are.

BARTENDER  
Get the hell outta here.

The ranchers leave.

The Poker Player points to Captain Jack's blue jeans.

POKER PLAYER  
(laughs)  
Hey, Captain Jack, you almost look  
like one of us in these white man's  
pants.

CAPTAIN JACK  
(smiles)  
Captain Jack friend to all whites.

EXT. LOST RIVER MODOC VILLAGE - DAY

Captain Jack and Scarface clean their rifles behind a hut.

They hear a commotion nearby.

Barncho runs up to him.

CAPTAIN JACK  
(subtitled)  
What is it?

BARNCHO  
(subtitled)  
Lizzika calls for you.

INT. CURLEY HEAD'S HUT - DAY

The shaman is under some blankets. Captain Jack enters.

CAPTAIN JACK  
 (subtitled)  
 Get up.

Curley Head just turns over and mumbles. Captain Jack removes the blanket and sees him covered in sweat.

Curley Head's WIFE enters with a water jug.

WIFE  
 (subtitled)  
 This your fault for always bring  
 him whiskey poison.

CAPTAIN JACK  
 (subtitled)  
 My daughter is ill.

WIFE  
 (subtitled)  
 He won't be of use to you now.

EXT. VILLAGE - DAY

Slolux is on his horse.

CAPTAIN JACK  
 (subtitled)  
 Go to reservation find me shaman.

Slolux hightails it out of their camp.

EXT. VILLAGE - NIGHT

Slolux rides into the camp.

Behind him is a YAINAX SHAMAN, 30s, on a horse with his young SON, 13.

INT. CAPTAIN JACK'S HUT - NIGHT

Captain Jack sits with Lizzika who holds their baby daughter in her arms.

CAPTAIN JACK  
 (subtitled)  
 He will cure her.

Tears stream down Lizzika's face.

INT. CAPTAIN JACK'S HUT - LATER - NIGHT

The Shaman rubs some dirt on the face of the baby, looks at Lizzika. Through the hut opening, Captain Jack paces outside.

EXT. CAPTAIN JACK'S HUT - NIGHT

The Shaman walks out as Lizzika cries inside.

The Shaman looks at Captain Jack and lowers his head.

Captain Jack rushes inside the hut.

INT. CAPTAIN JACK'S HUT - NIGHT

Lizzika holds their dead child in her arms. Captain Jack kneels down with her, embraces them.

Hooker walks in with a pistol in hand.

HOOKER  
(subtitled)  
You know what you must do.

EXT. VILLAGE - NIGHT

The panicked Shaman hurries with his son.

Barncho and Slolux stand between them and their horses.

He turns around, sees Captain Jack point the pistol at him.

The Shaman drops to his knees with arms out, pleading.

SHAMAN  
(subtitled)  
The spirits could not help. I  
tried to call to them but they  
would not listen.

The tribe waits as the Shaman lowers his head and cries.

SHAMAN  
(subtitled)  
Please let my son go to his mother.

Captain Jack lowers the pistol.

Hooker steps up to him.

HOOKER  
(subtitled)  
You must do it.

It is very quiet, only the Shaman's sobs are heard.

Captain Jack signals for Barncho and Slolux to let the son pass.

Barncho helps the boy get on his horse then wallops the horse on the rear so it shoots away with the boy.

Captain Jack steps up to the Shaman and raises the pistol.

The Shaman continues to cry, head lowered to the dirt.

After what seems like an eternity, Captain Jack pulls the trigger.

BANG! The Shaman drops.

EXT. SISKIYOU COUNTY SHERIFF'S OFFICE - DAY

The County SHERIFF stands in front of the dead Shaman's family. The young son is next to his MOTHER, covered in a shawl.

SHERIFF

(to his deputy)

Send a telegraph to Meacham. I want Captain Jack arrested for the murder of her husband. The state of Oregon will not tolerate this act.

EXT. FORT KLAMATH, OREGON - DAY

A group of SOLDIERS, 20s, saddle their horses.

Some inspect their rifles.

SOLDIER #1

I hear we're going out huntin' for Captain Jack.

SOLDIER #2

Word is he killed some Injun.

SOLDIER #3

I played poker with him in town not more than two weeks ago.

SOLDIER #1

He's a lousy player.

SOLDIER #2

Doesn't know when to bluff is his problem.

SOLDIER #3

Told me he was trying to learn  
white man's talk better so he  
wouldn't lose so much. Said he  
needed a new pair of jeans.

SOLDIER #1

Why in the hell should we care if  
they kill each other anyway?

INT. ALFRED MEACHAM'S OFFICE - KLAMATH RESERVATION - DAY

Meacham reads the telegram from the Sheriff.

MEACHAM

As much as I hate to, I'm going to  
have to arrest him. The Siskiyou  
County Sheriff cites the U.S.  
Treaty of 1864. It was a stupid  
thing to do.

Lindsay Applegate sits with him.

APPLEGATE

By the Modoc law, if a shaman kills  
a child, he dies. We should not  
interfere.

MEACHAM

This will put more pressure on me,  
Lindsay. He should have been gone  
years ago.

Meacham stands up and looks out the window, sees the soldiers  
waiting to depart outside.

APPLEGATE

What we need to do is officially  
give them this land they want.  
Just a small Modoc reservation  
along Lost River.

MEACHAM

This is all political anyway. The  
Modocs do the work for us that any  
white man would refuse to do.

INT. FRANK RIDDLE'S RANCH - DAY

Alfred Meacham sits with Captain Jack and Scarface as Toby  
Riddle serves them food.

She hands a plate to her husband.

FRANK RIDDLE

Thank you, my dear.

MEACHAM

General Canby revoked the order to arrest you and he agrees with Lindsay that you should have your own land. However, they want you to live in Oregon.

CAPTAIN JACK

The Great Fathers never protect my people from the Klamaths like promised.

MEACHAM

You must realize these circumstances changed when you killed that doctor. We are not in a position to negotiate. In their eyes now you're the savages they think you are.

CAPTAIN JACK

We cannot live with Klamaths.

Captain Jack shakes his head. Meacham sighs.

MEACHAM

What if I promise you that we will go to a higher authority for this Lost River land?

CAPTAIN JACK

I hear this many times before.

MEACHAM

Let me try at least.

Captain Jack looks at him.

MEACHAM

All I ask is that you don't cause any trouble or kill any more shamans during this time. Will you accept these terms?

Captain Jack lowers his head.

MEACHAM

Do you understand what I am telling you, Jack?

EXT. WILLIAM BODDY'S RANCH - DAY

WILLIAM BODDY, 40s, a rancher who lives near Lost River plows his field along with his two SONS, 13 and 12.

BODDY  
Come on, boys.

In the distance they see some Modocs on horseback. His sons stop and stare.

BODDY  
It's alright. They're Captain  
Jack's Modocs.

Boddy waves at them.

The Modocs wave back.

The Modocs are Hooker and Curley Head.

HOOKER  
(subtitled)  
We should kill them all.

CURLEY HEAD  
(subtitled)  
Kientpoos will never agree to that.

A big, burly warrior named BLACK JIM, 40s, rides behind them.

BLACK JIM  
(subtitled)  
Sometimes I think our great leader  
is nothing but a coward.

HOOKER  
(subtitled)  
Some day I will prove he is.

CURLEY HEAD  
(subtitled)  
You best watch your tongue. If  
Kientpoos hears you, he will not be  
very happy.

HOOKER  
(subtitled)  
You can tell him I spoke these  
words about him. I am not afraid.

EXT. MODOC CAMP - DAY

Captain Jack sits with Lindsay Applegate.

APPLEGATE

The new superintendent asks that you go to the reservation with your people.

CAPTAIN JACK

I do not know this man. Where Meacham?

APPLEGATE

His term ended and now this man Odeneal is the new superintendent. He's being ordered to push you out.

CAPTAIN JACK

But Meacham say he promised to give us land in Lost River?

APPLEGATE

I know he tried, Jack but they wouldn't agree to it. That was almost a year ago and now he's been replaced.

CAPTAIN JACK

They all treat us like animals.

Some Modoc warriors come up to them.

Applegate looks up at their angry faces.

EXT. LINKVILLE, OREGON - SHERIFF'S OFFICE - NIGHT

Under a heavy storm, Lindsay Applegate, looking tired and beaten, slowly lumbers off his horse.

INT. SHERIFF'S OFFICE - NIGHT

Superintendent ODENEAL, 40s, hands Applegate a glass of whiskey.

APPLEGATE

I know some of the warriors wanted to kill me by the way they were yelling at each other. Jack talked his way out of it. He snuck me out at night.

Odeneal turns to CAPTAIN GREEN, 40s, who sits with them.

ODENEAL

What do you think, Captain?

CAPTAIN GREEN

I'm afraid the days of negotiation are over, Mr. Odeneal.

APPLEGATE

I tell you Odeneal, he is not leading these men like we thought he was. It looks to me like he's losing control. These others, they want war.

Odeneal paces the room.

ODENEAL

So I'm mistaken if I think we can do this without any fight.

APPLEGATE

I'm sorry to say so. I don't think you have a choice.

ODENEAL

Captain Green, I want you to go to Fort Klamath. Get me a force of yellowlegs to go out there and take them back to the reservation. Maybe if they see troops there they will go quietly.

EXT. LINKVILLE - DAY

An Army TROOP, led by Captain Green on horseback, enters the town of Linkville.

EXT. SOLDIER'S TENT - NIGHT

The soldiers rest and eat supper. Some feed their horses.

INT. CAPTAIN GREEN'S TENT - NIGHT

Under candlelight, Captain Green writes his day's report.

He grabs a letter as his First Lieutenant BOUTELLE, late 20s, enters.

BOUTELLE

Sir, we just got word that a group of ranchers from Linkville are armed and heading to Lost River.

CAPTAIN GREEN

What the devil for?

BOUTELLE

They heard we're going in tomorrow  
and they want to help.

Green looks disgusted, throws the letter on his desk.

CAPTAIN GREEN

Help? We don't need any help.

Green shakes his head.

BOUTELLE

Should we round them up?

Green gets up, looks out through the tent opening.

CAPTAIN GREEN

No, we don't have time. Send a  
couple of privates over and have  
them watch for a while.

BOUTELLE

Yes, sir.

EXT. MODOC CAMP - NIGHT

Captain Jack sees Hooker with several warriors and some  
women. Some of the men carry canoes over their heads.

CAPTAIN JACK

(subtitled)

Where are you going?

HOOKER

(subtitled)

Down to Lost River to fish.

CAPTAIN JACK

(subtitled)

Why are you taking the women?

HOOKER

(subtitled)

They will cook for us.

Captain Jack watches him go with the group.

Scarface comes up to him.

SCARFACE

(subtitled)

Some day we will have to do  
something about him, Kientpoos.

CAPTAIN JACK  
(subtitled)  
He is a brave warrior.

SCARFACE  
(subtitled)  
His mind is clouded with anger.

EXT. CAPTAIN JACK'S CAMP - DAY

Early morning and all is quiet in the camp.

Scarface heads towards the river. He is the only one awake in the camp.

He looks up at the sky, sees several birds fly by.

INT. CAPTAIN JACK'S HUT - DAY

Captain Jack sleeps with Lizzika inside a blanket.

EXT. HOOKER'S CAMP - DAY

Everyone is asleep in their tents near Lost River.

EXT. SHORE OF LOST RIVER - DAY

Scarface washes his face in the river.

EXT. CAPTAIN JACK'S CAMP - DAY

Boutelle's line of cavalry closes in on the sleeping village at a trot.

Captain Green's platoon meets them in the middle of camp.

In the distance, Scarface sees them and runs to the camp.

SCARFACE  
(subtitled)  
Soldiers!

Captain Green stops him.

CAPTAIN GREEN  
Where is Captain Jack?

SCARFACE  
Dunno.

CAPTAIN GREEN  
I want to see him.

SCARFACE  
Why you want?

CAPTAIN GREEN  
Official matters.

SCARFACE  
What that?

CAPTAIN GREEN  
Never mind! Just get him!

Some of the Modoc warriors come out from inside their huts.

The Modoc warriors see the parade of soldiers so they quickly grab their rifles.

CAPTAIN GREEN  
Damn it! Get me Captain Jack, now!

Scarface doesn't move.

Captain Green draws his revolver.

Scarface runs inside his hut.

INT. CAPTAIN JACK'S HUT - DAY

Barncho runs inside Captain Jack's hut with a rifle. Captain Jack opens his eyes.

BARNCHO  
(subtitled)  
White soldiers here.

Captain Jack springs to his feet, wakes up Lizzika.

CAPTAIN JACK  
(subtitled)  
I want you to go to the Burnt Out  
Fires.

LIZZIKA  
I am not leaving you.

He takes her by the arm.

CAPTAIN JACK  
You will be safe there.

Captain Jack grabs his rifle.

EXT. CAPTAIN JACK'S CAMP - DAY

Scarface re-emerges from his hut with a pistol tucked in his jeans.

CAPTAIN GREEN  
Order your men to drop their  
weapons.

EXT. HOOKER'S CAMP - DAY

The RANCHERS from Linkville ride down to Hooker's camp near the river.

There are a couple of MODOCS walking about the camp.

They see the group of militia armed with rifles. One of the Modocs goes for his gun.

RANCHER  
(points his rifle)  
Hold it!

The Modoc drops his rifle and raises his arms.

MODOC INDIAN  
No shoot! No shoot!

The ranchers come upon them.

RANCHER  
We don't want no trouble.

Black Jim and Hooker step out. Black Jim grabs a rifle.

One of the ranchers jumps off his horse and sticks his pistol under his chin.

Suddenly, Hooker decides to run out of the camp.

He is stopped by a rifle pointed at his head.

ANOTHER RANCHER  
Where do you think you're going?

Hooker spits at the ground.

EXT. CAPTAIN JACK'S CAMP - DAY

Boutelle sees the pistol in Scarface's belt.

BOUTELLE  
Give me your gun.

Scarface smiles, doesn't move. Boutelle steps up to him.

BOUTELLE  
You blackfaced son of a bitch!

SCARFACE  
You got my rifle. Me no shoot.

BOUTELLE  
Damn you, Injun. Give me your  
pistol now!

The Modocs laugh.

SCARFACE  
You talk to me like a dog.

Boutelle draws his revolver and cocks it, turns to the Modocs.

BOUTELLE  
You want to talk back to me! Keep  
laughing you bastards!

Boutelle points his revolver at Scarface. The Modoc doesn't move.

SCARFACE  
(calmly)  
Me not dog. Me keep pistol.

Boutelle looks like he's about to explode. He raises his gun.

Scarface grabs the pistol in his pants.

Both men point the gun at each other.

The Modocs grab their rifles from the pile and fire in all directions.

Boutelle and Scarface both manage to get away.

The troopers fire into the camp.

The soldiers and the Modocs trade fire as they run for cover from all directions.

Captain Jack joins the fight. He wounds several soldiers.

He yells to his men from behind a hut.

CAPTAIN JACK

(subtitled)

When I give the order, move back  
into the trees! We go to the Burnt  
Out Fires!

Blasts all around him as he jumps out of the way.

EXT. HOOKER'S CAMP - DAY

The Linkville ranchers hear the shots from the other side of the river. They yell at each other.

The Modocs grab their rifles at their feet and fire.

From out of some tents, some Modoc women join in with pistols in hand.

General pandemonium.

Some of the horses are startled and the men can't control them.

Some Modoc warriors and some women get caught in the rundown and are trampled to death.

A rancher holds his double-barreled shotgun.

A Modoc WOMAN runs in front of him with a baby in her arms.

MODOC WOMAN

No shoot!

RANCHER

Get the hell outta the way!

He gets shot in the shoulder and fires his shotgun.

His shot hits the woman and the baby. Both fall.

The few ranchers left alive run to their horses and rush out of the camp as the warriors blast away.

Hooker and Black Jim get on their horses and ride away.

EXT. CAPTAIN JACK'S CAMP - LATER - DAY

The sky turns red from the burned huts as the soldiers torch the village.

Some of the Modoc women and children take to canoes and paddle down Lost River.

The soldiers drag the dead Modoc warriors and pile them up.

EXT. THICK BRUSH - DAY

Captain Jack leads his warriors and the women and children through the sagebrush as the camp burns behind them.

EXT. LAVA BEDS - DAY

Captain Jack and Lizzika look out at the lava beds south of Tule Lake.

The Modocs have set camp among the rocks below.

LIZZIKA  
(subtitled)  
You are tired.

Captain Jack looks out at the Modocs.

CAPTAIN JACK  
(subtitled)  
It seems trouble follows the Modocs  
no matter where we go.

INT. CAVE - DAY

Inside the largest cave of Tule Lake, Scarface hands out water jugs from a gushing spring to Modoc women.

Captain Jack and a few other men help out.

Scarface looks at Captain Jack.

SCARFACE  
(subtitled)  
Where is Hooker?

CAPTAIN JACK  
(subtitled)  
I have not seen him for two days.

EXT. ARMY HEADQUARTERS PORTLAND, OREGON - DAY

A PHOTOGRAPHER snaps a photograph of GENERAL EDWARD CANBY, 40s, as he stands in front of a huge U.S. flag.

Canby is surrounded by SOLDIERS. His male SECRETARY hands him a note.

SECRETARY  
General Canby, this just arrived  
from the Governor's office.

Canby opens the letter, glances at it.

CANBY

Those damn settlers, always causing trouble with the Indians. Always demanding more soldiers.

He reads the letter.

GOVERNOR'S VOICE (V.O.)

On behalf of the people of Oregon, please let us know how we can be of help in apprehending the renegade Modocs. We will do everything in our power to avenge the horrific murders by these Modoc savages.

He looks at the Secretary.

CANBY

Wire Fort Klamath immediately and find out what in the blazes happened?

SECRETARY

Yes, General.

EXT. CAPTAIN JACK'S CAMP - LAVA BEDS - DAY

Outside the cave, Black Jim feasts on cooked field mice as Captain Jack and Scarface walk up to him.

SCARFACE

(subtitled)

Where did you go?

Black Jim points.

BLACK JIM

(subtitled)

We took long way here.

SCARFACE

(subtitled)

But five days?

BLACK JIM

(subtitled)

We made some stops.

CAPTAIN JACK

(subtitled)

Some of you came in with dry blood on your coats.

BLACK JIM  
 (subtitled)  
 We killed some white devils along  
 the way.

Black Jim gets up.

BLACK JIM  
 (subtitled)  
 Many devils.

Black Jim walks away from them. Captain Jack looks at  
 Scarface.

CAPTAIN JACK  
 (subtitled)  
 What have they done?

EXT. U.S. ARMY CAMP - NEAR LAVA BEDS - DAY

Brubaker sketches a KLAMATH warrior as he poses with his  
 rifle behind a rock.

Some SOLDIERS watch Brubaker draw.

BRUBAKER  
 Are you itching for some action?

SOLDIER #1  
 Yes, we wanna go catch us some  
 murdering Injuns.

SOLDIER #2  
 I know we'll be fighting soon.

He points out to a group of Linkville VOLUNTEERS armed with  
 rifles.

SOLDIER #1  
 Everybody's waiting.

BRUBAKER  
 And you're not afraid of them?

SOLDIER #1  
 Hell no! He's only got but a  
 handful of men with him.

SOLDIER #2  
 How you expect them Injuns to deal  
 with three hundred soldiers and  
 volunteers. Print that in your  
 paper.

EXT. LAVA BEDS - NIGHT

Captain Jack and Scarface walk up to Hooker.

CAPTAIN JACK

(subtitled)

Barncho says Curley Head talk about you killing Boddy and his family.

HOOKER

(subtitled)

Go away.

CAPTAIN JACK

(subtitled)

Boddy was my friend. We both worked at his ranch. How could you do this?

HOOKER

(subtitled)

Are you with them or us?

CAPTAIN JACK

(subtitled)

Do you realize what you have done?

HOOKER

(subtitled)

Yes, I sweep away more devils.

CAPTAIN JACK

(subtitled)

We have become the savages they call us. You call them killers but now we are the same.

HOOKER

(subtitled)

You are weak, Kientpoos.

CAPTAIN JACK

(subtitled)

We shoot and kill soldiers in battle but not innocent people.

HOOKER

(subtitled)

They are the same devils.

CAPTAIN JACK

(subtitled)

Now you have started the war you always wanted.

HOOKER  
(subtitled)  
We should have fought them long  
ago.

Hooker walks away.

EXT. U.S. ARMY CAMP - DAY

Near Tule Lake. 1873.

Rows of U.S. Army TENTS are lined up and cover a field.

Soldiers ready two HOWITZERS for action.

Brubaker writes in his book.

BRUBAKER (V.O.)  
On the morning of January 17, 1873,  
the U.S. Army prepares for battle.  
I've spoken to some of the men and  
they say they're ready for action.

EXT. TULE LAKE - MORNING

Under a dense, eerie morning fog, the SOLDIERS advance on foot on top of what looks like waves of the ocean.

BRUBAKER (V.O.)  
After years of talking about a war  
with the Modoc Indians, it has  
finally come true.

Nothing can be seen through the dense fog.

BRUBAKER (V.O.)  
For on this morning a war is about  
to begin on the lava beds the  
Modocs call the Land of Burnt Out  
Fires.

EXT. SOMEWHERE IN LAVA BEDS - DAY

Footsteps on the hard rocks. They belong to U.S. Army soldiers as they march along the craters of the lava beds.

The howitzers are moved into position.

The group of volunteers walk in single formation trying to make out anything in their path.

Gunshots are heard and they fire blindly into the fog.

SCARED SOLDIER  
Did you see anything?

In a quick burst of gunfire, some soldiers are shot.

SOLDIER'S VOICE  
Did anyone see them?

One YOUNG SOLDIER talks to a private next to him.

YOUNG SOLDIER  
We're like ants in a sponge.

In the distance, they see an occasional flash from a Modoc rifle and they fire in that direction.

EXT. IN LAVA BEDS - DAY

Some of the Modoc warriors, including some women, hide in crevasses.

They spring up and fire into the fog then disappear before the soldiers can fire in return.

Captain Jack runs through the thick fog. Scarface and Hooker are right behind him.

Flashes all around in the dense fog as Soldiers fire at nothing.

Captain Jack is joined by Black Jim as they rush through the mist.

They hear footsteps in front of them and they run right into the group of Linkville Volunteers.

They shoot and several men go down as Scarface and Hooker join them.

Then in a flash, the Modocs disappear into the fog like ghosts. Some of the volunteers fire into the fog and shoot each other.

EXT. LAVA BEDS - DAY

An OFFICER shouts to his unit.

OFFICER  
Forward on the line!

The soldiers don't move.

OFFICER

Let's go you cowards! Get in there  
and kill!

PRIVATE

But, sir, we can't see a thing.

OFFICER

Damn you cowards!

Shots ring out all around them. Many are shot to death and  
fire wildly at the fog.

The ones left alive run away and leave the officer all alone  
and supplies on the ground.

OFFICER

Cowards!

He turns around and gets pierced through the neck by an  
arrow.

EXT. LAVA BEDS - SEVERAL BATTLES

The Modocs and soldiers trade fire in several battles.

Captain Jack runs in and out of the rocks using the fog as a  
blanket.

The Modocs step out of the fog like ghosts.

Shots are fired from all directions.

Wounded soldiers yell in agony as several of them are shot by  
invisible Modoc bullets.

Flashes of fire can be seen through the fog as soldiers run  
in all directions.

Several arrows fly through the mist and land through bodies  
that scream.

The fog gets thicker and thicker.

Captain Jack fires into the fog and jumps over a dead soldier  
as he disappears into the mist.

Hooker and Black Jim overtake an officer and kill him.

Scarface runs through the fog with blade in hand. He swings  
at soldiers as he seems to fly by them.

EXT. LAVA BEDS - DAY

It is now late afternoon but the fog is still so thick it looks like it's night.

Captain Jack moves along with a group of warriors.

They run up to fallen dead soldiers and take their weapons.

Curley Head comes upon a young soldier named LEEDS, late 20s, who bleeds from his forehead.

As he raises his axe to kill him, Captain Jack grabs his arm.

CAPTAIN JACK  
(subtitled)  
No!

Curley Head walks into the fog and disappears.

Captain Jack looks down at Leeds. Leeds stares up at him with fear in his eyes.

Captain Jack disappears into the fog. Leeds closes his eyes and sighs, glad to be left alive.

EXT. IN LAVA BEDS - DAY

Through the dense fog, the warriors led by Captain Jack head back to their stronghold.

Some of the Modocs start singing a war chant.

As they walk through the fog, shots are heard all around and quick flashes can be seen near them.

But they march like ghosts as none of the shots hit them.

The Modocs disappear into the thick fog ... the SINGING turns into SCREAMS.

The screams come from wounded soldiers as a large hospital tent appears through the fog.

EXT. HOSPITAL TENT - WHEATON'S CAMP - NIGHT

Toby Riddle helps a DOCTOR, 40s, carry in wounded soldiers.

Behind them we see a pack of mules carrying more soldiers.

The men are slowly taken down by several Army MEDICS and they enter the tent.

INT. HOSPITAL TENT - NIGHT

Inside the vast tent, we see tables filled with bodies as several Army SURGEONS operate on several of the men. Blood everywhere.

Assistants hold lamps all around so they can see. It looks like hell itself has come here.

COLONEL WHEATON, 40s, is being attended to by a young DOCTOR.

Wheaton has been shot in the arm.

Toby Riddle holds a vase of steaming water. Wheaton smiles at her.

WHEATON

You're a good woman, Toby.

TOBY RIDDLE

Me rather be home with family.  
This fighting no good.

A SOLDIER enters the tent and runs up to Wheaton.

SOLDIER

Colonel Wheaton, some of the men  
want to know if we're going back  
out tonight, sir?

WHEATON

If we couldn't see them during the  
day how the hell can we at night?  
I can't kill any more of my men.

Toby wipes her face as she looks down at the blood-soaked ground.

EXT. CAPTAIN JACK'S CAMP - NIGHT

Next to a bonfire, some of the wounded Modoc warriors are being attended to by their wives.

Curley Head dances around the fire.

Lizzika is in Captain Jack's arms.

Scarface sits nearby as we hear Colonel Wheaton's voice.

WHEATON (V.O.)

One thousand men would be required to dislodge them from their impregnable position and it must be done deliberately with a free use of mortar batteries.

INT. GENERAL CANBY'S OFFICE - DAY

General Canby reads Colonel Wheaton's report.

WHEATON (V.O.)

I saw many of the great engineering works of the Civil War, but I do not believe that in a thousand years anyone could construct such fortifications as these lava beds.

EXT. LAVA BEDS - DAY

The Modocs travel through the dense fog.

WHEATON (V.O.)

A regiment of men could be marched over them without seeing anyone.

Soldiers march on the rocks.

WHEATON (V.O.)

In the thickness of the fog, we never saw them and they kept coming.

Modoc warriors spring out of the fog and blast soldiers.

The thick fog blankets all. Soldiers drop to the ground.

WHEATON (V.O.)

They came like locusts. We never had a chance.

INT. GENERAL CANBY'S OFFICE - DAY

Canby finishes the report and hands a paper to his Secretary.

CANBY

Inform them that I'm replacing Wheaton with Colonel Gillem.

SECRETARY

Yes, sir.

Canby turns to TWO GENERALS, 50s, who sit in front of him.

CANBY

Oregon has declared war on the Modocs. All for a little piece of land that these settlers want. Hell, they were there first.

GENERAL #1

Edward, you sound as though you're on their side?

CANBY

I am if it means saving the lives of our men.

GENERAL #2

How many did we lose?

CANBY

Wheaton's report states about thirty-seven. And dozens more injured or wounded. And apparently no one saw any Modocs fall. They tell me Captain Jack only has about sixty warriors with him.

GENERAL #1

Next time they won't have that fog to blanket them.

EXT. COLONEL GILLEM'S CAMP - DAY

Under a light mist, we see the tents along the Tule Lake headquarters of the U.S. Army.

EXT. ARMY TENT - DAY

Brubaker reads a newspaper to a few SOLDIERS who sit with him. One of the men is Leeds with a bandage on his head.

BRUBAKER

(reads)

President Grant has appointed Alfred Meacham chairman of the peace commission. He is an old friend of the Modocs and the President hopes he can bring this to an end. He is to keep General Canby informed about the progress. In the meantime, there is to be a cease fire and the soldiers are only to engage them if they need to protect the local settlers.

Brubaker drops the newspaper.

BRUBAKER

Seems to me this won't do a thing.  
What do you boys think?

SOLDIER #1

I'm just waiting for the command  
and I'll be collecting some scalps.

SOLDIER #2

I'm not afraid of them savages.

BRUBAKER

What about you, Leeds?

LEEDS

I wanna go home.

Brubaker looks out at the lava beds.

BRUBAKER

That's what this bloody war's all  
about. You remember that, boys.  
It's just about a home.

EXT. CAPTAIN JACK'S CAMP - LAVA BEDS - DAY

Alfred Meacham sits with Captain Jack and Scarface.

REVEREND THOMAS, 50s, stands behind Meacham. Thomas is a  
tall burly man who wears a white collar around his neck.

MEACHAM

I think this is a fair proposition.

CAPTAIN JACK

I never want to go back to  
reservation.

Rev. Thomas steps up.

REV. THOMAS

Look, sir, if you just put yer  
faith in God, all will be well.

CAPTAIN JACK

I no listen.

REV. THOMAS

God listens to us all my son.

MEACHAM

Reverend Thomas comes from Fort  
Klamath and he's here to help you.

Captain Jack looks up at Thomas.

MEACHAM

Let's end this nonsense once and for all.

CAPTAIN JACK

Kill with bullet don't hurt much, starve to death hurt a heap. We are tired of eating mice and cave bats.

MEACHAM

The government has promised to feed and clothe all of you.

SCARFACE

We hear this promise before but only come with bullets and sojers.

CAPTAIN JACK

What about my men? They hear if they come in, they will be hanged.

MEACHAM

I assure you, if all your men turn themselves in at the Fort, they will not be arrested. In fact, I believe they will drop any charges. After all, there's no proof your people were involved with the Boddy killings.

The rest of the Modoc warriors watch them from a distance.

Hooker playfully raises his rifle and pretends to shoot Meacham and the Reverend.

EXT. COLONEL GILLEM'S CAMP - DAY

General Canby inspects some of the troops as COLONEL GILLEM, 40S, walks with him.

CANBY

Very good, men ... at ease.

GILLEM

Thank you for coming, General. You've boosted their morale, sir.

CANBY

We just want an end to this bloody fighting.

INT. HOSPITAL TENT - DAY

General Canby visits with some of the wounded men. He walks with Gillem and sees Frank and Toby Riddle.

CANBY

So you are Captain Jack's relative?

TOBY RIDDLE

Yes, General, but my family now is my husband Frank.

CANBY

I assure you the U.S. Government is aware of what you're doing here. You will not be forgotten.

EXT. COLONEL GILLEM'S CAMP - DAY

Walter Brubaker sits with some SOLDIERS, finishes drawing a cartoon. He shows it to them.

BRUBAKER

What do you think?

His cartoon shows Captain Jack swinging an ax with one hand while firing a rifle with the other.

Above is the headline: "Captain Jack, The Rob Roy of the Lava Beds."

SOLDIER

Never heard of no Injun named Rob Roy?

INT. COLONEL GILLEM'S TENT - DAY

General Canby and Colonel Gillem drink steaming cups of coffee.

GILLEM

The men want action.

CANBY

The only action I want them to see, Colonel, is escorting the Modocs back to their reservation.

GILLEM

I wish I could share your optimism, General.

CANBY

Gillem, let me make myself clear.

He pours himself another cup of coffee.

CANBY

I don't want any more of our boys getting killed. You understand me?

GILLEM

Yes, sir.

CANBY

I thought Meacham would make a difference but now I'm not sure. That's why I came. Now get me your finest men. I want to see these lava beds for myself.

EXT. LAVA BEDS - DAY

General Canby and Gillem inspect the rocky terrain with binoculars.

CANBY

I'd never believe it unless I saw it with my own eyes.

GILLEM

Yes, sir. The Land of Burnt Out Fires is what they call them.

From high up a bluff, a SHOT is fired.

Gillem's men drop down with weapons at the ready.

A Modoc shouts from the bluff.

MODOC (O.S.)

(yells)

Want talk! No fire!

GILLEM

Steady, men.

Gillem stands up.

GILLEM

Show yourselves!

MODOC (O.S.)

No fire! We want talk!

They see a white shirt on a stick being displayed by the Modocs on the bluff.

CANBY

Tell them to come down but very slowly.

GILLEM

Yes, General.  
(shouts to Modocs)  
Come down with hands in the air!

Scarface and Curley Head walk down with arms in the air.

The soldiers point rifles at them.

Scarface sees that Boutelle is one of the men with Canby.

BOUTELLE

Hello, Scarface.

CANBY

I am General Canby of the U.S. Army.

SCARFACE

You General?  
(yells up the cliff)  
Kientpoos!

Canby looks up and sees Captain Jack slowly head down the hill.

He comes down to them and Canby smiles.

CANBY

So I finally meet the famous Captain Jack. I was expecting a man at least ten feet tall.

EXT. LAVA BEDS - LATER - DAY

The men sit on rocks. The skies above are now dark with rain clouds.

Captain Jack scrapes the dirt with a piece of wood.

CANBY

The terms are that we escort you to Fort Klamath until the President decides where you will go.

CAPTAIN JACK

But you send us away to Klamath land. I no go back.

CANBY

You have promised to surrender twice and have not. The government does not like this indecision. But we promise not to start anything.

SCARFACE

If this true, why more sojers come near us?

CANBY

The soldiers are here to protect you.

As they sit in silence, the skies open up and it starts to rain on them.

CANBY

We must get back to our camp. Let us meet again tomorrow, here at the same time.

Captain Jack nods and goes back to his men.

As the Modocs climb back up the hill, Gillem and Canby walk to their horses.

GILLEM

General, you cannot trust them.

Canby mounts his horse.

CANBY

I think he truly wants to stop this fighting. I could see it in his eyes.

EXT. MODOC CAMP - NIGHT

The Modoc warriors quarrel in front of a fire.

Several boys watch them from nearby. One young boy named WEUIM, 15, listens in as Hooker speaks.

HOOKER

(subtitled)

They always trick us. Just like they tricked your father, Kientpoos. They tell us they will help us but all they do is bring more men to kill us.

Black Jim stands up.

BLACK JIM

(subtitled)

I am not going to let them kill my family. We are nothing but decoys. As soon as we come out, they'll shoot us.

CAPTAIN JACK

(subtitled)

I tell you, if we fight again, we will all die. Give me time to talk to them.

BLACK JIM

(subtitled)

Don't you know the last soldiers that came brought big guns that shoot bullets as big as your head? They want to blow your head off with the guns.

HOOKER

(subtitled)

If we wait, they'll murder us. I say we fight first.

The Modocs agree to fight.

The only one not saying a word is Scarface. Hooker walks up to him.

HOOKER

(subtitled)

What do you say, Scarface?

SCARFACE

(subtitled)

Fighting is no good. We go to this reservation they give us and we die there of old age.

Hooker is disgusted, he looks at Captain Jack.

HOOKER

(subtitled)

If you are our chief, promise us that you will kill this Canby devil.

CAPTAIN JACK

(subtitled)

That will not solve our problems.

HOOKER  
(subtitled)  
You will kill him the next time you  
talk to him.

CAPTAIN JACK  
(subtitled)  
Only a coward would do that.

HOOKER  
(subtitled)  
No, it would be brave to kill him  
in front of all his men.

Captain Jack walks away.

Hooker runs into a tent. He comes back out with a woman's  
shawl in hand.

He throws it in Captain Jack's direction.

HOOKER  
(subtitled)  
Here, you wear this! A Modoc is  
fearless but you act like a woman!

Some of the warriors taunt him.

CAPTAIN JACK  
(subtitled)  
Are you all against me?

HOOKER  
(subtitled)  
We are warriors and fight for our  
honor.

Captain Jack storms up to them.

CAPTAIN JACK  
(subtitled)  
You think I have no honor! I live  
for my people! You do not realize  
why I do not want to fight? It is  
because I do not want any of you  
killed!

The warriors keep chanting "woman" and "coward".

He grabs a rifle and throws it on the ground.

CAPTAIN JACK  
 (subtitled)  
 All right, I will kill Canby, now  
 let me be!

Captain Jack pushes the men aside and walks alone to the cave.

As the warriors walk away, young Weuim heads out to the horses.

EXT. GILLEM'S CAMP - NIGHT

Toby Riddle wanders the camp and looks for her husband. She holds Weuim's hand.

INT. TENT - NIGHT

Under candlelight, Frank sits with some SOLDIERS as they play poker. Toby storms in with Weuim.

INT. GENERAL CANBY'S TENT - NIGHT

General Canby smokes a cigar with Gillem and the Reverend Thomas. He places several cigars inside a cigar box.

CANBY  
 I never met an Indian who passed on  
 a smoke.

A LIEUTENANT pokes his head in the tent.

CANBY  
 Yes, Lieutenant, what is it?

LIEUTENANT  
 The Riddles would like to speak to  
 you, sir.

INT. GENERAL CANBY'S TENT - LATER - NIGHT

Canby puts his hand on Frank's shoulder as Toby sits with Weuim.

CANBY  
 I'm sure the boy is all mixed up,  
 Frank.

TOBY RIDDLE  
 No, he say, they kill you.

REVEREND THOMAS  
 This would surely ruin everything  
 for them.

FRANK RIDDLE

General, I know this boy and he does not make up stories.

GILLEM

They would not be that stupid. We out number them now and Captain Jack knows if they do this, they will die.

EXT. MODOC CAMP - NIGHT

As Captain Jack sits with Lizzika, Curley Head leads a ghost dance.

Captain Jack gets up and walks out into the night.

He closes his eyes. When he opens them, he sees his father Combutwaush before him.

COMBUTWAUSH

(subtitled)

Be brave, my son.

Captain Jack closes his eyes and his father disappears.

EXT. LAVA BEDS - DAY

Early morning. The sun tries to peek through the clouds.

EXT. MODOC CAVE - DAY

Smoke rises from the ashes of last night's fire.

Captain Jack sits on a jagged rock as Scarface, Hooker and Black Jim walk up to him.

CAPTAIN JACK

(subtitled)

My heart tells me I should be talking to the wind for you do not listen but I must have my say. My father taught me that life was for living. If we do this, death will come to us.

HOOKER

(subtitled)

Not if we kill them first.

CAPTAIN JACK

(subtitled)

I promised them to commit no acts of war as long as we talk.

BLACK JIM  
 (subtitled)  
 They promise us the world and give  
 us nothing.

CAPTAIN JACK  
 (subtitled)  
 Let me show them Captain Jack is a  
 man of his word.

HOOKER  
 (subtitled)  
 You gave your word to us, your  
 people.

CAPTAIN JACK  
 (subtitled)  
 Do not hold me to it. I was angry  
 last night but ... now my heart is  
 not right.

HOOKER  
 (subtitled)  
 We hold you to your promise. It is  
 too late.

EXT. GILLEM'S CAMP - DAY

Canby walks up to his horse and greets the soldiers.

Behind him are Meacham and Reverend Thomas. Reverend Thomas  
 raises his arms to the sky.

REV. THOMAS  
 God will provide on this glorious  
 Good Friday. Say Amen, brothers.

He turns to Lt. Boutelle.

REV. THOMAS  
 Are you ready, Mr. Boutelle.

BOUTELLE  
 Yes, sir.

Riddle walks up to Canby.

FRANK RIDDLE  
 General, don't go.

CANBY  
 Nothing's gonna happen, Frank.  
 I've been through many battles in  
 my time, all will be well.

EXT. MODOC CAVE - DAY

The warriors walk out of the cave and head out for the council tent.

Scarface walks up to Captain Jack.

CAPTAIN JACK  
(subtitled)  
I do not want you to come.

SCARFACE  
(subtitled)  
I must go.

CAPTAIN JACK  
(subtitled)  
No, my friend, please promise me  
you will stay here.

Scarface takes a deep breath.

SCARFACE  
(subtitled)  
I will stay then.

Hooker walks behind Scarface.

HOOKER  
(subtitled)  
Are you turning into a coward,  
Scarface?

Scarface stares into his eyes.

SCARFACE  
(subtitled)  
You want to find out?

Captain Jack steps between them.

CAPTAIN JACK  
(subtitled)  
There will be enough bloodshed for  
one day.

SCARFACE  
(subtitled)  
But there does not have to be any  
blood, if you do not want any.

Captain Jack looks at him, then at Hooker.

CAPTAIN JACK

I made a promise and must abide by it or the spirits will think I am a coward.

SCARFACE

You are not a coward.

Hooker laughs and heads out with the other warriors.

EXT. GILLEM'S CAMP - DAY

Canby stands with Frank Riddle.

CANBY

You know, Frank, that's the same thing they told me in New Mexico twelve years ago when I went up against Manuelito and his Navahos. And you see me standing here don't you?

FRANK RIDDLE

At least arm yourself.

CANBY

A general never goes to a peace council armed. It's a disgrace.

Meacham arms himself with a Derringer pistol.

Frank pulls out a revolver and tries to give it to Rev. Thomas.

FRANK RIDDLE

Here, Reverend, please take this with you.

REV. THOMAS

Brother Riddle, I put my trust in God.

Toby steps up to them.

TOBY RIDDLE

Please, no go.

Canby mounts his horse.

CANBY

We've wasted enough time. Let's go, Lieutenant.

BOUTELLE

Yes, sir.

The general leaves with Rev. Thomas and Lt. Boutelle.

EXT. COUNCIL TENT - DAY

Captain Jack heads for the tent. He is followed by Hooker, Black Jim, Barncho and Slolux.

The rest of the warriors wait up on the hill, all armed.

EXT. COUNCIL TENT - LATER - DAY

Canby hands out cigars as he holds his cigar box.

Captain Jack takes a brand from the sagebrush fire and lights up his cigar, takes a long drag and blows smoke in the air.

CANBY

What we promise you today, I will personally see that you get.

The Modocs are silent.

CANBY

The Great Father in Washington wants to wipe out all the blood. He will give you food, clothes and blankets. He has even pardoned those who killed Boddy and his family.

Captain Jack throws his cigar away.

CAPTAIN JACK

Let us live here in the Burnt Out Fires.

MEACHAM

Don't be crazy, you can't live on this pile of rock.

CAPTAIN JACK

We stay here and trouble no white man.

Meacham stands.

MEACHAM

Damn it, Jack! I'm tired of hearing the same thing from you over and over again. Let us speak like men, not children.

CANBY  
Please, Alfred, calm down.

REV. THOMAS  
Please, brother Meacham, this is  
not the Lord's way.

The warriors stare at Meacham. He calms down.

MEACHAM  
I'm sorry. Look, any of you who  
want to remain here in the Beds can  
until we find a reservation for  
you. This we can do.

HOOKER  
(subtitled)  
Why are we listening to them again?

CAPTAIN JACK  
General, take your men away.

HOOKER  
(subtitled)  
We must do it now.

Captain Jack rubs his head. Some of the Modocs up on the  
hill yell down at them.

CANBY  
Why are your men shouting? Let us  
talk like real men and not animals.

Hooker gets up and strolls over to Meacham's horse, grabs  
Meacham's overcoat and puts it on.

HOOKER  
You think me look like Meacham?

Meacham jokingly offers him his hat.

MEACHAM  
If you put this on then you will,  
Hooker.

Hooker turns serious and whispers loudly.

HOOKER  
You keep, soon it mine.

Canby turns back to Captain Jack.

CANBY

Jack, only the Great Father in Washington can send the soldiers away. I can't.

CAPTAIN JACK

We have no peace until sojers go away. If you ever promise me home, promise now.

CANBY

Let's act like men.

CAPTAIN JACK

You promise now. Right now.

Meacham notices the warriors are acting nervous.

MEACHAM

General, for heaven's sake, promise him.

CANBY

I can't, Alfred.

Hooker jumps up.

HOOKER

Give us land back!

Hooker looks at Captain Jack.

Captain Jack stands up, draws a pistol from his coat and points it at Canby, who drops his cigar box.

CANBY

No!

Captain Jack holds the gun on him as everyone freezes -- as if this is not really happening.

CANBY

What in the blazes are you doing?

Captain Jack closes his eyes.

CANBY

Don't be a --

BANG! Canby is shot in the face. He screams and drops to the ground.

Barncho shoots Reverend Thomas in the chest and kills him.

Boutelle kills Barncho with a shot to the head. Slolux pushes Boutelle to the ground, shoots him in the chest.

Hooker and Black Jim shoot Canby in the head.

Hooker looks at Meacham and is about to fire when Captain Jack grabs his arm and he shoots into the ground.

Slolux jumps on Meacham and tries to scalp him with a knife.

Meacham tries to fight him off but half his forehead is cut by the warrior.

Boutelle can barely see straight but aims his gun and fires.

His shot kills Slolux. Black Jim fires at Boutelle.

Boutelle shoots Black Jim in the face and he drops.

The warriors up on the hill fire and kill Boutelle.

Meacham drops to the ground as blood streams down his head, looks up at Captain Jack.

Hooker strips Canby of his uniform. He hands Canby's coat to Captain Jack, laughs and runs away.

Captain Jack looks at the dead General for a moment and then leaves.

EXT. GILLEM'S CAMP - LATER - DAY

The dead bodies of Boutelle, Rev. Thomas and General Canby are brought back to the camp by soldiers.

Brubaker jumps on his horse and yells to his assistant.

BRUBAKER

I'm going to the telegraph office!

He joins the other reporters as they race away.

EXT. MODOC CAMP - NIGHT

Captain Jack and Scarface look out at the dark rocks.

CAPTAIN JACK

(subtitled)

It's been two days. Maybe they won't come after us.

SCARFACE

(subtitled)

The will come.

EXT. MODOC CAMP - DAY

Curley Head extends a long rope across the rocks as the Modoc warriors watch him.

CURLEY HEADED DOCTOR  
(subtitled)  
Any white man who crosses this rope  
shall die. And no Modoc will be  
hurt by white bullet.

EXT. MODOC CAMP - DAY

Gillem's army advances toward the camp. They line up the cannons.

BOOM! BOOM! They fire in all directions.

The Modocs try to fire back but cannot because of the cannons. Only a few get some shots off.

They retreat back into the camp.

Captain Jack leads a small group up to the front of the camp.

CAPTAIN JACK  
(subtitled)  
Scarface, take the women and  
children behind the rock mountain  
and wait for us.

Captain Jack looks at Hooker behind him.

CAPTAIN JACK  
(subtitled)  
You see what you made me do? Our  
people are now going to die.

EXT. MODOC CAMP - BATTLE SCENES - DAY

Waves of infantrymen charge the rock breastworks. Some are shot dead by Modoc bullets.

The Modocs move up along a rocky mountain and trade fire.

The Modocs notice that the army has crossed the rope that Curly Head laid out.

Some of the warriors yell at him and Curly Head throws his rifle on the ground in anger.

Modocs fire at the soldiers and retreat inside the caves.

EXT. ARMY CAMP - DAY

Brubaker finishes writing. His assistant is nearby.

BRUBAKER

How does this sound?

(reads)

Panic has spread out throughout Northern California and Southern Oregon. The residents believe the Modocs will ravage the countryside.

EXT. LAND - DAY

U.S. Army soldiers race through the countryside.

BRUBAKER (V.O.)

Troops have been sent out in all directions. There are skirmishes everywhere.

EXT. NEAR LAVA BEDS - DAY

Soldiers trade fire with Modocs.

BRUBAKER (V.O.)

The fighting continues and men die each day. Here at the base camp, changes have been made.

EXT. ARMY CAMP - DAY

The new head of command, COLONEL JEFFERSON DAVIS, 40s, leads a platoon out of the camp.

BRUBAKER (V.O.)

The new commander for the district is Colonel Jefferson Davis, a West Point graduate and a veteran of both the Mexican and Civil wars. He has turned these demoralized troops into fighters.

As they ride out, they pass a group of volunteers -- both whites and Indians -- waiting for a call to action.

BRUBAKER (V.O. CONT'D)

The whole country has now called for the head of Captain Jack and his Modocs. The government hopes Davis and his new reinforcements will bring him in.

EXT. LAVA BEDS - BATTLES - DAY

Trackers along the lava beds trade fire with the Modocs.

Several are shot dead.

BRUBAKER (V.O.)

This bloody war is far from over.  
Some think it has just begun.

Captain Jack leads his warriors along a cliff.

They trade fire with several platoons below.

Both Modocs and soldiers are ripped open by bullets.

Soldiers hack Modocs to pieces with their sabers. Modocs stab the soldiers with long sharpened sticks.

Colonel Davis lead his men up a hill.

BRUBAKER (V.O.)

Colonel Davis has brought in  
several Indian fighters from  
neighboring states.

EXT. JAGGED ROCKS - DAY

The Indian Scouts crawl through dirt as the Modocs fire from above.

BRUBAKER (V.O.)

From Oregon, he has sent for Tenino  
Indian scouts, considered to be the  
best trackers the army will ever  
see.

The Indian Scouts kill several Modocs.

Captain Jack leads the warriors. The Modocs fire arrows at the scouts and kill several.

EXT. LAVA BEDS - DAY

Captain Jack and Scarface lead a group and they ambush a battalion of soldiers.

BRUBAKER (V.O.)

The government issues a statement  
every couple days that the war is  
nearly over.

Soldiers drop like flies.

EXT. ARMY CAMP - DAY

At the army base camp, wounded soldiers are brought in by mules. Toby and Frank Riddle are among those who help the medics.

BRUBAKER (V.O.)

But those at the base camp are skeptical as wounded troopers arrive at the hospital every day. So the war goes on.

EXT. LAVA BEDS - DAY

There are dead bodies everywhere. And those that aren't dead, are in agony.

The hard rocks are soaked with blood.

BRUBAKER (V.O.)

The Land of Burnt Out Fires has become the land of blood.

EXT. ROCK VALLEY - NEAR SORASS LAKE - DAY

Captain Jack runs to the hideout with some warriors. He still wears Canby's coat now caked with dirt.

CAPTAIN JACK

(subtitled)

They will be here soon. Take the women and children to Sheep Mountain. We will meet you there tomorrow.

SCARFACE

(subtitled)

Let me stay and fight with you.

CAPTAIN JACK

(subtitled)

No, you need to protect the families. You are the only one I trust.

LIZZIKA

(subtitled)

I will not go.

Captain Jack holds her.

CAPTAIN JACK

(subtitled)

Please go with Scarface.

EXT. JAGGED ROCKS - DAY

A group of tired soldiers dismount their horses.

Nearby, behind a giant boulder is Captain Jack and some of the warriors.

CAPTAIN JACK  
(subtitled)  
Be still. If we let them pass they  
will not see us.

Hooker springs up and runs towards them.

CAPTAIN JACK  
(subtitled)  
Get back here!

The soldiers see him and fire.

Hooker runs up behind a tree. He flings his axe and kills the lead rider.

The Modocs fire at the other men. Shots all around.

CAPTAIN JACK  
(subtitled)  
Fool, now they will know we are  
here!

HOOKER  
(subtitled)  
I am not going to hide like a  
coward.

EXT. FRANK AND TOBY RIDDLE'S HOME - DAY

Lindsay Applegate rides up to the house. Frank Riddle greets him on his front porch.

FRANK RIDDLE  
Hello, Lindsay.

INT. FRANK AND TOBY RIDDLE'S HOME - DAY

The Riddles eat supper with Applegate.

APPLEGATE  
They'll try Captain Jack for the  
murder of Canby.

FRANK RIDDLE  
We hear they're surrendering.

APPLEGATE

Many have. When they found out they only wanted Captain Jack, the families started coming in.

FRANK RIDDLE

How many men does he still have with him?

APPLEGATE

I hear he's only got about twenty or thirty left. I'm not sure how long they'll last out there.

TOBY RIDDLE

They have no chance.

APPLEGATE

I don't see how they do, Toby.

Toby's eyes are moist.

EXT. ROCK HIDEOUT - NIGHT

The Modocs rest near a fire.

Captain Jack draws a diagram on the dirt with a branch. Scarface is with him.

CAPTAIN JACK

(subtitled)

We can stay in the Fires.

SCARFACE

(subtitled)

We may have a chance there.

Hooker paces in front them.

HOOKER

(subtitled)

It is your fault, we are here. You are not a fighting man, Kientpoos. You do not lead us.

CAPTAIN JACK

(subtitled)

Then why do you follow?

HOOKER

(subtitled)

Because we have no choice.

Captain Jack stands up and walks to Hooker with rifle in hand.

Scarface stands between them.

SCARFACE

(subtitled)

I would let you do it, Kientpoos,  
but this time we need to save our  
bullets for the white man.

Hooker grabs his rifle.

HOOKER

(subtitled)

I do not want to die with cowards.  
Tomorrow the army will surround us  
and kill us. Any of you who want  
to live come with me.

He storms out. Some of the warriors follow him.

EXT. ROCK HIDEOUT - LATER - NIGHT

Captain Jack stands with Lizzika as others look on.

CAPTAIN JACK

(subtitled)

I want you to go to the Army camp.

LIZZIKA

(subtitled)

No.

CAPTAIN JACK

(subtitled)

This will be over soon and I will  
be dead but you must continue to  
live for me. We cannot out run  
them any longer.

LIZZIKA

(subtitled)

I do not want to hear this.

Captain Jack holds her.

CAPTAIN JACK

(subtitled)

I love you more than anything in  
this world. I am not going to kill  
you, like I killed my father.

She cries in his arms.

CURLEY HEAD

(subtitled)

I will take her. I cannot stay here any longer as my magic has left me.

Lizzika looks up at Captain Jack and he wipes her tears.

EXT. ROCK HIDEOUT - DAY

Early morning. Lizzika kisses her husband and holds him tight.

Curley Head and his wife are nearby.

CAPTAIN JACK

(subtitled)

I will always be with you.

LIZZIKA

(subtitled)

Come in with us.

CAPTAIN JACK

(subtitled)

I will be like the wind and whisper to you for the rest of your life.

Curley Head and his wife come up behind them.

CURLEY HEAD

(subtitled)

We must go.

Lizzika and Captain Jack kiss.

She leaves with Curley Head and his wife, looks back at her husband as she walks away.

Captain Jack stands with the last of his warriors, only ten men left with him.

EXT. NEAR SHEEP MOUNTAIN - DAY

Hooker and some Modoc warriors hide behind rocks.

They are being bombarded with cannon shots. The small group fights against hundreds of soldiers on the other side.

MODOC INDIAN

(subtitled)

I have no bullets! What do we do?!

A few of the Modocs try to run away and are shot.

HOOKER  
 (subtitled)  
 If you run, they will kill you.

Hooker lifts his head and fires but his weapon is also empty.

He rips part of his shirt and ties it to a stick, then lifts the stick in the air and yells.

HOOKER  
 Surrender! No fire! Surrender!

EXT. ARMY CAMP - DAY

Hooker sits with other Modocs in the camp as they are fed by the Army.

A woman drops soup into his bowl. He looks up and sees it is Toby Riddle, with tears in her eyes.

She keeps going down the row and stands in front of Lizzika. Toby places her arm on her shoulder and both cry.

Hooker walks over to Curley Head who is nearby.

HOOKER  
 (subtitled)  
 Did Kientpoos say where he goes?

Curley Head looks up at him and doesn't say a word.

HOOKER  
 (subtitled)  
 Did you hear me?

CURLEY HEAD  
 (subtitled)  
 Go away. You have caused enough trouble.

Hooker takes out a blade and places it under Curley Head's chin.

HOOKER  
 (subtitled)  
 You tell me where first or I will cause trouble for you.

CURLEY HEAD  
 (subtitled)  
 You are going to kill me here?

Hooker grabs him and forces him to walk with him between two buildings.

HOOKER  
(subtitled)  
No one cares about Modocs here.  
They find us dead, they bury us  
like dogs. Now tell me where  
Kientpoos is headed.

He pushes his blade deeper into Curley Head's throat.

INT. COLONEL DAVIS'S TENT - DAY

Hooker sits in front of Colonel Davis. Davis writes something down, looks up at him.

DAVIS  
You were saying?

HOOKER  
I know where he at.

DAVIS  
And what do you expect in return?

HOOKER  
I go and surrender him. You give  
Hooker good horses and let me go  
away from here.

DAVIS  
The president hasn't decided yet  
where you Modocs are to go. I  
cannot do that.

HOOKER  
But I bring him back and war over.

DAVIS  
The war's already over.

Davis stares at him.

DAVIS  
So you're willing to be a Judas?

Hooker smiles, has no idea what he's talking about.

DAVIS  
Where is he?

HOOKER  
First you write on paper that if I  
do this, you give me what I want.

Davis looks at him and sighs.

DAVIS

I am not going to write that down.  
I could be court-martialed for  
that. But if you do show me where  
then I promise I will let you leave  
here in secret.

HOOKER

I find him for you.

EXT. CLEAR LAKE - DAY

Hooker rides up to a mountain above Clear Lake and is seen by  
the Modocs who hide on the mountain.

They jump up with rifles pointed at him.

HOOKER

(subtitled)

Where is Kientpoos?

EXT. CAPTAIN JACK'S CAMP - CLEAR LAKE - DAY

Hooker steps up to Captain Jack.

HOOKER

(subtitled)

I rode five miles looking for you.

CAPTAIN JACK

(subtitled)

Why did you come back?

HOOKER

(subtitled)

They want me to take you with me.

(to the warriors)

The white men give Modoc justice  
and plenty of food to eat.

CAPTAIN JACK

(subtitled)

Justice? You come here on a  
government horse and try to take  
away my life now?

HOOKER

(subtitled)

Listen to me --

CAPTAIN JACK

(subtitled)

I never wanted to fight but you and  
your cowards made me kill Canby.

HOOKER  
(subtitled)  
We all agreed.

CAPTAIN JACK  
(subtitled)  
No! You made me do it! You were  
the ones that called me a woman! I  
would not turn you or any of our  
people over to Canby because I  
wanted a good life for all of us.

Captain Jack paces in anger.

CAPTAIN JACK  
(subtitled)  
I am the only one who will pay for  
Canby's death. I would rather die  
by a bullet than by a rope.

Scarface steps up with his rifle like he is about to point it  
at Hooker but Captain Jack grabs his arm.

CAPTAIN JACK  
(subtitled)  
You tell them I will never  
surrender.

Hooker looks at him, then gets on his horse and rides away.

Captain Jack turns to his warriors.

CAPTAIN JACK  
(subtitled)  
If any of you want to go, then do  
it now.

MODOC INDIAN  
(subtitled)  
I am tired and hungry.

ANOTHER MODOC  
(subtitled)  
I want to see my family.

Captain Jack nods.

CAPTAIN JACK  
(subtitled)  
I understand.

Half of his men decide to go down the hill.

Captain Jack turns to Scarface. Scarface sits down with his rifle.

Captain Jack turns to the five others who are left. They all sit down in a show of support.

EXT. CLEAR LAKE - DAY

Colonel Davis waits on his horse. One of the soldiers runs back to the Colonel.

SOLDIER  
No Modocs up there, sir.

Davis turns to Hooker who is behind him.

DAVIS  
You promised they'd be there.

HOOKER  
(subtitled)  
They are cowards like you.

DAVIS  
What did you say?

Hooker smiles.

HOOKER  
They afraid of you so they run.

Davis looks at him.

DAVIS  
Go back to the fort. Our deal is off.

Hooker smiles.

EXT. ROCK HIDEOUT - DAY

Captain Jack sits on a rock and looks at his bare feet, covered in blood.

The only warrior left with him is Scarface.

SCARFACE  
(subtitled)  
I'm staying.

CAPTAIN JACK  
(subtitled)  
Please my friend.

Scarface lowers his head.

CAPTAIN JACK  
(subtitled)  
They are only after me now.

Scarface looks out at the lava beds in the distance.

SCARFACE  
(subtitled)  
I will take care of your family  
until the day my spirit leaves me.

CAPTAIN JACK  
(subtitled)  
I know you will.

They shake hands.

SCARFACE  
(subtitled)  
I will run past the ridge, see if I  
can get them to follow me in the  
other direction.

CAPTAIN JACK  
(subtitled)  
Goodbye, Scarface.

SCARFACE  
(subtitled)  
Goodbye, Kientpoos. You are a true  
warrior.

Captain Jack watches as Scarface disappears through some trees.

EXT. NEAR LAVA BEDS - DAY

Captain Jack hides behind some rocks, sees several U.S. soldiers in the distance.

He looks up at the top of a rock mountain directly behind him and takes a deep breath, decides to climb up.

EXT. ROCK MOUNTAIN - DAY

Captain Jack is on the other side of the mountain, races down the tough terrain.

He stops for a moment to catch his breath. He looks a tired and beaten man.

He wipes his brow and looks out what is ahead of him. A sea of jagged rocks dried out by the hot sun.

He moves down and BANG! A shot rings out behind him.

He looks up and sees several of the soldiers have followed him. Off to the side, several others on horseback head in his direction.

He jumps off the mountain and heads for the jagged rocks as they fire behind him.

EXT. JAGGED ROCKS - DAY

Captain Jack runs barefoot across the rocks, holds his rifle but doesn't shoot back.

The soldiers gain on him and taunt him as they fire some shots over his head.

Captain Jack finally collapses face first as the soldiers come upon him.

SOLDIER

We just caught us a legend!

Captain Jack is exhausted.

SOLDIER (O.S.)

Yes siree, the legendary Captain Jack. We're gonna be famous, boys!

The soldiers stand him up.

One of them inspects Captain Jack's rifle.

SOLDIER

He didn't have any ammo left! What we're you planning to shoot us with, Injun?

CAPTAIN JACK

Captain Jack, peace man, no shoot nobody.

EXT. FORT KLAMATH - DAY

Captain Jack is helped off a wagon.

Lizzika comes up to her husband and embraces him. She cries in his arms.

They are separated by the soldiers and they lead him to the prisoner's stockade. Captain Jack sees Hooker nearby.

EXT. FORT KLAMATH - DAY

Brubaker sits atop a wagon with other members of the press. He points to the group of soldiers working on the gallows.

BRUBAKER

I've never seen 'em build a gallows before the trial starts.

NEWSPAPER MAN

If you have any doubts about what the verdict will be, this should put an end to it.

EXT. FORT KLAMATH COURTROOM - DAY

Several people look inside through the windows as Captain Jack's trial begins.

Soldiers have to hold the rest back who try to see inside.

Some Oregonians shout at a guard.

OREGON MAN #1

We're from the governor's office, let us in!

OREGON MAN #2

Let us go, soldier!

GUARD

This is a court-martial so no civilian is allowed inside.

Lizzika stands with Scarface.

SCARFACE

Can she go? She his wife.

GUARD

No one goes in.

Scarface moves Lizzika away from the group.

SCARFACE

(subtitled)

I should be in there with him and up there with a rope around my neck.

INT. COURTROOM - DAY

This is the same moment from the opening: Alfred Meacham lowers his head as Lieutenant Elliott stands in front of him.

ELLIOTT

Mr. Meacham?

Meacham looks at Captain Jack.

MEACHAM

I'm sorry, Kientpoos.

Captain Jack lowers his head.

ELLIOTT

Mr. Meacham, I ask you again, sir,  
is Captain Jack the one who shot  
General Canby?

Meacham nods.

INT. COURTROOM - LATER - DAY

Elliott stands in front of the jury.

ELLIOTT

Gentlemen, you have heard the  
witness testify against the  
defendant. Now, we all know that  
in time of war, bad things happen  
but this meeting was a peaceful  
one.

Elliott paces.

ELLIOTT

General Canby went in unarmed and  
he, along with Reverend Thomas and  
Lt. Boutelle, were savagely  
murdered in cold blood.

Captain Jack stares at the ground and doesn't move.

ELLIOTT

I ask that Captain Jack be held  
accountable for this horrendous act  
and be sentenced to death. Thank  
you.

EXT. COURTROOM - DAY

Meacham walks out of the courtroom, sees Lizzika and  
Scarface. She looks at Meacham with tears in her eyes.

LIZZIKA

He good man, he never want to hurt  
nobody.

She points to some of the Modoc warriors nearby.

LIZZIKA

They force him to kill white man.  
He sorry this happen to you.

Meacham lowers his head.

INT. COURTROOM - DAY

The Jury foreman stands in front of Captain Jack.

JURY FOREMAN

Would you like to say anything on  
your behalf?

Captain Jack doesn't move.

JURY FOREMAN

Do you want to say any words,  
Captain Jack?

Captain Jack looks up at him.

CAPTAIN JACK

I know I kill and that wrong but  
what could I do? I was forced to.  
You white people drive me and  
family from mountain to mountain,  
from valley to valley like we do  
the wounded deer. No matter what  
Captain Jack say, you will kill me  
by rope.

He looks at the jurors.

CAPTAIN JACK

White man kill my father and mother  
but no white man do anything to  
him. Captain Jack not want to  
fight but had no choice. Yes, I  
kill this man Canby but I did not  
want to.

He lowers his head.

CAPTAIN JACK

I very tired. Nothing I say will  
help Captain Jack so I no speak no  
more.

JURY FOREMAN

Very well. Gentlemen, I declare  
this trial over.

EXT. FORT KLAMATH - NIGHT

The empty scaffold sits under the night sky.

INT. PRISONER'S CELL - NIGHT

A MINISTER, 50s, is outside Captain Jack's cell.

MINISTER

Look in your heart my son. Look  
for the virtues of eternal life and  
the beauty of the next world. Look  
up to God and heaven for the  
answer.

CAPTAIN JACK

You want to go heaven?

MINISTER

Of course, my son.

CAPTAIN JACK

Then I make deal with you. Captain  
Jack let you go to heaven for him.

They both smile. Captain Jack lowers his head.

CAPTAIN JACK

Now I have smile, tomorrow I die.

EXT. FORT KLAMATH - DAY

A cold chill runs through the early morning air as several  
soldiers, a few civilians and reporters stand in front of the  
scaffold.

INT. PRISONER'S STOCKADE - DAY

Captain Jack is led through the hallway as Colonel Davis and  
some soldiers follow.

The Minister trails the group.

MINISTER

Our Father, who art in heaven,  
hallowed by thy name. Thy kingdom  
come, thy will be done, on earth as  
it is in heaven.

EXT. FORT KLAMATH - DAY

A small military band plays a quick march as Captain Jack is  
led out of the stockade.

MINISTER (V.O.)  
 Give us this day our daily bread.  
 And forgive us our trespasses, as  
 we forgive those who trespass  
 against us.

Captain Jack sees Frank and Toby Riddle first. His hysterical cousin runs up and throws her arms around him.

A soldier moves her away.

MINISTER (V.O.)  
 And lead us not into temptation,  
 but deliver us from evil.

He sees Lizzika and Scarface. His wife drops to her knees as the tears flow.

MINISTER (V.O.)  
 For thine is the kingdom, and the  
 power, and the glory, for ever and  
 ever. Amen.

At the foot of the scaffold, a blacksmith removes the shackles.

Captain Jack, is led up onto the platform followed by Colonel Davis and two soldiers.

The military band stops playing.

EXT. PLATFORM - DAY

One of the soldiers stands in front of him.

Captain Jack notices it is Leeds, the young man he saved during the war.

LEEDS  
 (whispers)  
 I'm sorry.

Captain Jack closes his eyes.

He hears a familiar Modoc voice, the voice of his dead father.

COMBUTWAUSH (O.S.)  
 (subtitled)  
 We will be together soon, my son.

He opens his eyes and sees his father.

COMBUTWAUSH  
(subtitled)  
Do not be afraid.

Combutwaush's face dissolves into to Leeds' face.

Leeds places the rope around Captain Jack's neck, adjusts the noose.

The Minister crosses himself and places his arm on Captain Jack's shoulder as he steps off to the side.

Colonel Davis signals to the other soldier on the scaffold who will act as executioner.

The executioner places his hand on the lever.

Captain Jack looks down and sees the faces in the crowd for the last time, sees Lizzika and Scarface and the others.

THE FORT

At the very back, Hooker sits on the ground, head down, and leans up against a building.

Scarface heads in his direction.

PLATFORM

Leeds places a sack over Captain Jack's head.

THE FORT

Hooker raises his head and sees Scarface headed his way. He gets up and runs towards two buildings.

PLATFORM

Colonel Davis nods to the executioner. He pulls the lever.

Captain Jack's body falls through as the rope burns into his neck.

His body jerks and he kicks his legs a few times.

Then he stops kicking and his body goes limp as it hangs.

EXT. FORT KLAMATH - BETWEEN TWO BUILDINGS - DAY

Scarface catches up to Hooker between the two buildings.

Scarface pulls out a knife. Hooker does the same.

SCARFACE  
(subtitled)  
You should be the one up there.

They meet in the center.

HOOKER  
(subtitled)  
You're both going to die today.

Hooker lunges for him. Scarface kicks him in the back and Hooker falls up against the wall.

Hooker smiles and they both square off with knives extended.

EXT. FORT KLAMATH - DAY

Captain Jack's body is lowered by some soldiers as Lizzika watches.

The soldiers place his body on a wagon and throw a blanket over him.

She staggers back and is caught by Curley Head and his wife.

EXT. BETWEEN THE TWO BUILDINGS - DAY

Hooker slashes at Scarface, catches him on the arm. Hooker laughs as Scarface looks at the cut.

Scarface kicks Hooker in the stomach and he falls to the dirt.

Scarface jumps on Hooker. They are getting tired now as they roll over, knives inches from each other's faces.

Hooker tries to kick him away but Scarface overpowers him and sticks his knife in Hooker's chest.

Hooker groans as the air escapes his lungs. Scarface is eye to eye with him, pushes the knife in deeper.

SCARFACE  
(subtitled)  
For Kientpoos.

Scarface lets go of him and Hooker's lifeless eyes bulge out.

Scarface gets up to one knee and sees the blood form underneath Hooker's dead body.

He pulls out the knife, cleans it on the dead man's coat and walks away.

EXT. FORT KLAMATH - NIGHT

Early evening as Brubaker watches the gallows being torn down by soldiers. His assistant is with him.

BRUBAKER

And just like that, it's over.

SUPERIMPOSE THE YREKA GAZETTE NEWSPAPER

An article written by Brubaker titled: "Modoc Chief Hanged".

BRUBAKER (V.O.)

The next day, Captain Jack's body was taken to Yreka. There it was embalmed after which it was sent to Washington, D.C.

EXT. LOST RIVER - DAY

Combutwaush fishes with young Kientpoos along Lost River. The 15 year-old Kientpoos smiles at his father.

BRUBAKER (V.O.)

His body then appeared in Eastern cities as a carnival attraction.

EXT. MODOC VILLAGE - DAY

Young Kientpoos plays with other Modoc children including his cousin, Winema.

BRUBAKER (V.O.)

Most of the Modocs who were with Captain Jack were exiled to Indian territory.

PHOTOGRAPH OF GENERAL CANBY

BRUBAKER (V.O.)

Edward Canby was the only General officer ever killed in an Indian war.

PHOTOGRAPH OF CAPTAIN JACK IN PRISON

BRUBAKER (V.O.)

The Modoc war of 1873 had lasted 190 days. Paying and feeding the soldiers cost the government an estimated \$420,000 dollars.

EXT. LOST RIVER - DAY

We glide over the water and the surrounding landscape.

BRUBAKER (V.O.)

Later the government disbursed over \$70,000 dollars to the states of Oregon and California to pay the volunteers who had participated in the war.

The Modocs can be seen together. Tranquil. Happy times.

Captain Jack walks with Lizzika and their daughter along the riverbed.

BRUBAKER (V.O.)

The war against Captain Jack and the Modocs cost a total of more than 400 lives.

EXT. LOST RIVER VALLEY - DAY

The beautiful valley under a bright sun.

BRUBAKER (V.O.)

The 2,000 acres on Lost River that the Modoc had fought for as a home was valued at the time at only \$10,000 American dollars.

EXT. LOST RIVER - DAY

Captain Jack stands near Lost River, looks out at the surrounding land.

BRUBAKER (V.O.)

If the government had allowed the Modocs to live in the lava beds, then none of this would have ever happened.

EXT. LAVA BEDS - DAY

Captain Jack walks along the craters of the never ending lava beds. He looks out at the rocks.

BRUBAKER (V.O.)

Captain Jack and the Modocs would have led a happy life in the Land of Burnt Out Fires.

FADE OUT.