

THE TRAIL WHERE THEY CRIED

Written by

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EXT. CLEARING - DAY (1839)

Snow engulfs the countryside, with golf ball sized flakes blowing sideways through the air. A dense forest filled with freshly whitened trees leads out to a small clearing.

A WOMAN stumbles from the forest, her face unseen through the snowfall and long black hair that billows in the wind. A BABY lay pressed against her thinly clothed body, with a only a small blanket for cover.

The woman's pace begins to slow, and she --

-- falls to her knees, careful to keep the baby against her chest.

The snow continues to dump onto her body, as she sits motionless, face still concealed.

She falls on her back, the CRIES of her baby piercing the sky.

She lays in a heap of white as the snow continues to swirl around her motionless body.

SMASH CUT TO:

EXT. CAMPFIRE - DAY (1838)

Sun begins to set on the Cherokee Territory.

Herds of CHEROKEE CHILDREN gather around a campfire. The children sit intently, all focused on the center of the circle.

FIND AND FOLLOW: GREAT WOLF, a Cherokee man appearing to be as old as the dirt he stands on. Wearing a traditional Indian headdress --

--the group of children are in awe of this elder.

GREAT WOLF

In the beginning there was no Earth, and no people to care for it. There was the sky, and water. Animals lived in the sky among the clouds, but they were very crowded, you see. So they sent beaver's grandson, a water beetle to see what was below the water surface.

(MORE)

GREAT WOLF (CONT'D)

The water beetle brought mud to the surface, which dried into the very land that you sit on today.

Awe and wonder crosses the face of the Cherokee children. Some even bother to look down at the ground beneath them.

GREAT WOLF (CONT'D)

The Great Buzzard flew down to check if the land had dried, you see.

Great Wolf drew out his arms like wings and reenacted the flight. He moves with confidence and purpose.

GREAT WOLF (CONT'D)

By the time he made it to our land, he was so tired, his wings struck the ground, making the mountains and valleys.

Great Wolf purposely comes crashing to the ground as --
--the children all laugh in entertainment.

Great Wolf rises and regains his position in the center of the campfire. The children's laughter is hushed everytime he prepares to speak.

GREAT WOLF

To this day our land is blessed. We live in the southeast because that is the place of God. The South is to mean peace, and happiness. The East success in the victory. And that is why we do not venture to the North, which means trouble and defeat. Or to the West. We do not go West children, because West is a symbol of death.

FIND AND FOLLOW: JACK DROWNING, entranced by the speech of the traditional elder, the dark skinned 12 year old looks out of place in his white man's clothes.

EXT. TRAIL - DAY (MOVING)

The beauty of the Cherokee Nation is on display --

-- Multi colored leaves illustrate a small brown path that follows a small stream.

Birds CHIRP, and a deer prances off in the distance as light barely seeps through the dense forest.

A smile still lights up Jack's face as he aimlessly advances on the path, taking in the beauty around him.

He stops when a gold light flickers on his face, blinding him. He retreats, looking at the creek next to him. A sliver of gold light shines from the bottom.

Jack scales the creek bank and investigates the cause of the light.

CLOSE ON: GOLD NUGGET the size of a large marble lay embedded in the creek soil.

Jack reaches in and scoops up the nugget, a look of marvel on his face.

SETTLER (O.S.)

What do you got there?

Jack turns to see a fierce SETTLER, 40s, as white as the snow that litters the nearby Appalachians, with a dark black beard. Pieces of chewing tobacco flew out of his mouth as he speaks.

JACK

Uh, it's--

SETTLER

Give it here.

The white man hovers over Jack, extending his palm out. Jack's left hand shoots behind his back.

JACK

It's nothing.

SETTLER

Give it here, boy.

JACK

I found it.

The settler draws closer to Jack.

SETTLER

The gold. Hand it over.

As the settler approaches--

--Jack hurls the gold nugget across the creek, into the oblivion of the forest. He turns to run when--

-- the settler grabs hold on his collar, and with a fist the size of cinder block delivers a punch to Jack's temple.

Jack falls to the ground, WINCING in pain. The settler comes down on top of Jack and cocks his arm back.

A rifle SHOT pierces the sky.

The settler turns to see WILLIAM DROWNING pointing the barrel of his rifle at him. In his 30s, his dark skin and hair are the only sign of Indian left in Will.

WILL

Get away from my son.

The settler backs away from Jack, with his hands up.

SETTLER

Easy, now.

WILL

You are on my land.

SETTLER

Okay, okay, just take it easy.

Jack lay bleeding on the ground. He feels his head already beginning to swell.

The barrel of Will's gun is still pointed directly at the settler's chest.

Jack finally gains the strength to stand and stumbles over to Will.

WILL

Father! He... he hit me.

The settler looks from Jack to the weapon of death aimed at him.

SETTLER

Look, you don't have to do this.
Here, have anything you want.

The settler reveals a knapsack.

Will steps forward to examine the contents, never lowering his weapon from shooting position. The knapsack is filled with various goods: a buck knife, a canteen, a compass, and a bottle of rum.

WILL'S POV: The bottle of rum sticks out among the other items like pretty girl at the beach.

EXT. DROWNING HOUSE - NIGHT

A small wood home sits at the end of the dirt path, engulfed in the green of fir trees. Rows of corn outline the property.

Will paces toward the home, his bottle of rum snug under his arm.

Jack drudges behind, with blood still sputtering down his cheek.

INT. DROWNING HOUSE - NIGHT

A wooden fireplace lights up the cabin. Dozens of empty liquor bottles litter the kitchen. Colorful quilts line the walls. At the dining table sits--

--JESS DROWNING, a Cherokee woman who at 30 is the epitome of beauty. Long dark hair runs from underneath her traditional English bonnet. She drops her knitting needles at the sight of Jack's face.

JESS

Jack!

She rushes to examine his swollen face, not even bothering to acknowledge Will, whose--

--focus remains of the bottle of rum still under his arm.

Jack shutters as Jess touches his face. A midnight colored bruise stretches across his forehead.

JACK

It's not that bad, Mother, really.

Jess spins to face the back of Will, who has--

--found his usual place in his chair in front of the fireplace. He places his rifle at his feet.

JESS

What happened?

JACK

It's nothing Mother.

Jack backs away from her touch.

JACK (CONT'D)

I'm fine.

JESS
William Drowning.

Will has picked up the "Cherokee Phoenix" newspaper. His eyes dance around the paper.

JESS (CONT'D)
William!

Will's eyes shift to Jess, who--

-- towers over Will, hands on her hips. Will knows he's in trouble.

WILL
Huh?

JESS
What happened?

JACK
Nothing, mother. I fell is all.

Will unscrews the cap of the rum, and takes a long swig.

JACK (CONT'D)
Father, may I go to my room?

Will gulps down the liquor and motions for him to go.

WILL
Go ahead.

Jack scurries into the hallway while --

--Jess remains frozen in place. A fire is lit in her eyes.

JESS
Will!

Will's eyes are back on the newspaper.

JESS (CONT'D)
William!

Jess slaps the newspaper to the ground.

WILL
What!

JESS
Explain to me why our son looks he was beaten with a hammer.

WILL
He ran into a white man.

JESS
A white man?

Will recovers the paper from the floor.

WILL
Gold prospector. It was nothing.

Jess sits in the chair opposite Will in front of the fire.

Will takes another swig of his rum.

JESS
Eliza said she saw two more a few days ago.

Will takes a long, deep drink of rum. He BURPS.

JESS (CONT'D)
What are we going to do Will?

WILL
Nothing.

JESS
Nothing! We can't sit here while they move onto our land! They touched our child, for goodness sake.

Will stares into the flames of the fireplace. Drips of liquid fall down his chin.

WILL
It is the white man's world now. The days of our people are long over. We are secondary citizens in the land that are ancestors were blessed with. What we will do?

He downs the last of the bottle of rum, then tosses it towards the pile of others.

WILL (CONT'D)
We can do nothing. There is little time before they come and take everything that was once ours. We have no future here.

Jess stomps out of the room and down the hall, while Will continues his gaze into the fire.

EXT. DROWNING HOUSE/PORCH - DAY (CONTINUOUS)

Jess sits on the porch steps with ELIZA DAWKINS, 35, a Cherokee woman whose bright clothes contrast with the English attire Jess wears. A bump in her stomach shows the beginning stages of pregnancy.

FRONT LAWN

An energetic Jack spins to the left, then to the right. He rears back and hurls a ball with his homemade lacrosse stick to--

--CHARLIE HAWKINS, a ten year old mirror image of his mother. Charlie's hair falls to his shoulders.

PORCH

The two women gaze out at Jack and Charlie playing. Eliza's stomach makes every sitting position uncomfortable.

JESS

Jack ran into a white man
yesterday.

Eliza's gaze abruptly shifts to Jess.

ELIZA

He did not.

Jess nods.

JESS

Gold prospector.

JESS (CONT'D)

That's why his face is --

ELIZA

They touched him! You should report
this to the agency!

JESS

It won't help.

ELIZA

Jess you need to--

JESS

It won't help.

FRONT LAWN

CHARLIE

What happened to your face?

Jack feels his puffy red face.

JACK

Nothing.

CHARLIE

Did you get attacked by a bear?

Jack hesitates at the chance for a cool story.

JACK

No.

Charlie catches the ball and holds it.

CHARLIE

Well, what'd you do then? Your face
is awfully messed up-

JACK

Just throw the ball Charlie.
Please.

Charlie rests the head of his stick on the ground.

CHARLIE

I ain't throwin' it less you tell
me.

JACK

Come on, Charlie.

CHARLIE

Nope.

Jack releases a sigh.

JACK

I got hit by a white man.

Charlie drops his stick completely.

CHARLIE

No you didn't!

Jack is encouraged by the excitement in Charlie's voice.

JACK

I swear I did. He was as big as an ox to. I came up to him an' hit him square in the face.

Charlie's face lights up in awe.

Jack spars with the air.

JACK (CONT'D)

He got hold of me when I was making a break for it. Got a few lucky punches in, but you should've seen him!

CHARLIE

He just came up to you out for no reason?

JACK

I was mining for gold..

Charlie's jaw is nearly on the ground.

CHARLIE

You get any?

JACK

A little bit, he was jealous see, but I dropped it during the scuffle.

CHARLIE

That sure is quite a story Jack. What'd your father do?

PORCH

ELIZA

Did William do anything?

Jess looks off at Will, who--

--is plowing a field off to the far right of the house.

JESS

No... he took a bottle of rum.

FIELD

JACK

You should've seen him.

Jack wields his lacrosse stick as an imaginary rifle.

JACK (CONT'D)

He shot at the man an' scared him
senseless. Would've shot him dead
to, but my father's a good man.

Jack reenacts the scene.

Charlie picks up his lacrosse stick turned rifle.

The two boys trade off fire in an imaginary stand off.

PORCH

ELIZA

There was a meeting in New Echota
last night. Christopher told me
about it. John Ross and John Ridge
were there. Major Ridge too. Chris
says John Ridge was asking for
people to move out West with him.
He was saying white men will come
very soon, taking everything we
have.

JESS

You think that will happen?

ELIZA

I don't know. I just couldn't
imagine living anywhere but here.

CROP FIELD

Sweat pours down Will's forehead as he hacks the soil. He
straightens up as a GUNSHOT is heard off in the distance.

WILL'S POV: TWO WHITE MEN scamper towards a slain deer that
lay motionless in the dense forest. They men celebrate like
they've hit the jackpot, holding up the dead animal like a
trophy.

CLOSE ON: WILL'S FACE, as he shakes his head in disapproval.
He looks back to his home, then hacks a the soil.

EXT. WILDERNESS - EARLY MORNING

Swift horse hooves THUNDER across the Earth on a dead sprint. Mounted on them are U.S. ARMY MEN, all clad with matching blue uniforms.

The sun is just rising as they dash through the vast forest. Each has a rifle strapped to the side of their horse.

MONTAGE - CHEROKEE ROUND UP:

A) Army men break down the door of a wooden home.

B) A CHEROKEE WOMAN SCREAMS as the army men tear her from her child.

C) A CHEROKEE BOY hides underneath his bed as the army men search his room, tearing the room beyond recognition.

D) A CHEROKEE MAN tries to draw his gun and is shot in the chest.

E) A CHEROKEE FAMILY stand outside of there home with only the clothes on their back.

F) The Cherokee boy is found under his bed and dragged out by his feet.

G) CHEROKEE CHILDREN weep as they exit their front door.

H) The Cherokee woman tries to hold the hand of her child, but is knocked to the ground by the butt of a rifle.

END MONTAGE:

EXT. DROWNING HOUSE - DAY

Three Army men sit mounted with the Drowning House in the distance. Among them is GENERAL WINFIELD SCOTT, a white haired 52 year old boar of a man with a "no bullshit" look about him.

INT. DROWNING HOUSE - DAY

Will sits at the dining table reading the "Cherokee Phoenix."

Jess is preparing food in the kitchen, but stops when--

--outside there is a STAMPEDE of horse hooves.

Will shoots up to look out the front window.

WILL

Hide!

JESS

Will, what is it?

WILL

Get Jack and hide!

Will retrieves his rifle from above the fireplace while--
--Jess sprints down the hallway searching for Jack.

EXT./INT. DROWNING HOUSE - DAY

General Scott and the two other soldiers simultaneously
dismount their horses, rifles in hand.

The first soldier is MAJOR THOMAS THIEMANN, early 30s, a dark
haired man whose physique shows he has never missed a meal.

The second is LIEUTENANT HENRY SHIELDS, 40, a short stalky
man missing a number of teeth, and who's lip bulges from
chewing tobacco.

Will cracks open the door, with his rifle concealed.

WILL

Can I help you gentlemen?

The soldiers strut towards the front door.

General Scott halts at the door.

SCOTT

What's your name?

WILL

This is my property. I have the
right to--

SCOTT

My name is Winfield Scott, General
of the United States Army. I have
come to escort you and anyone who
lives here of Cherokee descent to
the New Echota barracks where you
will remain until it is time to
move to Indian Territory out West.

WILL

Now wait a minute.

Will grips the still concealed rifle harder.

SCOTT

If you choose to use that rifle you have behind that door, I'll have no choice but to let my men fire on you. Do you understand? Go ahead and let the weapon drop to the floor.

Will glares at the General. There is a BOOM from behind the door that is unmistakably a rifle colliding with the floor.

WILL

You cannot just take me to another land. This is my home.

SCOTT

Actually according to the Treaty of New Echota signed by the Treaty Party this land now belongs to the United States Government.

WILL

I didn't sign any treaty!

SCOTT

Yes, well nonetheless I have authority to seize this land and take you to the barracks at New Echo--

WILL

I won't go to these barracks.

Scott sighs.

SCOTT

Look how can I explain this. This land, along with the rest of the land you once own was sold. Given to the government in exchange for better land in the West. We're not asking you to leave, we're telling you. So you either walk with us or we're dragging you.

General Scott pushes past Will into the home.

INT. DROWNING HOUSE/LIVING ROOM - DAY (CONTINUOUS)

The two other army men have there guns pointed at Will as General Scott recovers the rifle from behind the door.

SCOTT
What's your name?

WILL
William. William Drowning.

SCOTT
Is anyone else living here William?

WILL
No sir.

Scott takes a long gaze at Will, studying his poker face.

SCOTT
Search the house.

KITCHEN

Thiemann and Shields empty the cupboards and drawers in the kitchen, to no avail.

JACK'S ROOM

Jess and Jack lay motionless in the darkness of Jack's closet. Jack's mouth is being covered by Jess's shaking hand.

WILL'S ROOM

Thiemann and Shields toss through the room, leaving clothes and other items across the floor. They stop when they see--
--a half drunk bottle of rum lay on the desk. Major Thiemann confiscates it.

LIVING ROOM

Will's eyes dash from Scott to the hallway, listening intently for signs of struggle.

Scott studies the living room.

SCOTT
Fine home.

Will's eyes are set on the back hallway, still listening.

SCOTT (CONT'D)
You build it?

JACK'S ROOM

JESS'S POV: Through the crack in the closet door we see the two men searching underneath Jack's bed.

Lieutenant Shields spots the closet and approaches.

LIVING ROOM

General Scott sizes up Will.

SCOTT
I said, did you build--

A SCREAM from the back hallway shakes through the room.

Will closes his eyes and drops his head.

Thiemann and Shields appear, dragging Jack and Jess with them.

THIEMANN
Found them hiding in the back,
General.

Thiemann yanks Jess by the hair.

THIEMANN (CONT'D)
Just got no sense in them, do they?

General Scott glares at Will, who's head remains down.

SCOTT
Take them out front.

The men drag Jess and Jack outside amidst their SHRIEKS.

SCOTT (CONT'D)
You should not have done that,
William.

Scott slams the front door shut and tightens his grip on his rifle.

In a powerful movement, Scott slams the butt of his rifle against Will's jaw, sending him crashing to the floor.

Scott drops the rifle and sends his freshly polished black boot into Will's side. Will does not resist, but only grunts in pain.

SCOTT (CONT'D)
 I have half a mind to kill you. You
 should never lie to a white man,
 William.

Scott drills the side of Will's head with his boot. Red
 liquid sputters down Will's face.

SCOTT (CONT'D)
 A family man. I can respect that.
 Trying to keep them safe.

WILL'S POV: General Scott hovers above. Everything around him
 begins to blur.

SCOTT (CONT'D)
 One thing you must learn, William
 Drowning.

Scott picks up his rifle from the floor.

SCOTT (CONT'D)
 In this world, no red man is safe.

WILL'S POV: The butt of the rifle thunders down.

FADE TO BLACK:

EXT. TRAIL - DAY (MOVING)

Rain drenches the dirt path that slices through a forest.
 There is a gloomy ora: no animals are seen, the sky is a dark
 grey, and colors seem to be drained from the environment.

General Scott along with Shields and Thiemann escort the
 Cherokee family on horseback.

Other than Jack's lacrosse stick, the family carries no items
 other than the clothes on their backs.

Jess and Jack drudge along the path, with Jess's arm slung
 around Jack's shoulders.

Will limbs in front of them, his face the size of a small
 pumpkin. A trail of blood marks his path.

SHIELDS
 Push on!

He jabs Jess in the back with his bayonet.

Will limbs on without looking back, his gaze fixed on the dirt path.

JACK

I don't want to leave.

SCOTT

Well, son you don't have a choice. This land has been granted to the United States government to do with it what they please.

JACK

It was our land first!

JESS

Jack, shut up!

SCOTT

President Jackson has done you a decency by granting you land out West. He's paid for this land, and given you even better land for nothing.

THIEMANN

You should be thankful we didn't just take this land out from underneath your feet.

JACK

I don't want to move West.

SHIELDS

It ain't your choice, boy.

SCOTT

The leaders of your people made that choice for you by signing the Treaty.

Jess is beside herself. She kicks a fallen branch off the trail.

JESS

John Ross is a great chief. He would never sign such treaty.

SCOTT

Unfortunately Mr. Ross was not part of the Treaty Party.

For the first time Will's gaze diverts from his feet. He turns to face the escorts.

WILL
You are telling us that we are
forced to move by some papers that
our own chief himself did not sign?

With a sarcastic smile.

Will spits at the feet of his horse, and turns his back. His drops his head and paces on.

THIEMANN
That's exactly right.

JACK
We're not leaving!

Major Thiemann pounds Jack in the side of the head with the butt of his rifle, sending Jack to the ground.

Jess quickly pulls him to his feet and tends to the cut on Jack's head.

Will does not turn to look.

EXT. BARRACKS - DAY

Towering wood logs make up the walls of the barracks. The brown gate is an ugly site amongst the countryside.

Guards wearing U.S. Army clothing are positioned outside the gate.

As the family approaches, the gate creaks open.

Jess and Jack stand motionless as they glimpse the dark hell inside.

Will moves on like a puppet on a string.

SCOTT
Inside.

INT. BARRACKS - DAY

Crudely built tents liter the interior of the barracks. Hundreds of Cherokee Indians of all ages and genders linger inside.

Jess SCREECHES as a rat sprints past her foot.

General Scott leads the family to a spot near the perimeter of the barracks. There sits a pale blue tent with a football sized tear in the top.

SCOTT

Lunch is served at twelve thirty everyday and dinner at six. Miss it, and you don't eat. If you have any questions, talk to any of the army men. And Will?

Will lifts his head for the first time. The welts on his face have doubled in size.

SCOTT (CONT'D)

Get that cleaned up.

JESS

Who's tent is this?

SCOTT

It's yours.

JESS

No, I mean. Who's tent was it?

Scott tilts his head towards the entrance.

Four army men carry two wooden planks. On each plank is a quilt with the shape of a body underneath.

Scott turns and struts out of the barracks. The door slams shut, alienating the Indians from their own land.

INT. BARRACKS - DAY

CLOSE ON: SPOILED MEAT that has become the living quarters of various bugs.

A long line of Cherokees wait for their food. Some have plates, others just grab the meat with their hands.

Will is at the front of the line and approaches the meat, while attempting to keep his stomach from quivering.

A bored MAJOR JOSEPH FRANCIS, late 30s with a heavy beard, delivers the meat to each Indian.

FRANCIS

Next.

Will reluctantly approaches the food stand with--
 -- Jess and Jack trailing.

WILL
 Is this all you have?

Major Francis looks back as if Will's words meant nothing.
 Francis dumps a dirt covered piece of meat into Will's hands.

FRANCIS
 Next.

INT. BARRACKS - MOMENTS LATER (MOVING)

Will limps through the poverty stricken Indian village.
 Poorly clad, sickly Indians make up the majority of the
 population.

Jack and Jess follow, eyes wide at the horrors around them.

JACK
 How long do we have to stay here,
 Father?

Will nibbles at his dirt covered food. He spits out a maggot.

JACK (CONT'D)
 Father?

Jack tugs at the back of his Father's English style shirt.

WILL
 Huh?

Will looks over his shoulder at Jack.

Jack winces at his father's scarred and swelled up face.

JACK
 How long--

ELIZA (O.S.)
 Jess!

A ghostly looking woman resembling Eliza lay on a quilt in a
 nearby tent.

JESS
 Eliza!

Jess rushes over to Eliza and hugs her longtime friend. She notices a red rash that spreads up Eliza's leg.

Charlie Hawkins along with a handsome, muscular Cherokee CHRISTOPHER HAWKINS, 40, sit alongside Eliza. His frame reflects a man who was once a tremendous warrior.

CHRISTOPHER

William.

Christopher gives a courteous smile and shakes Will's hand.

Charlie jumps into Jack's arms with giggles of laughter.

CHRISTOPHER (CONT'D)

It's great to see all of you. In the past days there have been very dark times. It is a delight to see friends amongst this madness.

WILL

It is great to see you again Christopher. And Eliza, how soon until we meet the newest member of your family?

ELIZA

Only a few months now.

JESS

(to Eliza)

How are you feeling?

ELIZA

As well as I can feel at a time like this.

She takes Christopher's hand.

ELIZA (CONT'D)

Chris has been doing all he can so that we're ready when the baby comes.

JESS

That's wonderful.

Charlie tugs at Jack's arm.

CHARLIE

Come on, let's go play.

The two boys sprint off.

JESS

Any thoughts on what you will name
the child?

Eliza glances to Christopher, offering the lead.

CHRISTOPHER

Umm, yes. We were thinking if it is
a girl we will name her Anne. If it
is a boy we will name him... Red
Hawk.

Will is taken back by the sound of the name.

WILL

Oh. Red Hawk?

CHRISTOPHER

Yes. After--

WILL

I know. It is great to see you all.
But I think we should be getting on
now.

Jess pats Eliza's pregnant stomach.

JESS

If there is anything you need, just
let me know, okay?

Eliza sums up a smile.

INT. BARRACKS/SOLDIER'S QUARTERS - NIGHT (AUGUST 1938)
(CONTINUOUS)

A group of army soldiers gather around a fire. Bottles of rum
are being passed around. They are bellowing stories of there
triumphs in battle.

FIND AND FOLLOW: LIEUTENANT SHIELDS downing the last of a
bottle. He stumbles to his feet, barely able to stand. He
spikes the bottle into the fire.

BARRACKS/DROWNING TENT

The Drowning family lay clumped together, all asleep.

FALLING BEAR, a dark skinned 36 year old man with the
maturity level of someone half his age enters the tent.

He gently shakes Will, careful to not wake the others.

FALLING BEAR
 (whispers)
 Will.

Will opens an eye and gleams at his old friend.

Falling Bear hushes Will and points outside. Will stealthy crawls out of the tent.

Outside, the two men hug. They haven't seen each other in years.

WILL
 Good to see you old friend!

FALLING BEAR
 (In Cherokee)
 And you, my friend. I am sorry we meet under such events.

WILL
 How have you been?

Falling Bear frowns.

FALLING BEAR
 (Cherokee)
 I do not understand your white man tongue. Can we not speak the language of our fathers?

WILL
 (Cherokee)
 Yes, I am sorry. I am glad to see you well.

FALLING BEAR
 (Cherokee)
 Well? I am no more well than a caged animal. We are not people. They are hunters, and we have been hunted.

Will evaluates the caged walls around him.

FALLING BEAR (CONT'D)
 (Cherokee)
 What do you say we have fun tonight? They may keep us in cages, but that does not mean they cannot be reasoned with.

Falling Bear gives a coy smile. He gives Will the hush sign, and leads them away from the tent.

As the men leave --

--Lieutenant Shields stumbles onto the scene. He is far past drunk.

Shields rips open the tent, causing --

--Jess to snap awake. She manages a small SQUEAK before Shields covers her mouth.

Jack stirs in his sleep, then turns over and continues dreaming.

He slings her over his shoulder as she frantically claws and slaps to try and set herself free.

BARRACKS/OUTSIDE OF SOLDIER'S QUARTERS

Falling Bear tip toes to the edge of the soldier's tent site.

FALLING BEAR

(Cherokee)

This is how we Indian's reason.

He slips into one of the tents and reappears with a large smile and an even bigger bottle of rum.

Falling Bear rips the cap off and takes a large swig.

FALLING BEAR (CONT'D)

(Cherokee)

Just like old times.

Will cups the bottle in his hands like a precious diamond.

BARRACKS/LT. SHIELDS'S TENT

Lieutenant Shields drags Jess into his tent. He tugs at her dress, completely committed to yanking it off.

Jess thrusts her fist into his nose, causing little damage.

Shields holds Jess down by the throat while dropping his pants.

BARRACKS/OUTSIDE SOLDIER'S QUARTERS

The alcohol has already begun kicking in.

FALLING BEAR

(Cherokee)

I swear... I swear her breasts were
bigger than your head!

Will nearly falls over laughing so hard.

WILL

(Cherokee)

You always had a way with woman.

Falling Bear chuckles before taking a swig.

FALLING BEAR

(Cherokee)

So did you. Before you went and got
yourself married. When we were boys
you could have had any woman in the
nation, red or white. What is it
about this one?

Will looks off in the distance.

WILL

I don't--

A woman's SCREAM rips through the air.

Will pounces up, recognizing the scream, and sees--

--a crowd of soldiers has gathered outside a nearby soldier's
tent.

Will fights through the jeering soldiers, too drunk to
realize his skin color.

BARRACKS/LT. SHIELDS'S TENT

Terror rips through Will at what he witnesses inside the
tent.

Lieutenant Shields rapes the struggling Jess, who can all but
submit to the large man.

Will pushes a soldier aside and dives into the tent. He
delivers an aggressive hook to --

--Shields's jaw. Shield's is dazed long enough for Jess to
squirm free.

She darts away from the tent, doing all she can to conceal herself from the peanut crew of soldiers looking on.

JESS

Will!

Will takes advantage of the confusion to deliver another haymaker to Shield's temple.

The soldiers outside are cheering at the late night action, still unaware of Will's ethnicity.

Will pins Shields under his elbow and begins raining blows onto Shields's face. Blood sputters down Shield's face. Drunk with rage, Will pounds Shield's unconscious face.

SCOTT (O.S.)

Get the fuck out of the way!

Will turns to see--

--General Winfield Scott throwing soldier's aside. The mood has transformed from late night comedy to an intense drama.

Will flees from Shields's tormented body. Blood stains the tent.

Scott evaluates the scene, and recognizes the unconscious body at his good friend and fellow army man.

SCOTT (CONT'D)

(to soldier)

Get a medic!

Will turns to flee the scene.

SCOTT (CONT'D)

Grab him!

Will makes it no more than a few feet before he is pinned down by multiple soldiers.

Scott reads the lines on Will's familiar face.

SCOTT (CONT'D)

William, yes?

WILL

Yes.

WILL'S POV: SCOTT NODS, lifts his boot overhead.

FADE TO BLACK:

EXT. BARRACKS - DAY

Preparations for travel are being made: food being thrown into wagons, supplies being counted.

Army men brief a group of white translators and medics on the travel itinerary.

FIND AND FOLLOW: MICHAEL BALFOUR, 23, a white man who's tanned face and dark features show a hint of Indian blood. The youngest in the group, he is out of his element amongst these blood-thirsty army men.

General Scott is addressing Balfour and the others.

SCOTT

The state of Georgia has been kind enough to grant us some of their militia for the evacuation. Now, if any of the savages do anything to raise suspicion, promptly alert one of the U.S. Cavalry or the Georgia Militia members.

BALFOUR'S POV: THE GEORGIA MILITIA stand alongside the U.S. Soldiers. They have the appearance of a dirty band of outlaws, eager to shoot at the first thing that moves.

SCOTT (CONT'D)

They are here to make sure everything runs smoothly, which I assure you, it will. We want as few of casualties as we can afford. This is a transportation operation. We will move the Red Men to Indian Territory as swiftly as possible. The less resistant the better. Now, please see Major Lawrence for your assigned detachments.

INT. BARRACKS/SOLDIER'S QUARTERS - MORNING (CONTINUOUS)

Will sits with his hands tied behind his back to a post. General Scott's boot left a tumorous sized welt on his face.

Will glares at--

--Lieutenant Shields, who sits yards away opposite him, also tied to a post. His face is cracked and scarred beyond recognition.

Shield's scowls at Will.

A YOUNG BOY, 10, scared to death unties Will.

YOUNG BOY
You're... you're free to go says
Mister General Scott.

Will summons up all his strength to stand up. He spits at Shields before stumbling away.

BARRACKS/DROWNING TENT

Will stumbles to his tent, where Jess lay still, her face scratched and bruised. Life has been sucked from her face.

Jack is shivering violently in his sleep.

She turns her head at the sight of Will.

WILL
Jess, I... I'm so sorry.

He places his hand on her shoulder, but she shakes him off.

WILL (CONT'D)
Jess, I tried to stop him.

Jess continues to gaze into the distance.

WILL (CONT'D)
Are you okay?

He reaches for her again, but she shakes his hand off.

JESS
Don't touch me.

WILL
Jess, I--

JESS

He came while I was sleeping.

Jess's voice shakes through oncoming tears.

JESS (CONT'D)

Tore me away from my son. I
scratched, and I fought.

Tears run down her face.

JESS (CONT'D)

I fought hard. I yelled. I
screamed. But he took me. He took
me to his tent. I have never felt
more hopeless in my entire life.
Held down to suffer like a pig
awaiting his slaughter. And where
were you?

WILL

Well, I was with Falling--

Jess presents the recovered empty bottle of rum.

JESS

Off getting drunk.

Tears pour from Jess's face to the dirt.

JESS (CONT'D)

I cannot fucking believe you. Your
life, your son, your wife, you
choose to throw all of this away
for this?

She shoves the bottle in his face, then--

-- rises to her feet, and turns to face Will.

JESS (CONT'D)

I have given everything I have to
you, and to this marriage.

She spikes the bottle into the ground.

JESS (CONT'D)

And I have nothing left to give.

Jess darts away as Will can do nothing but sit speechless.

BARRACKS/ENTRANCE

The door of the prison barges open, revealing a handful of waiting army men and wagons outside.

General Winfield Scott struts into the barracks, leading the charge.

Georgia militiamen and U.S. Soldiers storm into the barracks, grabbing random Indians and dragging them away from their crying families.

SCOTT

Hurry up now! The Indian territory
is a' waiting for ya'.

Michael Balfour examines the scene from the entrance wide-eyed. Chaos develops inside the barrack walls.

BALFOUR'S POV: A reluctant Indian woman is jabbed with a bayonet and is dragged from the barracks. A young Indian boy cries as his father is torn from his grasp.

INT. BARRACKS/DROWNING TENT

Soldiers pour past Will's tent.

He shoots up and looks around for Jess.

Will covers Jack with a blanket and frantically searches for his wife.

WILL

Jess! Jess!

Will sees an Indian woman who from behind resembles his wife.

He turns her around to reveal a woman who is not Jess.

He rips open every tent he comes across, to no avail.

JESS (O.S.)

Will!

Will turns to see Jess being dragged away by a scrawny GEORGIA MILITIAMAN. She is nearly out of the barracks.

Will sprints to her, and grabs her hand.

The militia man jabs at Will, he ducks and delivers a punch to the white man's jaw, sending him flying.

Jess runs at Will with her arms wide.

Inches before they reunite --

--General Winfield Scott storms to Jess and tears her away from Will. Jess grasps Will's sleeve, but is ripped away with only a small scrap of his sleeve left in her hand.

JESS (CONT'D)

Will!

WILL

Jess! Jess!

Jess's hands reach for Will. Their fingers slip apart.

The doors to the fortress begin to draw close.

Will tries to grab Scott, but is thrown to the ground.

A group of terrified Indians stand outside the walls.

Jess is screaming for Will, who--

--lay helpless on the ground.

Scott hands Jess off to some army men who escort her outside.

Will's last sight is of a crying Jess being dragged away. Scott steps back inside the barracks, as the doors to the barracks shut.

Will sits on the dirt, unable to move.

General Scott cleans off his hands.

SCOTT

You should not have fucked with me.

SEGUE TO:

INT. BARRACKS - DAY

Will slumps at the edge his tent, looking at nothing in particular. His face is drained of color.

Jack sits near him, tugging at a rough piece of spoiled meat.

Will snaps out of his blank stare when he spots a familiar face.

WILL

Mother Rain!

MOTHER RAIN lay a few tents away. Her blinking eyes are the only sign of life in the 70 year old woman.

Will approaches the breathing corpse.

MOTHER RAIN
William? Is that you?

A smile crosses her face as she recognizes him.

WILL
Yes, it is me.

Will examines her pale face. He kneels down next to her.

WILL (CONT'D)
What has become of you, Mother
Earth?

MOTHER RAIN
Me? You do not look great yourself.

Will touches his own still swollen face.

WILL
Are you ill?

MOTHER RAIN
No more ill than every Indian in
this jail.

Will glances to a coughing Cherokee nearby.

MOTHER RAIN (CONT'D)
I have not seen you in some time,
William. Not since Red Hawk--

WILL
I know. I remember.

An awkward pause follows.

MOTHER RAIN
Where is Jess?

Will looks away as he answers. The name stings him.

WILL
Gone.

MOTHER RAIN
Gone?

WILL
They took her on the first convoy.

MOTHER RAIN
Oh. And you did not go with her?

WILL
It's not as if I had a choice.

MOTHER RAIN
You always have a choice, William.

Will stands to leave.

MOTHER RAIN (CONT'D)
Will you go to her?

WILL
I.. I don't know.

MOTHER RAIN
There is no not knowing. Will you go to her?

WILL
I can't.

MOTHER RAIN
Then she might as well be dead.

SEGUE TO:

EXT. TRAIL - MORNING

A straight line of nearly 700 poorly glad Cherokees drudge along a dirt path. Leaves are beginning to fall, the yellow and orange leaves mixing with the blue of military escorts. The path penetrates a forest that leads Northwest.

The Cherokees are forced along at a grueling pace, with U.S. Soldiers and Georgia Militiamen whipping them along every few yards.

FIND AND FOLLOW: JESS stumbles along the path, with her head never leaving her feet. She is alone on the journey.

ROBERT SANDERS, a 30 year old traditional Cherokee who's appearance reflects a stereotypical warrior, nudges Jess on the elbow.

Jess continues walking, ignoring the nudge.

ROBERT
(whisper)
Jess. Jess.

Jess walks away, uninterested.

ROBERT (CONT'D)
Be ready in one minute.

Jess turns to look at Robert, who only nods at her as if she should read his mind.

ROBERT (CONT'D)
One minute.

Jess walks forward with a look of confusion. She continues to pace along the dirt trail.

ROBERT (CONT'D)
Now!

Simultaneously, Robert along with two other Cherokee men turn and sprint towards the forest.

Jess remains frozen where she stands.

MILITIAMAN
Runners!

Jess turns to see four Georgia militiamen taking aim at the men.

Jess covers her eyes at the sound of RIFLE FIRE.

She turns her head to see the three men laying lifeless on the grass.

FIND AND FOLLOW: MICHAEL BALFOUR, who's breakfast nearly comes up at the sight of the lifeless men bleeding out. He has to look away.

The line of nearby Cherokees has stopped to examine the drama.

MAJOR HENRY LAWRENCE, mid 40s, the most gruesome of the American Soldiers stands nearby, blowing the smoke from his rifle.

LAWRENCE
Translator, give the savages a message for me.

BALFOUR
Uh, yes. Yes, sir.

Lawrence cleans his rifle.

U.S. Army men toss the 3 dead bodies into a ditch and leave them to rot.

LAWRENCE
Everyone look at them. Look at those idiots.

Balfour repeats the words to the onlooking Cherokees in their native tongue.

LAWRENCE (CONT'D)
Your home is gone. And there will be no returning.

Balfour repeats.

Down the line, Jess examines the translator.

LAWRENCE (CONT'D)
If you decide to run, you will be shot. If you walk out of line, you will be shot. If you talk out of turn, you will be shot. And if you show any signs of aggression towards any of the escorts, your head will be cut off and placed outside New Echota town hall.

Balfour reluctantly repeats the threat aloud. He notices the terror reign through the onlooking Cherokees as he repeats the instructions.

Lawrence nods at Balfour.

LAWRENCE (CONT'D)
That will be all.

The line continues to pace along the trail.

Jess resumes the march, her eyes fixed on the dead Indians.

SEGUE TO:

INT. BARRACKS - NIGHT

The sun disappears behind the Appalachians, casting darkness on the barracks. Temperatures are beginning to cool, leaving the people shivering in the night.

Jack's head is resting on Will's chest. He is nearly asleep.

JACK
Father?

Will's eyes squint open.

WILL
Yes, Jack.

JACK
Will I see mother again?

WILL
Of course, Jack. We will see here again soon.

Jack lifts his head to look Will in the eyes.

JACK
Promise?

WILL
I promise.

Satisfied, Jack resumes his spot on Will's chest.

JACK
Good, cause I love mother.

WILL
Yeah... so do I.

Silence as Will closes his eyes to the world.

JACK
Father?

WILL
Yes, Jack.

JACK
Do you think you and me will be separated from each other? Like mother was?

Will's eyes show concern. He hoped to avoid this question.

WILL
No. I wouldn't let that happen,
Jack.

JACK
You let it happen to mother.

EXT. BARRACKS - HOURS LATER

Everything is still in the barracks. The only sound is of sporadic COUGHING.

CLOSE ON: WILL'S FACE, he is asleep and deep in a dream.

FLASHBACK: EXT. RED HAWK'S HOUSE - DAY (1928)

A younger, more fit Will and Christopher Hawkins wait outside a wood cabin. A bow is slung around Will's broad shoulders.

RED HAWK, 22, a short, skinny man appears from the house. Carrying a bow, his face lights up at the sight of his friend.

CHRISTOPHER
Any day now!

Red Hawk laughs and struts towards them.

RED HAWK
The deer are not ready for the
greatest warriors in the nation!

The boys exchange hugs. They turn to leave when--

--A younger Mother Rain appears at the front door. Her face is full of life, and she walks with purpose.

MOTHER RAIN
Red Hawk!

The smile disappears from Red Hawk's face.

RED HAWK
Yes mother?

MOTHER RAIN
Where are you going?

WILL
We're just going on a hunting trip.

MOTHER RAIN

I wasn't speaking to you William Drowning. However, I may have to speak with your mother this afternoon.

Will look's at the ground.

RED HAWK

We will be back in a few hours mother. Please just let me go. I haven't hunted in months.

Mother Rain contemplates for a moment.

MOTHER RAIN

Be safe.

The three men smile and turn towards the forest.

END FLASHBACK

INT. BARRACKS - MORNING

Heavy set clouds loom over the barracks. Few Cherokees stir inside. Guards sip on steaming coffee and look over the camp.

Will and Jack remain passed out in their tent.

MOTHER RAIN

William!

Mother Rain shakes Will awake. Jack rolls to the side of Will and falls back asleep.

Will somberly lifts his head.

WILL

Mother Rain. I just.. I just saw you.

She gives him a confused look.

MOTHER RAIN

Have you been drinking already? The sun has not even risen--

WILL

No, no I haven't. What is it?

MOTHER RAIN

I overheard a white man speaking of another convoy leaving for the land out West. It is leaving two days from now.

WILL

I don't understand. Why are you telling me this?

Mother Rain slaps Will in the face.

MOTHER RAIN

Do you not see? You may be able to reach the first convoy and find Jess.

Will sighs.

WILL

I don't believe so.

Mother Rain slaps will again, harder this time.

MOTHER RAIN

You don't believe so? What is wrong with you child?

WILL

Even if I am able to get onto the convoy. I will not be able to run ahead of the white men. They must be hundreds of miles from here by now. I won't be able to find her.

MOTHER RAIN

So, you are ready to give up all hope?

WILL

I don't see the point in trying.

Mother Rain looms over Will like a volcano ready to erupt.

MOTHER RAIN

The point? You do not see the point? You have thrown away everything you have. For what? For this poison?

Mother Rain presents a nearby half empty bottle of whiskey that lay next to Will.

MOTHER RAIN (CONT'D)

Jess is the only person who has stood by you the entire time. The only one who supports you while you fall deeper and deeper into darkness. And now she needs you, and you turn your back to her?

Mother Rain glares at Will who is staring off in the distance.

MOTHER RAIN (CONT'D)

Years ago I lost the love of my life. The one person that meant everything to me. Do not let the same thing happen to you Will.

EXT. TENNESSEE RIVER - DAY

Cherokee Indians tread through a shallow crossing in the river. The knee high current runs at a brisk pace, causing the people to lock arms as to not fall in the freezing river. Snow is sprinkled along the bank.

Jess, teeth chattering, approaches the water. She dips a foot in and pulls it out as if the water were on fire.

Ahead of her, Michael Balfour helps an elderly CHEROKEE WOMAN through the water. The women can barely keep pace on land, let alone through a river.

Jess grits her teeth and submerges her legs into the water.

The elderly Cherokee woman Michael is helping struggles to move at a high pace through the current.

LAWRENCE (O.S.)

Pick up the pace!

Lawrence scampers into the water from the opposite bank.

Jess looks on as --

-- Henry Lawrence thrusts the butt of his rifle into the back of the elderly woman, causing --

--her to fall sideways into the water, her arms flailing.

Lawrence grasps her body and pulls her from the water. He stands her upright.

Jess, who is now only feet from the drama, looks on wide-eyed.

LAWRENCE (CONT'D)

I do not have time for those who
slow down the rest of the group.

BALFOUR

I can help her across, sir.

Lawrence looks from Balfour to the drenched woman. He turns as if to leave, then with one powerful blow pounds the head of the elderly woman with the butt of his rifle, knocking her under the water unconscious. A red spot emerges around her body as her she carries lifelessly downstream.

In shock, Jess stumbles on a rock and SHRIEKS as she too falls into the river and is carried towards a heavier current downstream.

Lawrence looks on carelessly.

Balfour looks at Lawrence as if he would do something. He looks back to Jess, who is fighting to regain her balance.

Balfour dives into the water, and with powerful strokes approaches the still struggling Jess.

He reaches out for her.

BALFOUR (CONT'D)

Grab my hand!

Jess looks at Balfour in fear. She continues to fight the river, heading for deeper water and bigger rapids.

BALFOUR (CONT'D)

Hurry! Grab my hand!

After no reaction from Jess, Balfour--

-- lunges out and snatches Jess's arm. She SCREAMS, more terrified of him than the river.

Michael pulls her onto his back, and then swims back to the line of Cherokees.

Lawrence looks on from the bank, and shakes his head at the sight of the translator carrying the Indian woman.

They reach shore, and Jess tears away from Michael.

BALFOUR (CONT'D)

You're safe now.

BALFOUR (CONT'D)
(in Cherokee)
You're safe now.

Jess shakes off like a wet dog, then regains her spot in line.

INT./EXT. BARRACKS - DAY (CONTINUOUS)

Rain drips down inside the barracks, turning the dirt to mud. There is no sign of life in the Cherokees. There is no laughter and scarce movement. The people sit in their tents and await probable death.

Will delivers a small piece of bread to Jack, who --
-- attacks the food as if it is the last meal of his life.

Will gazes at Mother Earth's tent. There is no sign of movement.

Will stands and investigates the woman's tent. He lifts a quilt to reveal no one underneath.

Will looks around for any sign of the woman.

BARRACKS ENTRANCE

The gate to the barracks is cracked open, and somber Cherokees file outside.

Will sprints to the entrance and approaches a CHEROKEE MAN.

WILL
What is going on?

CHEROKEE MAN
(in Cherokee)
Death.

Curious, Will follows the herd of Cherokee's outside the barracks walls.

OUTSIDE BARRACKS

Small dirt graves litter the hillside next to the barracks. Cherokee men and women gather around a hole in the ground. A covered body lay motionless next to the hole.

WILL
 (to the man)
 Who has died?

WILL (CONT'D)
 (in Cherokee)
 Who is that? Who has died?

CHEROKEE MAN
 Mother Rain.

Will tears towards the covered body. He yells to no one in particular.

WILL
 What? No! I just spoke to her. I
 just spoke to her.

Will lifts the sheet from the body.

WILL (CONT'D)
 Mother-

Will comes face to face with Mother Earth's corpse.

A soldier pulls Will from the body.

WILL (CONT'D)
 I just spoke to her...

Will pulls free of the soldier's grasp, and speak's to Mother Rain's corpse.

WILL (CONT'D)
 Mother Rain! I'm sorry! I'm so
 sorry!

Tears stream down Will's face.

CUT TO:

EXT. BARRACKS - LATER

Two Cherokee men shovel dirt onto Mother Rain's corpse.

A Cherokee medicine man recites a Cherokee chant.

FIND AND FOLLOW: GRANT DAVIS, a plump white man with a carrot colored mustache. A black bag is slung over his shoulder.

The ceremony commences, and Will follows the others towards the entrance.

DAVIS
(to Will)
How are you today, sir?

Davis extends a his hand to Will.

DAVIS (CONT'D)
Sorry for your loss, mister?

WILL
Drowning. William Drowning.

DAVIS
Drowning. Now, I can tell you just
from looking at ya' that you need a
little pick me up.

WILL
I'm fine.

Will turns towards the entrance, but --

--Davis grabs his arm.

DAVIS
Come on now mister, I'm just trying
to show you a little courtesy is
all.

WILL
I said, I'm fine.

DAVIS
Can't be much fun in there from the
looks of it.

WILL
You would not know anything about
it.

DAVIS
I know, I can't say I do. It's that
President Jackson. He doesn't have
no right to take your land is what
I say.

Will turns his back to Davis.

DAVIS (CONT'D)
They got any alcohol in there?

Will's body is frozen.

WILL
What is it you want, white man?

DAVIS
To help you out is all. For a small price, you'll be the happiest savage in that damned place.

WILL
Let me see.

Davis presents the contents of his black bag.

DAVIS
Now don't that look good?

Will's eyes are wild with excitement.

He pulls a bottle of whiskey from the bag, holding it like it a newborn baby.

Davis whistles at him, motioning for a payment.

Will pulls a few coins from his pocket. He gives half of them to Davis.

Davis shakes his head and motions for more.

WILL
This is all the money I have.

DAVIS
No problem. Can I get that bottle back then?

Will pulls the bottle to his chest. He looks from the bottle to the last of his money.

CUT TO:

INT. BARRACKS/DROWNING TENT - NIGHT

The sun is setting on the barracks. Drunk soldiers holler throughout the camp.

CLOSE ON: BOTTLE OF WHISKEY.

Fade out to reveal Will pouring the liquor down his throat. He wipes his mouth and drops to the floor.

JACK (O.S.)
Father?

Will shakes the last few drops into his mouth.

JACK (CONT'D)

Father?

Jack is standing outside the tent holding his wooden lacrosse stick.

WILL

Huh? What is it?

JACK

Do you think you could throw the ball with me?

WILL

Uh.. Where is Charlie? Can't you play with him?

JACK

Charlie is gone. Eliza took him to the land West. Christopher is the only one that remains.

WILL

They did? Christopher is here? Where is he?

JACK

Can you play? Please?

WILL

Uh.. No, I don't think so Jack.

Will closes his eyes, and within moments is out.

JACK

Please?

Will responds with snores.

Jack hangs his head and lays his head on his father's chest.

FLASHBACK SEQUENCE: EXT. FOREST - DAY (1928)

Young Will, Christopher and Red Hawk stalk through the dense forest.

RED HAWK

Not long ago I was at the mission--

Will and Christopher both burst into laughter.

WILL

At the mission? This has to be a great tale.

RED HAWK

I told you before, Mister Worcester does not like me.

WILL

Maybe because you tried to fight him in class.

CHRISTOPHER

Or because you tried to take off his daughter's dress, in front of him.

WILL

Or because you-

RED HAWK

Yes, I got it. But he didn't like me before all of that. The first time he saw me he looked at me and said, 'Look here boy, you have to play by my laws or I will scalp you and your family.'

CHRISTOPHER

He didn't say that.

RED HAWK

Maybe not. But he was thinking it. Anyway I was at the mission and I was practicing my English like a good white boy, when the prettiest girl I have ever seen walked in.

WILL

Pretty? Like that girl Yellow Toad who you tried to kiss? The one with no teeth.

Christopher belches with laughter.

RED HAWK

No! I'm telling you. She was the prettiest girl I've ever seen. No doubt about it.

CHRISTOPHER

What was her name?

RED HAWK

Jess. But you don't have to worry about speaking with her. She took up a strong interest in me. Maybe I'll have to marry her one day.

WILL

Jess, huh?

A branch SNAPS to the left.

The boys draw the bows.

A deer stops to drink from a stream.

RED HAWK

(whispers)

This is mine.

The two other boys lower their bows.

Red Hawk examines the deer with intense focus. He releases the bow.

END FLASHBACK SEQUENCE

CUT TO:

EXT. TRAIL NEAR NASHVILLE, TN - NIGHT

Snow flutters onto the hundreds of resting Cherokee Indians. They huddle together, trying to gain warmth.

Jess rests near a small flame in which the Georgia militiamen hover by like flies around the spoiled food served to the Indians.

BALFOUR (O.S.)

Hungry?

Jess turns to see the freshest piece of meat she has seen in months dangling in her face.

Michael stands over her, offering up his food.

JESS

No thank you.

Jess's stomach GROWLS.

BALFOUR

You sure?

Jess looks away.

BALFOUR (CONT'D)

I'm sorry that you had to see that yesterday. The old woman, she didn't deserve to die.

JESS

I have seen ten people die since we left. Sickness spreads amongst us like a stack of wood that has just been lit. Women, children, it has hit everyone. I have seen men killed at the hands of a rifle. Did they deserve to die?

BALFOUR

No. No one deserve to die.

Jess gazes at Henry Lawrence. He tells a fruitful drunken story to a group of soldiers.

JESS

He does.

Michael follows her gaze.

BALFOUR

Maybe so. You know, it's horrible, what they've done to you.

Michael touches Jess's shoulder, who pulls away like his fingers were knives.

JESS

You do not know me. You do not know my people. You have no idea what it feels like to suffer. To be treated like a wild creature. To be taken across this land to your death.

Michael sits down next to Jess, far enough away as to not scare her, but close enough to make a connection.

BALFOUR

No, you're right. I don't know. But I will do anything to help you. Any of your people. I promise.

JESS

You can do nothing.

Michael nods his head, and stand to leave. He stares Jess in the eyes.

BALFOUR
(in Cherokee)
It is in the darkest times that you
must find the light. Sleep well,
beautiful.

INT. BARRACKS - MORNING

The entry gate rips open, revealing General Winfield Scott.

SCOTT
Let's go! Let's go! Let's go!

Will's eyes snap open.

The open gate reveals wagons and army men outside waiting outside.

Will shakes Jack awake.

WILL
Jack, get your things. We're
leaving.

Without question Jack climbs to his feet recovers his lacrosse stick.

Will rises with only the clothes on his back. He grabs Jack's hand and tugs him towards the gate.

The army men have begun grabbing Cherokee people and tearing them from the screaming family members.

General Winfield Scott struts through the camp, examining the scene. His pace takes him in the direction of Will and Jack.

Scott nears Jack and Will who--

--dive behind a tent. Scott is only feet away, on the other side of the tent.

Will pulls Jack close to his face.

WILL (CONT'D)
(whispers)
Whatever happens, I will not leave
you. Do you understand me?

Jack nods slowly.

WILL (CONT'D)
Do you understand me?

JACK
Yes, Father.

Will listens for Scott's FOOTSTEPS that are drawing nearer to their hiding spot.

The footsteps stop.

FALLING BEAR (O.S.)
(in Cherokee)
I am not leaving! This is my land!
My land!

SCOTT
What's the problem?

Will peers around the corner to see Falling Bear being dragged to the entrance by a soldier.

FALLING BEAR
(Cherokee)
I will not leave.

SCOTT
I don't speak savage, boy. English.

FALLING BEAR
I will not go.

Scott grabs Falling Bear by his collar.

SCOTT
This isn't your land anymore,
Indian. You can either leave, or I
will put you in the ground so you
can rot with your ancestors.

Falling Bear glares at Scott, but refrains from attacking. He begins walking under his own power.

SCOTT (CONT'D)
That's what I thought.

Scott walks around the corner previously occupied by Will and Jack. There is no one there, so he continues on.

EXT. BARRACKS - MOMENTS LATER

Will guides Jack into formation with the other departing Cherokees, his arm around Jack's shoulder.

WILL

You and me son, we will get through
this together.

Jack smiles at his father's confidence.

The gates shut, leaving a over 600 Cherokees outside the walls.

General Scott struts toward the convoy. He stands on a wooden box in front of the group.

SCOTT

You will be transported from here
to the Indian territory out West
that has been set aside for you.
Comply, and you will thrive in your
new home. But fight back, and face
the consequence of death. You will
not flee. You will not do anything
that your commanding soldiers tell
you not to do. Understand?

Silence.

SCOTT (CONT'D)

Rations will be given twice a day.
Eat what you can. You'll need your
energy. It is over 800 miles to the
new land out West. Good luck. You
will see your friends and family
soon enough.

EXT. TRAIL - DAY

A line of over 600 Cherokee stride along a dirt path in a single file line that stretches a half mile. Having been set free from their cage, the Cherokees stride at a brisk pace.

FIND AND FOLLOW: JACK follows Will, kicking the dirt with each step.

JACK

I'm tired of walking Father.

Will has a coughing attack.

JACK (CONT'D)
Can we stop?

WILL
No.

JACK
Why not?

Will grabs Jack by the arm and pulls him close enough to smell the alcohol on his breath.

WILL
Because the white man has said so.
And we follow what the white man
says.

Jack squirms free, unsatisfied with the answer.

Will coughs again, louder this time.

DANIEL ROME, a kind faced, slender U.S. Soldier walks near Will.

WILL (CONT'D)
Excuse me sir?

Rome nods his head, careful not to look the Indian in the face.

ROME
What?

WILL
Do you know where we are?

ROME
Somewhere in Tennessee territory
now, I'd say.

Will has a blank look on his face.

ROME (CONT'D)
Still far from your new home,
buddy.

WILL
And what about the first convoy
that left just a week ago?

ROME
That's the Hair Conrad convoy your
talking about. They're long ahead
of us, now.

WILL
They are?

ROME
You bet, probably halfway to Indian
territory by now.

WILL
Will our group meet with theirs.

Rome shakes his head.

ROME
Sorry, buddy. Won't be seeing them
for a couple months out in the
territory.

WILL
I need to get to that convoy. My
wife is with them.

Rome chuckles.

ROME
Wish I could help you. But see,
they're already at least a hundred
miles ahead of where we are.

Will's head drops.

ROME (CONT'D)
She alone?

WILL
Oh, uhh, yes.

ROME
Well, I hope your wife is a tough
woman then buddy.

EXT. TRAIL - DAY

Small mounds of snow begin to form alongside the trail. The
Cherokees appear skinny and pale. Many look closer to death
than to life.

Jess glides along the trail like a mindless zombie. She
speaks to no one.

A woman is slumped over near a tree, unmoving. As Jess
passes, she recognizes the woman's face as Eliza Dawkins.

Her son Charlie is no where to be seen.

JESS

Eliza!

Eliza does her best to roll over and face Jess.

ELIZA

Jess. Help me.

JESS

What's wrong?

Sweat pours down Eliza's tomato red face.

ELIZA

My baby. It's... coming.

Jess jolts back, overwhelmed.

JESS

Help! Someone help us!

The passing Cherokees act as if Jess is on mute, and continue their zombie pace.

JESS (CONT'D)

(Cherokee)

Help!

Jess guides Eliza to her back. Eliza's breaths become quicker and louder.

Jess wipes the sweat from Eliza's brow. She turns to see--

--Michael Balfour approaching the pregnant woman.

JESS (CONT'D)

Help her... Please help her.

Balfour kneels next to Eliza and places a comforting hand on her shoulder.

BALFOUR

(Cherokee)

It will be okay. You will be okay.

Balfour lifts up Eliza's dress and nearly pukes. He takes a deep breath.

BALFOUR (CONT'D)

(Cherokee)

You must be strong now. You must push your child out into the world.

Every muscle on Eliza's body tenses.

Balfour takes off his jacket in preparation.

Eliza takes two deep breaths and then grunts as she pushes.

Balfour places his jacket under her dress. He pulls a knife from his belt and SLICES the baby's cord.

He holds up his red stained jacket. A freshly born BABY, still bloody and CRYING lay in the jacket.

Jess tenderly touches the baby's head, smiling as she does.

The baby continues to CRY, as Jess and Michael admire the new life.

JESS

Eliza, he is beautiful.

Jess turns to the mother of the child in her arms. Eliza's eyes are closed. She lay motionless; dead.

SMASH TO:

EXT. TRAIL - NIGHT

Light from a dimming fire illuminates Will's sleeping face. He sweats profusely in his sleep.

Jack lay shaking nearby, wearing only a thin shirt.

FLASHBACK SEQUENCE: EXT. FOREST - DUSK

Red Hawk leads the boys through the forest with a dead deer draped across his back. His face is lit up like a young child who was given a real pony for Christmas.

RED HAWK

The perfect shot.

WILL

Whatever you say, Red Hawk.

RED HAWK

It was the perfect shot. Through two trees with the target on the run. Could not have hit it in a better spot.

The exaggeration doesn't go unnoticed.

CHRISTOPHER

Between two trees and on the run?
Do you hear the words that you say
sometimes? We were in a clearing
and the deer wasn't moving.

RED HAWK

Nay. He was about to take off.

Will shakes his head, letting his friend gloat.

RED HAWK (CONT'D)

I can just understand them. It is
something only great warriors can
do. Do not fear friends, someday
I'm sure you will get--

A branch SNAPS to the right. The three men freeze.

WILL

(whispers)

It appears that day has come.

The three men tip-toe to the right, eyes peeled for signs of
an animal.

They hear another SNAP, and all draw their bows.

Will points to himself, signifying this is his kill. He moves
a bush aside to reveal the victim.

WILL'S POV: FIVE MOUNTAIN MEN sit around a fire, cooking
fresh meat. The white men possess fierce beards and even more
fierce looking rifles.

The white men don't notice the three Indians evaluating them
from the treeline.

Will backs away with caution when he sees--

--Red Hawk posed with his bow drawn, arrow ready for fire.

WILL (CONT'D)

No!

The white men turn towards the forest.

Before Will can stop him, Red Hawk releases the arrow, which
finds home in the chest of the closest white man, killing
him.

RED HAWK

(Cherokee)

Run.

END FLASHBACK SEQUENCE:

FADE TO BLACK:

EXT. TRAIL - NIGHT

CHRISTOPHER (O.S.)

Will.

Will snaps awake drenched in sweat. He breaths as if he just finished a marathon.

WILL

Christopher. Why did he do it?

Christopher hovers over his old friend with concern.

CHRISTOPHER

Who?

WILL

Red Hawk. Why did he have to kill the white man.

CHRISTOPHER

Is that what you were dreaming about? You were making some weird noises, and twitching a lot.

Christopher presents Will with a flask of water. Will coughs.

CHRISTOPHER (CONT'D)

I dream about him to sometimes. It is a sad thought. That I may only see him while I am asleep.

WILL

If he had just left them alone. If we had just left them alone. He would be here.

CHRISTOPHER

You think Red Hawk would make it out here? Taken and forced to move to some unknown land. A land that is not our home.

Christopher chuckles to himself.

CHRISTOPHER

He would have cut down every white man that put theirs hands of him. Died a Cherokee rather than a slave to the white man.

A silence as the boys reminisce. Will breaks the reflection.

WILL

Where is your family?

CHRISTOPHER

The same place yours is. Taken away from me. I think about them-

WILL

Everyday. I know.

Christopher glances at a red spot halfway covered by Will's sleeve.

He yanks up the sleeve to reveal a beat red rash that stretches up past Will's elbow.

CHRISTOPHER

How long have you had this?

Will pulls his sleeve down and tears away.

WILL

It's nothing.

CHRISTOPHER

Nothing? Will, I've seen others with this same rash. They are all...

He stops, realizing the seriousness of the sickness.

CHRISTOPHER (CONT'D)

How do you feel?

Christopher feels Will's flaming hot forehead.

WILL

I feel fine-

An eruption of coughing drowns Will's words. Will knows his companion will not buy the lie.

WILL (CONT'D)

I've had the spot for one week now. The cough for two.

Christopher examines the rash like a poisonous snake rests on Will's arm.

CHRISTOPHER
Does Jack know?

Will shakes his head.

WILL
We can't stay here. Can't move
along at this pace. We have to
escape.

CHRISTOPHER
Shh! You could have us both killed
for even using that word.

WILL
I can't wait for them to run us to
our death Christopher.

CHRISTOPHER
I miss my family too, okay? We'll
see them soon enough.

WILL
Soon enough? I may not be alive
soon enough.

EXT. OHIO RIVER - DAY

Keel boats are docked in the nearly mile wide river. Chunks of ice gush downstream. The dark gray clouds set the gloomy mood of the convoy.

Cherokees are packed into the keel boats far over capacity. They look over the ledges, unsure that the wood boats will hold in the brisk current.

FIND AND FOLLOW: JESS studying Michael Balfour, who explains in Cherokee to an old man why they must board the boats. Eliza's newly born son is pressed against her chest.

She is curious about his rare caring attitude towards the Cherokee. She approaches the translator.

Balfour smiles at her as she closes in.

BALFOUR
(Cherokee)
Good afternoon beautiful.

JESS
I speak English.

Still smiling. Balfour seems to enter a trance whenever Jess is in his presence.

BALFOUR
You speak it wonderfully. The baby looks well. Any thoughts on a name?

JESS
What?

BALFOUR
For the baby.

JESS
Oh, yes. Red Hawk, I think.

BALFOUR
Red Hawk?

JESS
That is what Eliza would have wanted.

BALFOUR
Does he have any other family?

JESS
His father, but didn't make it on this convoy. He's still in the barracks I suppose.

BALFOUR
Well I'm not too knowledgable on how to care for a baby, so I'll leave that to you. But if there's anything you need for him, just let me know.

JESS
Why do you do this?

BALFOUR
What?

JESS
Help me... us.

Balfour looks around at the weary, sickly Cherokees.

BALFOUR
Because no one else will.

JESS
That is not a reaso--

BALFOUR
It's my reason.

Jess studies Michael's face in admiration.

JESS
You have features of a Cherokee.

BALFOUR
I am part Cherokee. My grandfather gave birth to my father with a white woman. He too married white. The decision as to who is considered Indian is based on the race of their mother. I am with the wrong people. Politically I am considered white, but I am Cherokee. I sit here, getting fat with the whites, watching the Cherokee people be destroyed. I should be among you. With you. My people.

JESS
Thank you. For saving me in the water.

Balfour shakes his head.

BALFOUR
I won't be satisfied until I make it to Indian Land with you, and with as many living Cherokees as possible.

JESS
Is the land like they say it is?

BALFOUR
I wish I could say it was. But I.. I just don't know. I have never been West of the Smokies.

JESS
When will we arrive?

The boat trembles in the current. Jess and Michael both hold onto the edge for balance.

BALFOUR
Hopefully soon.

JESS

Good.

Jess is deep in thought. A smile crosses her face.

JESS (CONT'D)

I just want to see my husband. And
my son. My beautiful son.

Balfour's smile evaporates.

BALFOUR

You're married?

Jess nods.

BALFOUR (CONT'D)

Lucky man.

CUT TO:

EXT. TRAIL - DAY

Christopher leads Jack and Will along the trail. Their footprints are documented in the snow. Christopher briefs Will, who remains within earshot.

Jack aimlessly trails behind.

CHRISTOPHER

If we do this, we have to wait
until we're in a thick forest.
If we move too early, we will be
shot. If we don't take our chance,
you will die.

WILL

I envy your honesty.

Will has a coughing fit.

CHRISTOPHER

There's one certainty. We will need
more men. We won't survive out
there by ourselves. You're sick
enough, and Jack will slow us down.

WILL
He's coming.

CHRISTOPHER
He won't make it--

WILL
I already left one of the only things in my life that I love, I will not leave the other. He's coming.

CHRISTOPHER
So be it. But I will not slow down and risk my own life for his.

Will pats Jack's head, who looks as if he is on a never ending marathon.

CHRISTOPHER (CONT'D)
But who can we have as men?

Christopher looks at the Cherokee around him: he sees old women, sickly children and men shivering in the climate.

Will follows his gaze. He stops when he sees Falling Bear among the crowd.

Will pats Christopher on the back.

WILL
Begin preparing, old friend.

EXT. TRAIL - DUSK

Falling Bear is out of place among the deathly looking people. He walks with a brisk pace and doesn't shake in the cold. He does not suffer but rather takes the journey as a challenge.

Jack waits with Christopher, as --

--Will steps on the back of Falling Bear's heel.

FALLING BEAR
What the--

He stops when he sees who it is.

FALLING BEAR (CONT'D)
Will!

He embraces Will. He has been lonely for the duration of the trip.

FALLING BEAR (CONT'D)
 (in Cherokee)
 Great to see you alive!

WILL
 Keep walking.

Will guides Falling Bear back into formation.

WILL (CONT'D)
 I can't continue on at this pace.

FALLING BEAR
 (Cherokee)
 Nor can I! I was just telling
 Thomas--

Will clinches Falling Bear within whispering distance.

WILL
 Don't speak.

Will releases Falling Bear. Will lifts his sleeve to reveal the rash.

Falling Bear examines the rash. The word "death" may as well have been written on Will's arm.

WILL (CONT'D)
 Like I said. I cannot continue at
 this pace.

FALLING BEAR
 (Cherokee)
 We're escaping.

Falling Bear lights up at the thought of the adventure.

Will kicks the back of Falling Bear's knee.

WILL
 Don't speak.

Falling Bear shrugs.

WILL (CONT'D)
 We will wait until we reach a
 forest. We'll tear through the
 woods until we are a safe enough
 distance away, and then we head
 West.

FALLING BEAR
 (whispers)
 West?

Will rolls his eyes at Falling Bear's obedience, and nods.

FALLING BEAR (CONT'D)
 (whispers)
 Why don't we go back? Back to our
 homes?

WILL
 My wife is West.

FALLING BEAR
 Forget your wife, I want my land
 back.

Will delivers a punch to Falling Bear's back.

WILL
 We go West. And we need two more
 men. Gather them up.

EXT. TRAIL - NIGHT

Christopher covers Jack's shivering sleeping body with a slim quilt.

Will lay alone nearby, his forehead drenched in sweat.

Christopher is staring at Falling Bear who is across camp, laughing with other Cherokee men.

CHRISTOPHER
 I don't trust him.

Will follows Christopher's gaze across camp to Falling Bear.

WILL
 He is one of our old friends.

CHRISTOPHER
 One of your old friends. I never
 liked him.

WILL
 You must like him now, because he
 will help us.

CHRISTOPHER
If he makes a mistake, we will--

WILL
Be killed, I know.

Will focuses on the stars overhead.

CHRISTOPHER
You know why I think he did it?

WILL
Who?

CHRISTOPHER
Red Hawk. Why he killed that white man.

Will looks to Christopher, whose eyes never leave Falling Bear.

CHRISTOPHER (CONT'D)
Look around us. The way of life we once knew is gone. Our traditions, they are gone. This is the white man's world now. Red Hawk, he couldn't live in this world. He couldn't stand the thought of living any other way than he did. The white men challenged his way of life, and so he killed them. He killed them like they killed us. At the heart.

Will closes his eyes, slowly drifting to black when--
--he hears the drunken voice of Falling Bear.

FALLING BEAR
Two days from now I'll be back in the Smokies, having a real meal! Not this piece of shit!

Falling Bear's voice is rising as he addresses a group of Cherokee men. He spikes a spoiled piece of meat to the ground.

Will darts up and sprints to Falling Bear, conscious of--
--a U.S. Army man who keeps watch only yards away.

WILL
Shut up! Shut up!

Will grabs Falling Bear around the shoulders.

FALLING BEAR

Here is the man right here! The man
in charge! Going to see his wife he
is!

Will throws Falling Bear to the ground, hand over his mouth.

The army man gets up to investigate the commotion.

Falling Bear pulls his mouth free.

FALLING BEAR (CONT'D)

When we leaving partner?

An empty bottle of whiskey lay near Falling Bear's head.

With the army man approaching, Will--

-- snatches the bottle and brings it down on Falling Bear's
face.

Blood splatters from Falling Bear's face. Will delivers a
ferocious right hook to Falling Bear's chin before--

--Christopher pulls Will off of Falling Bear.

The army man pulls his rifle.

ARMY MAN

What the fuck is going on?

CHRISTOPHER

Nothing. It's over, sir. It's over.
We're sorry about the noise.

Christopher pulls Will back to their resting place, leaving--

--an unconscious Falling Bear, blood pouring down his face.

FADE TO BLACK:

EXT. TRAIL - MORNING

Army and militia men make their rounds around the camp, kicking Indians awake and pulling them to their feet.

It is time to walk again. Will rises somberly.

Christopher helps Jack to his feet.

Will stops when he sees Lieutenant Shields pacing down the line directly in his direction.

Shields smiles when he sees Will, who in turn nearly falls to the ground.

SHIELDS

It's terrific to see you again.
Looking alive... For now.

WILL

What do you want?

Shields gleams.

SHIELDS

Just been sent down here to keep an eye on ya'. Hope that won't be a problem.

WILL

I can walk on my own.

SHIELDS

I'm sure ya' can. I'll just be walkin' along side to make sure you ain't thinkin' of, you know, runnin' away or anything.

Will glares at Shields.

WILL

(to Jack)
Come, on son.

Will starts forward.

Shields mirrors his movements, eyes never leaving Will.

Christopher looks back at the shadow.

SHIELDS

This is gonna be fun, ain't it?

EXT. OHIO RIVER - DAY

Ice water thunders downstream. Mounds of snow line the outside of the shore, filtering into the beast of a river.

Keel boats rock in the current, forcing the white escorts to hold them down as Indians pack on board. Cherokees shuffle aboard, unsure of their transportation across the water.

An army man loses his grip and watches a keel boat float towards the heart of the river.

Cherokees aboard the runaway boat SHRIEK for help. Some hurl themselves overboard and float helplessly downstream.

Lieutenant Shields stands within arms length of Will.

SHIELDS

Off!

The escorts who are not attempting to reel in the runaway boat turn to their commander.

SHIELDS (CONT'D)

Get everyone off! We'll have to wait to cross.

WILL

(to Shields)

Wait? We can't wait.

SHIELDS

Did you hear me? The river is too fast to cross now. So, we wait.

Shields plops down and pulls out a pouch of tobacco.

WILL

That could take months!

SHIELDS

Well, then we'll wait months.

Will turns to Christopher, who--

-- only shakes his head and stares at the far out of reach opposite bank.

Will consults Christopher, leaving behind his shadow--

-- who has no other concern than his tobacco.

Jack plays with the snow.

WILL
We have to cross-

CHRISTOPHER
I know.

WILL
I won't make it-

CHRISTOPHER
I know Will. I know.

WILL
We have to leave. Now

CHRISTOPHER
This river can't be crossed on
foot. We won't make it on our own.

WILL
We can't sit here while I slowly
rot.

CHRISTOPHER
We have no choice.

Will stares out at the beast of a river. The beast that holds
him from Jess.

CHRISTOPHER (CONT'D)
Will. You must remain patient.
Don't do anything stupid.

Will stares down at his rash that seems to be eating away at
his arm.

He looks back to the Cherokees who stay huddled close
together in the winter freeze.

EXT. TRAIL - DAY

Visibility is clouded by quarter sized snowflakes hurling
onto the heads and shoulders of the Cherokees.

A Cherokee woman buries her son in the snow. A single flower
sits on his grave.

As she weeps, a militia men yanks her to her feet and back
into formation.

FIND AND FOLLOW: JESS'S cheeks have taken a rosy color. She
watches as the Cherokee woman is silenced by the fist of the
militiamen.

The only sound along the convoy is periodic COUGHING.
A jacket is slung onto Jess's shoulders. She looks to see--
--Michael Balfour aiding her.

BALFOUR
You need this more than I do.

Jess smiles up at him. She pulls the jacket over baby Red Hawk, who remains fixed in her arms.

JESS
How much longer?

BALFOUR
A month or so, I'd say. Once we get out of this weather we'll be able to move at twice this pace.

JESS
If we make it out of this weather.

Jess pulls the jacket closer around Red Hawk.

BALFOUR
What do you plan on doing? Out in the new land?

JESS
I've not thought about it. Find land and make the most of it, I suppose.

BALFOUR
And your boy?

JESS
Oh. He's very smart. And athletic. You should see him playing with his friends. Faster than all of them!

BALFOUR
I'd love to meet him.

JESS
I don't want this life for him. He's too good for this. He needs to live in the white man's world. Where he can be somebody.

BALFOUR
I'm sure he will.

JESS
Probably not.

BALFOUR
You must think good thoughts,
beautiful. That is the only way.

JESS
Good thoughts? I have nothing to be
happy about.

BALFOUR
You have me.

Michael reaches out and touches Jess's fingertips.

Jess hesitates, then grabs onto Michael's hand.

EXT. OHIO RIVER - NIGHT

Two jackets keep Jack's sleeping body warm. Next to him, --

-- Will lay still, his eyes dead locked onto a hitched up
keel boat nearby.

Lieutenant Shields snores a few feet from Will.

Will looks to an army man who watches over the sleeping
Indians.

The watch man sits on a log, more asleep than awake. The only
sign of consciousness is the stream of smoke that streams
from his mouth.

Will looks at Jack, who is still asleep. He adjusts the
jackets to better conceal Jack from the cold, and kisses him
on the forehead.

Will lifts himself onto elbows and knees, and army crawls
toward the river.

He stops as the watch man pulls out his cigarette. He FARTS,
and then resumes smoking.

Will continues, picking up pace as he approaches the boat. He
reaches the stake to which the boat is tied. Will looks back
to--

--the motionless group of people.

He starts to untie the boat.

CHRISTOPHER (O.S.)
What are you doing?

Will closes his eyes. He turns to face the onlooker.

WILL
(whispers)
I have to leave.

CHRISTOPHER
Oh yeah?

WILL
(whispers)
Quiet.

CHRISTOPHER
What about Jack, huh? What about
your son? Your just going to leave
him here?

WILL
(whispers)
I have to see Jess.

Will checks the watch man, who is unaware of the commotion.

CHRISTOPHER
You have a son, Will. You messed up
seeing your Jess the day you sat on
the side when she needed you. The
only time that she needed you, and
you weren't there.

Will looks at his feet.

CHRISTOPHER (CONT'D)
I had my son taken from me. I have
no idea where he is. But I would
give anything to have him with me
again. I want to cross that river
just as much as you do. I want to
see my wife and my son. But I won't
let you go. Not now, without the
only family you have left.

Water begins to fill in Will's eyes.

WILL
Chris... I have to tell you
something.

CHRISTOPHER
What? What is it?

WILL
I should have told you this a long
time ago.

CHRISTOPHER
What Will?

WILL
I'm so sorry.

CHRISTOPHER
What is it damn it?

WILL
Back on the trail, only a week
after we started out, I saw
Charlie.

CHRISTOPHER
Where?

Tears drip down Will's cheek.

CHRISTOPHER (CONT'D)
Where did you see my son?

WILL
He was buried under a pack of
leaves. There was a rash that ran
across his face. He was white as
snow when I found him.

Christopher can't move.

WILL (CONT'D)
He's dead, Chris.

The watchman diverts his attention to the conversation by the
boat.

WATCHMAN
Get away from that boat!

CHRISTOPHER
We have to go!

Christopher sprints towards the boat and his safety.

Will is frozen.

CHRISTOPHER (CONT'D)
We have to leave now, or we're dead
men.

WATCHMAN

Stop! Stop!

Other army personnel are waking to the noise.

Will tears at the knot around the stake, as--

--Christopher jumps to safety and grabs an oar.

WILL'S POV: Army personnel begin to rise from their sleep, grabbing their rifles as they wake. Cherokees also gingerly rise to the noise. Among them is Jack.

WILL

Jack! Jack!

A confused Jack rises and starts to briskly walk in Will's direction.

WILL (CONT'D)

Run Jack! Run!

Jack begins to break into sprint but stops and turns back as--

--Will loosens the rope completely.

Jack runs back to his resting grounds to grab his forgotten lacrosse stick.

The U.S. Soldiers close in, threatening to shoot.

CHRISTOPHER

We have to go Will!

Will remains frozen on the bank.

WILL

Come on Jack! Run! Run Jack!

The watchman is only twenty yards from Will.

CHRISTOPHER

Will! Come on! We have to go!

Will hesitates, then climbs into the boat, never taking his eyes off Jack.

Jack is thirty yards from the boat, with his arms and legs pumping as hard as humanly possible.

The boat pulls away from the bank, with Christopher rowing.

The watchman fires a shot that misses to the left of Will.

Will stands of the edge of the boat, hands reaching back for his son.

The army men fire off shots at the boat, narrowly missing Will.

JACK

Father!

Jack is ten yards from the bank.

Christopher slaps at the water with his oar, with the boat now five yards off shore.

WILL

Jump! Jump Jack!

Will extends his arms towards shore.

Jack gains speed, and as he begins his leap--

-- Lieutenant Shields gallops from out of picture and tackles Jack to the ground.

JACK

Father! Father!

Will stands with his arms still extended, shell-shocked.

WILL

No! Jack! Jack!

Will rears back and squats down in preparation to dive in.

Christopher grabs him.

CHRISTOPHER

You won't make it!

Will pulls and tugs at Christopher's arms.

CHRISTOPHER (CONT'D)

Will, you won't make it! You'll freeze to death.

The two men sit on the floor of the boat as they float downstream.

The entire escort party views from the bank, still firing their rifles.

Lieutenant tears Jack from the scene.

CHRISTOPHER (CONT'D)

Come on!

Christopher hands Will a paddle, and they steer the boat away from danger.

FADE TO BLACK:

EXT. TRAIL - DAY

A week long blizzard has turned Missouri into the North Pole.

Poorly clad Indians walk barefoot through the ice, every step becoming more painful.

Henry Lawrence winces as simmering hot coffee is brought to his lips.

He is strutting along the trail alongside CAPTAIN GEORGE PATTERSON, 50s, with skin the same complexion as the ice around him, and whose chin never falters to let others around know who is in charge.

Lawrence offers the coffee to Patterson, who tears it away.

He takes a sip and spits it out.

PATTERSON

What is this shit?

Lawrence chuckles.

LAWRENCE

My secret recipe.

He pulls a whiskey bottle from his coat pocket.

LAWRENCE (CONT'D)

Adds an extra kick.

Patterson holds his breath to take another sip, but splatters it on the snow.

PATTERSON

Horrible.

LAWRENCE

I gotta do something to keep my spirits up. Ain't nothing else to do out here.

Lawrence looks at the desolate atmosphere around: the bare trees, the white hillsides, with no sign of human or animal life form.

LAWRENCE (CONT'D)

Ten years I've been serving the government. Ten years, and they still got me doing this shit!

PATTERSON

Somebodies gotta do it.

LAWRENCE

Haven't slept in a bed in months. Haven't had a good meal or a steaming bath. Can't even remember the way a woman's breast feels.

Patterson beams.

PATTERSON

The time will come for that.

LAWRENCE'S POV: JESS moves along the path, a rose amongst weeds, keeping her head fixed on the ground, and a baby tucked in her arms under a jacket.

LAWRENCE

Yes. Yes, it will.

FLASHBACK SEQUENCE: EXT. FOREST - NIGHT

Red Hawk, young Christopher and Will tear through the forest, looking over their shoulders every few seconds.

Heavy feet POUND into the earth only yards behind them, with shouts calling for them to stop.

The three Cherokees duck under an overhanging branch, then--
-- cross a thin stream.

Without warning, Christopher shifts direction and tears to the left.

Will leads Red Hawk forward, dodging trees as they go.

A tall oak lay in front of the boys.

WILL

In the tree!

With two powerful strides, Will rises and catches a low hanging branch. He hoists himself further up and under leaf cover.

Red Hawk gains speed, but cannot reach the branch. He jumps again but can't reach it.

Red Hawk extends his hand for help from Will.

Will begins extending his hand but stops when he sees the mountain men emerging from behind.

Will slinks back to the cover of the leaves.

The mountain men surround Red Hawk, with their rifles all pointed at him.

Will sits stupefied, unable to move from his cover.

CUT TO:

FLASHBACK SEQUENCE: EXT. RED HAWK'S HOUSE - DAWN

Young Will stumbles towards Red Hawk's home, his clothes drenched red. A mixture of sweat, dirt and tears plasters his face.

Mother Rain rips open the front door.

MOTHER RAIN
William! William what happened?

Will's zombie figure approaches.

MOTHER RAIN (CONT'D)
What... what happened?

Will climbs the stairs and falls into Mother Rain's arms.

MOTHER RAIN (CONT'D)
Where is Red Hawk?

Will's head, buried in Mother Rain's chest, begins to shake.

Mother Rain separates Will and looks into his eyes.

MOTHER RAIN (CONT'D)
Where is he William? Where is my son?

Will quivers, and shakes his head.

Tears fill Mother Rain's eyes.

She punches him in the chest.

MOTHER RAIN (CONT'D)
Where is he? Where?

Will clenches Mother Rain in an embrace.

Their CRIES pierce the air.

END FLASHBACK SEQUENCE

EXT. TRAIL - DAY

Wind blows sheets of snow off of white trees. The faint outline of footprints leads the way West.

Christopher weaves through the trees, constantly back at Will.

Will's ghost of a figure follows, pausing to cough in between strides.

WILL
Stop.

Will attempts to gather his breath.

Christopher continues forward without hesitation.

WILL (CONT'D)
Stop!

Will rests on his knees.

Christopher halts.

CHRISTOPHER
We can't stop!

WILL
I can't... I can't go.

As Christopher returns to retrieve his comrade, --

--Will covers his mouth and breaks into a heavy cough.

CHRISTOPHER
Come--

Blood stains Will's hands.

CHRISTOPHER (CONT'D)
Okay. Let's uhh.. Let's take a
break.

Christopher sits alongside Will, whose eyes never leave the
blood.

CHRISTOPHER (CONT'D)
Here, sit. Sit down for a minute.

Christopher puts his arm around Will.

CHRISTOPHER (CONT'D)
It would almost be spring time now
back home.

Christopher beams in reminiscent.

CHRISTOPHER (CONT'D)
We would be starting the spring
harvest out in the long, hot sun.
Flowers start to bloom, birds talk
to each other. Everything is so
full of life. You think they have
spring in the new land?

Will's eyes are fixed on his hands.

CHRISTOPHER (CONT'D)
I bet they do. Even longer than the
one in our land. And fresh land
just waiting for us out there. As
far as the eye can see, just
waiting for us to grow rich off of
it.

WILL
I will die soon.

Christopher cocks his head to look Will in the eyes.

CHRISTOPHER
You will be okay, Will. You are
strong. I know you'll be okay.

Will gazes in the distance.

The sound of ROLLING WAGON TIRES is heard getting closer.

Christopher pulls Will to his feet, and the men scamper into
the forest.

From a hill emerges the group of Cherokees to which the men
belong.

The men take cover behind a group of bushes.

The band of escorted Indians drudge along the path, expressionless.

The head of the convoy passes, unaware of the men's presence.

Will searches the group for any sign of Jack.

He spots him following the path, lacrosse stick dragging on the ground.

Will pops out from behind the bush.

WILL

Ja-

He stops when he spots Lieutenant Shields following only feet behind his son.

Will drops back behind cover.

CHRISTOPHER

Will, we have to move.

WILL

They have Jack.

CHRISTOPHER

You have to trust he'll be okay, Will. We have to move if we're to reach Jess.

Will looks back to his son.

CHRISTOPHER (CONT'D)

I'm sorry Will. We have to go.

Will retreats, and the two men disappear into the forest.

EXT. TRAIL - NIGHT

A quaint fires illuminates the iced ground.

Exhausted Cherokees struggle to sleep in the cold. Most huddle together to salvage any warmth.

Henry Lawrence rests comfortably on two quilts, taking gulps from his mug.

Lawrence looks to Patterson, whose SNORES shake the tent.

Lawrence wraps his arms around Patterson's waist, and tugs the man out of the tent and onto the quilts.

Patterson's snores don't break rhythm.

Henry downs the last of the mug and tosses it to the ground.

He struts over to Jess, who sits alone, cradling baby Red Hawk.

She appears as a statue compared to the other shivering Cherokees.

LAWRENCE

Cold?

Jess doesn't move.

LAWRENCE (CONT'D)

You know I got more blankets over at my tent.

JESS

No, thank-

LAWRENCE

What?

JESS

I said, no, thank you.

LAWRENCE

If I offer something, you take it girl.

Lawrence reaches out and grabs Jess's arm. She yanks free.

JESS

Don't touch me.

Lawrence reaches again, but Jess pulls away.

Henry pounces on Jess, SLAPPING her on the face.

She strikes him in the chest as he tosses her on his back. Baby Red Hawk drops to the ground CRYING.

She SCREAMS and throws her fists into him with all her might.

Lawrence covers her mouth and drags her to his tent.

He rips it open when--

--a man's fist lands on Henry's jaw. He drops Jess, and turns to see Michael Balfour towering over him.

LAWRENCE

What the fuck do you think your doing?

BALFOUR

She didn't... she didn't do anything. Just leave her alone.

LAWRENCE

I'll do what the hell I want.

Lawrence reaches for the fleeing Jess when--

--Balfour tackles him. The two men roll through the snow.

Other militiamen and U.S. Soldiers gather around the tussle.

Balfour mounts Lawrence and rains down punches onto the man's skull.

Lawrence grabs Balfour's fist and delivers a blow to his ribs--

--tossing Balfour off of him. Lawrence pounds his boot into Balfour's side.

Balfour dodges a kick and rises to his feet.

The two men size each other up, fists raised.

Henry rears back and throws a hook that Balfour dodges.

Balfour counts with a combination to Lawrence's core. A final blow to Lawrence's nose drops the man. Blood gushes from a gash above Henry's eye.

Balfour turns his back to the fallen man, staggering towards Jess.

LAWRENCE (O.S.) (CONT'D)

You crossed the line, translator.

Balfour turns to face Lawrence, who has his rifle aimed at Balfour.

LAWRENCE (CONT'D)

Bad move.

Jess sprints toward Michael.

JESS

No!

A single RIFLE SHOT penetrates the air.

EXT. SCHUTTE HOUSE - DUSK

Will and Christopher emerge from a desolate forest. Every breath is a struggle for Will.

Christopher pushes on, every few seconds checking to see if Will is still standing.

The two men come to an abrupt halt.

Before them lies a log cabin, with smoke streaming from the chimney.

CHRISTOPHER
We should go another way.

WILL
No! They must have water and food
in there.

CHRISTOPHER
They'll skin us.

WILL
We need to eat. And drink. Or we
lose any chance to see our wives
again.

Christopher examines the alien building.

CHRISTOPHER
I'll go in and get supplies. Stay
out here and only come in if I need
help.

WILL
Why--

Will coughs into his sleeve.

CHRISTOPHER
Stay out here.

Christopher creeps to a window and peers inside. He opens the window and crawls inside.

Will waits outside in the eerie silence. Seconds pass with no sign of Christopher. Will looks around at the emptiness around him.

With a sigh, he approaches the window.

WILL'S POV: DINING TABLE, a wood fireplace, numerous books
liter the floor, but no sign of Christopher.

A hand holding a rock crashes down on Will's head.

FADE TO BLACK:

INT. SCHUTTE HOUSE - NIGHT

Will peers through dried blood at his surroundings.

Christopher sits next to him, hands tied to a chair.

NICHOLAS SCHUTTE, 50s, a pepper haired dwarf of a man whose
size hails in comparison to his wife PAYTON SCHUTTE, whose
over six foot frame hovers directly behind Nicholas.

The couple sit across from the tied up and wounded Cherokees.

NICHOLAS

What are you doing in my home?

CHRISTOPHER

I'm very sorry, sir. We just really
needed to borrow some food and
water, and we were to be on our
way. We meant you no harm.

PAYTON

You're trespassing on private
property.

CHRISTOPHER

I understand ma'am. If you just
untie us, we'll leave and-

PAYTON

Oh, yeah, so you can knife us? I
don't think so.

NICHOLAS

What are you doing out here by
yourselves?

CHRISTOPHER

We're scouts for the government.
Helping to map out all the rivers
and streams in the West.

PAYTON

There's no streams out here.

CHRISTOPHER

Yes, we've figured that out. We're just trying to find our way back to a river so-

Will breaks into a coughing frenzy.

CHRISTOPHER (CONT'D)

Look sir, I really am sorry, if you just let us go we'll-

PAYTON

Your part of that group of Indians those soldiers were moving, aren't ya?

CHRISTOPHER

No. Wait, what group?

NICHOLAS

About three days ago I was out gathering some wood for heat you know? Just on the other side of these trees was the longest line of red men I've ever seen. Soldiers in blue coats were making up march westward.

CHRISTOPHER

Three days ago!

Will hacks up blood onto his wrist.

NICHOLAS

What's wrong with him?

CHRISTOPHER

He has a sickness. If he doesn't receive treatment soon, he'll die.

Nicholas sizes up Will, who appears more dead than alive.

Nicholas grabs his wife and they converse the men's fate in the corner.

Christopher elbows Will, and nods at him.

CHRISTOPHER (CONT'D)

Did you hear that buddy? Only three days behind.

Payton and Nicholas argue in the corner.

NICHOLAS

They need help, we can't just hold them here.

PAYTON

I've heard they're giving money for Indian heads. For there scalps.

Nicholas looks to the men tied to their chairs.

PAYTON (CONT'D)

I've heard they give up to two hundred dollars for every Indian.

NICHOLAS

Two hundred?

Nicholas retrieves his buck knife from a desktop.

He looks at it, and then to the men.

NICHOLAS (CONT'D)

I'm sorry boys, but unfortunately your worth more to me dead than alive. Men down south find that your heads are a little too valuable.

Nicholas grabs Christopher's collar, who yanks against his bonds.

Nicholas raises his blade.

Payton looks on with intensity.

PAYTON

Wait!

Nicholas drops his arm.

Christopher breaths deep.

Payton retrieves two towels from a cabinet and covers the window with them.

PAYTON (CONT'D)

I don't want to stain the windows.

Christopher flexes every muscle in attempt to pull loose.

Payton regains her spot in the corner of the room.

Nicholas cocks his arm back when--

--Christopher swings his chair and strikes Nicholas in the stomach, causing him to drop the knife.

Payton jolts toward the blade, but--

--Will kicks her in the throat. He picks up the blade and cuts at Christopher's bond.

Nicholas rises and charges at Christopher, who head butts Nicholas, sending him to the floor.

Will breaks Christopher's bond.

Christopher grabs the blade and cuts Will's rope.

Payton lay on the floor clutching her throat.

Nicholas winces next to her, feeling the blood sputtering from his temple.

Christopher gallops out the door.

Will follows but stops, then retreats to the kitchen, where he grabs two apples and a slab of meat. He secures a bottle of whiskey, then exits out the door.

SEGUE TO:

EXT. TRAIL - DAY

The Cherokee convoy limps through the forest. The men and women wear nothing more than one layer, as any and all sweaters or quilts are used to keep children from freezing.

Jess slumbers along at a grandmother's pace, with baby Red Hawk clinched to her chest. Her eyes are puffy red.

Before her eyes she sees not the icy ground in front of her, but Michael Balfour, being shot down.

Water fills her eyes as she replays Balfour being slain.

Her legs grow weak, and she struggles to put one foot in front of the other.

She freezes, unable to take the next step.

A sudden breeze causes Will's shirt sleeve to spiral out of her pocket to the white ground.

Jess retrieves the forgotten artifact. She feels it in her hands, and holds it out, palm down, as if to drop it.

She stands, fist out for seconds, then closes her eyes and returns the sleeve to its spot in her pocket.

Captain George Lawrence struts along the Cherokees.

PATTERSON
Keep it moving!

Jess quivers, but remains in place.

Patterson passes but stops at the absence of movement.

PATTERSON (CONT'D)
I said, keep it moving!

Jess places one foot forward and halts.

Patterson slaps her in the face, forcing her to her knees.

Red Hawk remains pinned against Jess's chest.

PATTERSON (CONT'D)
We don't have time to wait for the weak. If you refuse to walk then stay here, and I'll have one of the militiamen put you into the ground.

Patterson spins around and struts off, chin high.

Cherokees pass the fallen Jess.

Finally she finds the strength to rise and drudge forward.

EXT. CLIFFTOP - DAY

A towering snow covered cliff overlooks the entire West Plains valley.

Christopher and Will run along with a new found strength.

They glimpse the cliff edge hovering ahead and slow to a walk.

CHRISTOPHER
Did you see me back there? Did you see me!

The two men embrace like two boys who have just won a Little League game.

WILL
Did you smash him with your head?

Christopher giggles and nods.

CHRISTOPHER
I have no idea how I did that.

WILL
Thank you, for saving us.

CHRISTOPHER
We may live in their world now, but
I will not go down without a fight.

Will's smile is broken by a cough. Sweat combines with dried dirt, blood and tears on his face.

The two men halt at the cliff's edge. They look out over the valley.

WILL'S POV: A white sheet covers the valley. Miles ahead and to the left is a line of Cherokees, a black smudge amongst the snow.

WILL
There they are!

The two men are lit up in admiration.

WILL (CONT'D)
They there are! Jess! And Eliza!

Will turns to Christopher.

WILL (CONT'D (CONT'D)
We've done it Chris! We're almost
there!

Christopher nods.

CHRISTOPHER
Almost there.

The men stare down at the convoy.

EXT. FOREST - NIGHT

Thousands of stars shine down on a forest to the immediate left of the cliff top.

Christopher and Will sleep against a tree trunk. Sweat drenches Will's face as he sleeps.

FLASHBACK SEQUENCE: EXT. FOREST - NIGHT

The mountain men circle Red Hawk, rifles pointed at his chest.

Will lay flat in a tree, hidden by the leaves.

The mountain men jeer at Red Hawk.

MOUNTAIN MAN #1

That was my cousin you shot back there, fuckin' savage.

RED HAWK

This... this is my land. Not yours.

MOUNTAIN MAN #2

Yours? Wake up boy. Every inch of land soon belong to the United States government. You know what that is boy?

RED HAWK

Yes, I-

MOUNTAIN MAN #1

We're takin' every bit of this land an' were skinnin' any red colored savage that gets in our way.

Red Hawk glances up to Will for help.

MOUNTAIN MAN #2

Now, this is our land. Ain't it, boy?

Will tries to move his legs, but can't.

The mountain man aims his rifle at Red Hawk's chest.

With a ROAR, Red Hawk drops dead to the ground.

The mountain men retreat into the forest.

Will looks on in terror, but doesn't move.

As the mountain men disappear, Will finally drops down to Red Hawk.

Red Hawk lay face up, eyes cracked open. He trembles. Blood soaks his shirt near an open wound in his chest.

WILL
Red Hawk!

Will grabs his hand, and looks at the wound in horror.

RED HAWK
Will. Why didn't-

Red Hawk shakes his head.

RED HAWK (CONT'D)
Why didn't you help me?

Will chokes on tears.

WILL
I'm sorry.

RED HAWK
Why didn't you help me?

Red Hawk's eyes clinch down, and he lay motionless.

Will's CRIES fill the night air.

WILL
I'm sorry... I'm so sorry.

END FLASHBACK SEQUENCE

EXT. FOREST - NIGHT

Will snaps awake, breathing quickly.

He looks around, and before his eyes Red Hawk's fallen body blurs his vision.

WILL
Christopher.

Christopher is passed out against the tree trunk.

WILL (CONT'D)
Chris.

No movement from his friend.

WILL (CONT'D)

Chris!

Will shakes him awake. Christopher rubs his eyes.

CHRISTOPHER

What?

WILL

I've let you down. I let everyone down.

CHRISTOPHER

What are you talking about?

WILL

I should have done something. Red Hawk just-

CHRISTOPHER

Red Hawk? Will that was a long time ago.

WILL

I just sat there. Sat there and watched him die. I didn't do anything.

CHRISTOPHER

That was a long time ago. And there was nothing you could do.

WILL

I could have done... Something. Anything.

Christopher pats Will on the shoulder.

CHRISTOPHER

You can't blame yourself, Will.

Christopher relaxes his head against the tree.

WILL

We should stay here.

Christopher glances up at Will.

CHRISTOPHER

What? Why?

WILL

They have my son.

CHRISTOPHER

He is smart, Will. And the army men can't do anything to him as long as he behaves. He will make it West.

Will shakes his head.

WILL

I must make sure he is okay. He's going to grow strong and be somebody someday. Not like me.

CHRISTOPHER

Will, we've come so far.

WILL

He's my son.

CHRISTOPHER

What about Jess?

Will is silent.

CHRISTOPHER (CONT'D)

The fever is messing with your mind. Get some sleep. We'll talk in the morning.

Christopher doses off, while--

--Will stares off in the distance.

SEGUE TO:

EXT. CLEARING - DAY

Snow engulfs the countryside, with golf ball sized flakes blowing sideways through the air. A dense forest filled with freshly whitened trees leads out to a small clearing.

Jess stumbles from the forest, her face unseen through the snowfall and long black hair that billows in the wind. Red Hawk lay pressed against her thinly clothed body, with a only a small blanket for cover.

The woman's pace begins to slow, and she --

-- falls to her knees, careful to keep the baby against her chest.

Passing Cherokee Indians don't acknowledge her presence.

The snow continues to dump onto her body, as she sits motionless, face still concealed.

She falls on her back, the CRIES of Red Hawk piercing the sky.

She lays in a heap of white as the snow continues to swirl around her motionless body.

Wind removes the hair from her face, revealing Jess's face.

Her blinking slows, then stops entirely.

SMASH CUT TO:

EXT. FOREST - MORNING

The sun shows its face for the first time in months. Melted snow drips off treetops.

Christopher pounces up, ready for a day of travel.

Will remains pressed up against the tree trunk.

CHRISTOPHER

Come on.

Will gets to his feet with the urgency of a boy who's just been asked to clean his room.

Christopher turns to the West, and speed walks into the forest.

When Will doesn't follow, he spins around.

CHRISTOPHER (CONT'D)

Coming?

WILL

I can't.

CHRISTOPHER

Will-

WILL

I left son.

CHRISTOPHER

Will if we don't move now, we may not make it.

WILL

I'm going to die with nothing. I've lost everything I love. I've lost my family, I've lost the way of our people. My skin is red, but I am no Cherokee.

CHRISTOPHER

Will...

Christopher shakes his head, refusing the declaration.

CHRISTOPHER (CONT'D)

Jess loves you. She has loved you through everything. When you were brought to your knees, she remained at your side. You owe it to her to see her before you...

WILL

Die.

Will glances at his feet.

WILL (CONT'D)

I left my people to suffer.

CHRISTOPHER

Our people have been suffering long before us.

WILL

They ask us to learn there language, and we did so. They ask us to forsake our religion and practice there's, and we did so. They ask us to learn there ways of farming, and we did so. They ask us to move off our sacred land, we did so. And now they take the only two things that I care about, the only two things I love.

CHRISTOPHER

What are we going to do?

SEGUE TO:

EXT. TRAIL - DAY

Christopher and Will kneel behind a flock of bushes, a line of trees at their backs.

Christopher peaks over the bush line.

Will huffs up deep breaths.

CHRISTOPHER

You okay?

Will nods while inhaling, a bundle of sticks lay at his feet. The bottle of whiskey lay in his lap.

CHRISTOPHER (CONT'D)

Get it started.

Will rubs the sticks together, creating a spark. The spark induces a small flame.

Christopher fans the flame, creating a bigger flame.

The flame grows to shin height before Will nods.

Christopher peaks over the bushes again. He takes a deep breath then--

--slides out from his cover.

A convoy of Cherokees move on the other side of the bush.

Christopher sneaks behind a U.S. Soldier and puts him in a choke hold. He drags him back to the cover behind the bush.

Will secures his rifle.

Christopher squeezes the soldier's neck until he's unconscious. He nods at Will and presses his first into Will's chest.

CHRISTOPHER (CONT'D)

For our nation. For our people.

Christopher emerges from the bush and punishes the back of a soldier's head with the butt of the rifle.

Will submerges the bottle of whiskey in the flame, igniting it.

He leaves his hiding post, and lobs the bottle at a covered wagon.

The bottle explodes inside, lighting the wagon along with two militia men on fire.

The Cherokees shout in excitement.

Christopher fires at a militia man who reaches for his rifle, shooting him in the stomach.

A soldier closes in on Christopher, but--

--Will tackles him from behind. He delivers a hook to the back of his head, and recovers the rifle.

CHRISTOPHER (CONT'D)

Go! Go!

The Cherokees remain motionless.

CHRISTOPHER (CONT'D)

(in Cherokee)

Go! Run!

A hand full scatter.

Two militia men further down the line fire and miss.

Christopher dives behind a tree.

Will sprints the opposite way looking for Jack.

Christopher pops to the side of the tree and shoots one of the militia men in the head.

The other fires at him and drills a hole in the tree bark.

DOWNRANGE

Will sprints down the line, dodging confused U.S. Soldiers who yell for him to halt.

Lieutenant Shields spots Will coming down the line and uses Jack as a human shield.

JACK

Father!

Shields holds a pistol to Jack's skull.

SHIELDS

Put it down! Put it down!

UPRANGE

Christopher uses the tree as cover, and pops out to exchange fire.

A militia men and U.S. Soldier fire at him. More U.S. Soldiers become aware of the threat and join in the assault fire.

DOWNRANGE

Will's rifle is aimed at Shields.

SHIELDS (CONT'D)
Lower the gun Will! Put it down!

The rifle being aimed at Shields does not move.

SHIELDS (CONT'D)
I will kill this boy, Will! I'll
scatter his skull across the
ground! Now put it down!

Will begins lowering his rifle.

Jack looks to Will for help.

Will sees Red Hawk's face in front of him, looking up at Will for help.

Will sees Red Hawk get shot, and fall in a heap.

UPRANGE

Christopher slides to his butt. He takes a deep breath and charges from the tree.

He fires and hits the militiamen in the chest, dropping him.

The U.S. Soldier fires and clips Christopher in the shoulder.

Christopher charges and mauls the soldier with his rifle. He raises the butt over his head when--

--he is shot from up range in the chest. He continues the swift movement downward, hitting the fallen soldier.

He is shot again, this time a red stain appears on his chest.

He falls to his knees, breathing quickly.

He is shot again in the back, driving him to the ground, where he lay dead.

DOWNRANGE

Will's rifle rests on his waist.

Shields approaches.

In a swift flash, Will raises his rifle and sends a single bullet into the air.

The bullet drills Shields in the forehead, killing him instantly.

Jack jumps into Will's embrace.

Will lowers him and looks him in the eyes.

WILL
You need to go Jack.

JACK
I want to stay with you.

Tears fill Will's eyes.

WILL
You need to go Jack. Run West until you find the other Cherokee. Find your mother.

JACK
Father-

WILL
Find your mother, Jack. Tell her... tell her I love her. And tell her she is beautiful, everyday Jack. You understand?

Jack nods.

Will kisses him on the forehead.

WILL (CONT'D)
You're going to be somebody Jack. Not like me.

Tears flow down Will's cheek.

WILL (CONT'D)
Not like me.

Will pushes Jack towards the tree line.

WILL (CONT'D)

Go.

Jack sprints toward safety, and stops at the edge of trees.

JACK

I love you, Father.

He turns and disappears in the forest.

WILL

(to himself)

I love you too, Jack.

Six U.S. Soldiers circle Will.

He doesn't move. Just stares up at the Heavens.

He takes a deep breath.

A single SHOT is heard.

SEGUE TO:

EXT. CLEARING - DUSK

Darkness creeps upon the clearing. The wind and snowfall has intensified.

Jess remain unconscious, half submerged under the snow.

Red Hawk CRIES.

A shadow of a figure appears from the treeline.

Jack wraps his arms around Jess, pulling her to her feet.

Jess's eyes crack open.

JESS

Jack.

JACK

Mother, you're beautiful.

Jess produces a weak smile.

JESS

Where is Will?

JACK

He's meeting us mother. Out West.

Jack helps Jess limp back along the trail.

JACK (CONT'D)
 You're going to be okay, mother. I
 promise.

Jack covers his mother's face from the sideways
 precipitation.

EXT. INDIAN TERRITORY - MORNING

Green grass begins to emerge from underneath packs of snow.
 The sun peaks out from behind cloud cover.

Cherokee's limp towards a town off in the distance, with
 tears in their eyes like marathoners with the finish line in
 sight.

Jess's puffy red face is seen in the crowd. In one arm she
 carries a brown haired baby, the with the other she holds
 onto Jack, using his as a crutch.

A crude sign reads: Cherokee Nation.

Jess and Jack approach the town center, where a gathering of
 already settled Cherokee lay waiting.

Around them, Cherokees embrace one another, and light up in
 relief of the journey coming to a close.

Jess and Jack do not look around for any particular people.
 They file in with the rest of the people.

JACK
 We made it, mother.

EXT. INDIAN TERRITORY - DAY (1850)

Sun beams down onto a crisp green hillside. Miles of crops
 line a village of wooden homes.

An elder, but still gorgeous Jess stands on the grass hill.

Jack, now a young man, stands next to her. His hair is
 trimmed short and he wears white man's clothing.

Red Hawk Jr., a ten year old devil of a child with shoulder
 length hair stands to the right of Jack.

Before them sits a grave with rocks at the head spelling out:
 William Drowning.

Tears fill the eyes of Jack and Jess.

JESS

Do you want to say anything dear?

Jack's gaze never leaves the grave. He nods.

JACK

I.. I really miss you father. I'm doing what you told me to do. I'm working hard, and I'm doing well in school. I still think about you a lot. Almost everyday. Anyways I know your not coming back, but I just wanted to tell you, you were the best father in the world.

Jess puts her arm around Jack.

She produces his shirt sleeve from her pocket. She places it on top of his grave and backs away.

The three admire the grave.

They turn and travel down the hill.

RED HAWK JR.

I'm hungry.

Jess giggles.

JESS

Of course you are.

The three pace towards the town, as the sun sets on the Cherokee Territory.

