

Boston Legal
Witches of Mass Destruction
Season 2, Episode 6

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Transcribed by Imamess

Shirley Schmidt, Denise Bauer and several other people in an office at Crane, Poole and Schmidt.

Shirley Schmidt: You wanna run that by me again?

Denise Bauer: We have a group of complaining parents. They're suing their elementary school over the Halloween pageant. In particular? They don't like the witch. There are two groups of parents who are upset? One is Christian; the other group is uh... well...

Shirley Schmidt: Yes?

Denise Bauer: Witches.

Shirley Schmidt: Did you say witches?

Denise Bauer: I said witches.

Shirley Schmidt: Which group does the firm represent?

Denise Bauer: Well, actually, both.

Shirley Schmidt: Just as the two sets of parents walk in, ***Shirley grabs a decorative pumpkin centerpiece from the table and throws it across the room into a wastebasket.*** Candy corn?

Shirley and Denise walking in a hallway at Crane, Poole and Schmidt.

Denise Bauer: It's just though they are together for the purpose of this motion they are not so much together. And I think I need two lawyers in case there are conflicts...

Shirley Schmidt: Yes. And you think the senior partner of the firm should be doing this because...?

Denise Bauer: It'll be fun. Plus you promised I'd get to try cases with you.

Alan and Brad in an elevator.

Brad Chase: Do you know your briefcase is smoking?

Alan Shore: Tis the season Brad. Bubble bubble, toil and so forth.

They get off the elevator and walk in the hallway.

Brad Chase: This is a law firm!

Alan Shore: Thank you for that.

Garrett Wells and Cassie Elliott walk up to Alan.

Garrett Wells: Mr Shore? My name is Garrett Wells.

Alan Shore: Sounds like an old western town, Garrett Wells.

Garrett Wells: I'm an associate here.

Alan Shore: Yes! You're the one who sleeps with paralegals.

Garrett Wells: And this is ah...

Cassie Elliott: The paralegal.

Garrett Wells: Can we talk to you for second?

Alan Shore: You are talking.

Garrett Wells: In private please?

Alan Shore: ***He lifts his smoking briefcase.*** Let me put this out.

In Alan's office.

Cassie Elliott: My little brother Jeffrey signed up for the National Guard. He fulfilled his service contract in Iraq. He was supposed to come home. The army kept him there under the Stop Loss program. There weren't enough soldiers on the ground so they put him in a position that he never trained for. It got him killed.

Garrett Wells: I realize as matter of law that the army is immune from these suits. There is probably no way to win this. That's why we came to you. You have a high success rate for unconventional trials.

Alan Shore: That's only because the conventional trials won't have me. What are you looking to gain from this?

Cassie Elliott: I'm not sure. I go home and cry every night, until I start to scream. Maybe I just want someone to hear my screams.

Denise, the Mathiases, the Sawtelles, in Denise's office.

Grace Mathias: It promotes a specific religion.

Shirley walks in.

Denise Bauer: Ah! Shirley Schmidt. Grace and Bob Mathias. They're ah, uh...

Grace Mathias: The Christians.

Denise Bauer: And Evelyn and Sam Sawtelle.

Shirley Schmidt: The witches?

Sam Sawtelle: Wiccans.

Shirley Schmidt: Sorry. Ahem. As I understand it the four of you want to stop the school's celebration of Halloween.

Grace Mathias: It's Satanic.

Sam Sawtelle: Ah. That's not the position we're taking.

Grace Mathias: I mean, we're not allowed to have a Christmas Concert because of the whole Church and State thing but every year...

Evelyn Sawtelle: At our children's school.

Bob Mathias: A public school.

Sam Sawtelle: Paid for with our taxes.

Grace Mathias: They have a Halloween Pageant...

Shirley Schmidt: It's a pageant is it?

Grace Mathias: Where not only are images of witches prominently displayed but the principal of the school...

Evelyn Sawtelle: Ms Berleth.

Grace Mathias: ... dresses up like a witch! And she cackles.

Shirley Schmidt: She cackles?

Grace Mathias: Blood-curdling cackles.

Evelyn Sawtelle: We find the whole thing horribly offensive.

Shirley Schmidt: Because?

Evelyn Sawtelle: Ms Schmidt. As a Wiccan couple it's hard enough raising our daughter in this culture without stereotypical images holding her up for ridicule. I mean I ask you, "Are we green? Do we have warts?"

Grace Mathias: And as a Christian couple we resent having our faith marginalize while Satan worshippers openly...

Evelyn Sawtelle: Witches don't worship Satan, Grace.

Grace Mathias: Promote it. Specifically, it's not fair

Evelyn Sawtelle: It's defamatory.

Denise Bauer: You can see while both couples are on the same side they have competing claims.

Evelyn Sawtelle: But we're putting our differences aside.

Grace Mathias: For the greater good.

Grace smiles. Evelyn smiles. Sam smiles. Bob smiles. Shirley smiles. Shirley squeezes Denise's shoulder. Denise smiles.

Alan, Garrett and Cassie are in Alan's office. Garrett is holding two extremely thick duo tangs.

Garrett Wells: How could they possibly file papers so thick, so fast?

Alan Shore: Clearly the government was ready for this very case. And just as clearly they wanna shut it down fast.

Garrett Wells: So what happens?

Alan Shore: Well, instead of responding in kind I plan to ask the judge for an evidentiary hearing. My feeling is after listening to you Cassie he'll be less inclined to just summarily dismiss the claim.

Cassie Elliot: Okay.

Alan Shore: It also might help if your parents could be there.

Cassie Elliot: Well, my parents aren't with me on this. They think I'm dishonoring my brother's memory. And his sacrifice.

Alan Shore: Okay. We filed in State court under the State torts claim act and miraculously a judge agreed to see us. The bad news is we drew a peculiar judge.

In Judge Clark Brown's courtroom.

Judge Clark Brown: In twenty-six years on the bench I have never seen a case so ridiculous. It nauseates me.

Alan Shore: Your honor is being a little dramatic.

Judge Clark Brown: He was a soldier in a war. What's more he enlisted.

Alan Shore: Private Elliot's tour of duty was over. He should not have been in Iraq. He enlisted in part because he was fraudulently recruited. Moreover the Army then put him in a job for which he was not trained, and which resulted in his death.

U.S. Attorney Chris Randolph: Move to dismiss. The United States Army is immune from this sort...

Alan Shore: Not to claims based on fraud which this is.

Judge Clark Brown: What if the families of every soldier killed in combat decided to sue?

Alan Shore: You'd have a logistical nightmare. Fortunately we're only dealing with one person suing here. And if you're predisposed to kick it so be it. But at least take an hour to hear from a couple of witnesses before doing so. You have a legacy of unfettered fairness your Honor. Please do not tarnish it.

Judge Clark Brown: You pay the court costs. Two o'clock.

Sara and Garrett are in the lunch room.

Sara Holt: He actually got a hearing?

Garrett Wells: Don't ask me how.

Sara Holt: Well what did he say?

Brad walks in.

Brad Chase: Don't you two have anything else to do?

Garrett Wells: We're discussing a case sir.

Brad Chase: It's not a case! It's an abuse of the judicial process.

Garrett Wells: Yes, we're discussing that.

Brad Chase: Go shine your shoes.

Garrett Wells: I beg your pardon?

Brad Chase: You heard me. Shine your shoes. Now. **Garrett leaves.** And how's your grooming?

Sara Holt: I think fine. Sir.

Alan comes in.

Brad Chase: Go to work.

Alan Shore: It's fun to full rank. Isn't it?

Brad Chase: What you are doing is an arrogant dismissal of that young soldier's ultimate sacrifice. And as somebody who served in the Gulf war. Proudly. When you disrespect our soldiers you disrespect me. I don't like it.

Alan is in his office. Denny comes in.

Denny Crane: Is it true? You're criticizing the war?

Alan Shore: Constructive criticism.

Denny walks up to Alan and seems at loss for words.

Alan Shore: What?

Denny Crane: Alan. I've loved you like a...

Alan Shore: Sister.

Denny Crane: We're Americans. To be critical in time of war. Even the democrats are smart enough to keep their mouth shut on this. Edward R. Murrow said, "We should never confuse dissent with disloyalty."

Denny Crane: Edward R. Murrow is media. And he's dead! The dead don't count.

Alan Shore: Dead do count Denny. Which is why we're bringing this lawsuit.

Denny Crane: Drop the case. Do it now.

Alan Shore: I'm not dropping it Denny.

Denny Crane: Alan? I'm senior partner. I'm asking you, check that, I'm directing you, drop it.

Alan Shore: No.

In Judge Paul Resnick's courtroom. Principal Maxine Berleth is dressed in a witch's costume. Her face is painted green and she has a wart on her nose.

Her voice is menacing. I'll boil you whole and suck the skin from your bones. **She cackles. Her voice is normal.** Or something like that.

Shirley Schmidt: Mr Mathias, is this an accurate depiction of principal Berleth's behavior during Halloween pageant?

Bob Mathias: Yes. Except she does sort of a swoop?

Shirley Schmidt: Could we see the swoop please?

Principal Maxine Berleth: **She sighs. She starts to cackle while swooping around with her cap. She swoop toward Shirley who has to duck.**

Attorney Morrison: Your Honor. **Ms Berleth continues to cackle as she runs around the defense's table, all the while waving her cape.** Your Honor. Your Honor, the defense stipulates, "She's scary as all get out."

Judge Paul Resnick: Mrs Burleth, you may be seated. The court thanks you for the riveting demonstration.

Ms Berleth sighs and goes to sit down.

Shirley Schmidt: Why is Mrs Burleth's performance so harmful to your children? I mean it's just Halloween.

Bob Mathias: And that's what we hear daily. It's just a movie. It's just a video game. It's just the Super Bowl halftime show.

Shirley Schmidt: But she's not just a witch to you, is she?

Bob Mathias: No, and I should be able to protect my children from things I deem harmful. Trying to raise my kids to have strong Christian values in today's world is hard enough without the head of the school dressing up like a servant of Satan. It's bad enough my seven-year-old knows all about bitches, pimps and hoes from Grand Theft Auto. Michael Jackson and his child molestation are now words in his vernacular. My six-grade daughter has classmates, excuse me, who will perform oral sex for a dollar. Now all of this is learned at school. This is why we're so livid. This is why so many of us are home-schooling. But I don't wanna have to do that. Public school is just that, it's our school too. And Satan shouldn't be there.

In Judge Clark Brown's courtroom. Cassie on the witness chair.

Cassie Elliot: The National Guard said they'd pay his tuition for college. He was also told that he'd be safe.

Alan Shore: Safe?

Cassie Elliot: He was gonna be cannon-loader. Not one of the guys on the streets. They promised. Then he was reassigned doing the job of an MP, guarding a convoy truck. He made a joke that he should have just joined the Boston PD if he was gonna travel halfway around the world to become a cop.

Alan Shore: Cassie, what happened on September second of this year?

Cassie Elliot: Jeff's convoy was pulling through a town called Iscondaria, they nearly ran over an IED. It's an improvised explosive device.

Alan Shore: A bomb.

Cassie Elliot: They had to disarm it before the convoy could go on. Jeff didn't have any training in disarming homemade bombs. But it had to be done, and no one else had a clue! He was always like that. You know if you... Always the one you could count on. He just never should have been there!

Alan Shore: Okay, but Cassie, he did enlist. You sign up for the military you have to assume the risk of going to war.

Cassie Elliot: His tour of duty was up. Plus he died doing something he was never trained for! He didn't assume that risk!

Alan Shore: Nothing further.

Judge Clark Brown: Mr Randolph.

U.S. Attorney Chris Randolph: I have nothing for Ms Elliot except to thank her family for the sacrifice that they've made during this difficult struggle for freedom.

Denise is in her office. The Sawtelles walk in.

Denise Bauer: Hi! Did we have a meeting scheduled?

Evelyn Sawtelle: Denise. We have some concerns about our case.

Denise Bauer: Okay. Well, please. **She motions for them to sit. They sit.**

Sam Sawtelle: We don't wanna make trouble but the Christians keep bringing up Satanism which completely misrepresents what our religion is about.

Evelyn Sawtelle: We're worried that the Wiccan side isn't being represented fairly. I mean we're a recognized religion with hundreds of thousands of followers.

Sam Sawtelle: We're just looking for balance.

Denise Bauer: Well, your side is up next and you'll be able to state your position fully. I promise.

Evelyn Sawtelle: Well, thank you. That's all we ask.

Sam Sawtelle: Yeah. **The Sawtelles get up to leave. Sam whispers to his wife.** Ah. Should we say something?

Denise Bauer: What?

Evelyn Sawtelle: Uhm. Denise.

Sam Sawtelle: Ah, we don't know you very well.

Evelyn Sawtelle: Ah. Wicans care about spreading goodwill and restoring the natural balance of the world

Sam Sawtelle: And from you, well, we're feeling a quiet screaming disharmony.

Denise Bauer: Come again.

Evelyn Sawtelle: Maybe it has to do with the fact that you're recently divorced. **She takes Denise's hand.**

Denise Bauer: How did you know that?

Evelyn Sawtelle: You have a tan line from your ring. We can help. It's what we do.

Denise Bauer: I appreciate your concern, but, I'm completely harmonic.

Evelyn Sawtelle: Okay.

Garrett and Cassie are walking up to the front doors of her apartment building.

Garrett Wells: This case is going great. You did excellent today.

Cassie Elliot: Ah. Now whatever that means. So I'm just gonna... I don't want to have sex with you anymore.

Garrett Wells: Yeah. Well, as it turns out, as my client. I'm not supposed to have sex with you anyway.

Cassie Elliot: So there we are.

Garrett Wells: There we are.

Cassie moves in to give him a kiss.

Denny is in his office mixing himself a drink. Alan comes in. He's wearing a flamingo costume without the headgear. Denny looks at him silently.

Alan Shore: I'm trying on my Halloween costume. What are your thoughts?

Denny Crane: I prefer to be alone. Please leave.

Alan Shore: Why?

Denny Crane: No reason.

Alan Shore: If you were to guess at a reason?

Denny Crane: If I were to guess, I'd say, maybe I don't wanna socialize with a pinko, liberal, democrat, commie.

Alan Shore: Ah!

Denny Crane: You may think it's patriotic to decent. Maybe it is sometimes. But to sue the army at a time of war is not patriotic it borders on treason, and I'm disgusted with you. And just so you know, most of the democrats voted for this war. John Kerry voted for it. Hilary Clinton voted for it. And now suddenly it becomes unpopular, say what you will about republicans, we stick to our convictions even when we know we're dead wrong

Alan Shore: Some might say especially then.

Denny Crane: It's not funny Alan. I can't look at you right now.

Alan Shore: I don't know how you could miss me.

Denny Crane: This is how I feel. I don't wanna be in your company. **He walks out>**

In Judge Clark Brown's courtroom. Corporal Brian Webb is in the witness chair.

Corporal Brian Webb: On the ground there's separate rules for National Guards and active duty soldiers.

Alan Shore: How do you mean?

Corporal Brian Webb: Well, guardsmen have to write home for essential supplies, little things like flashlights, batteries, to major stuff like body armor.

Alan Shore: You weren't give proper body armor?

Corporal Brian Webb: None of us were.

Alan Shore: Now. You were trained as a medic?

Corporal Brian Webb: Yes sir. And when I got there they had me doing MP duty because there was no one left to do it. Before I knew it I was guarding convoys.

Alan Shore: With Private Elliot?

Corporal Brian Webb: It happened to a lot of us. There just aren't enough guys over there.

Alan Shore: Corporal. Based on what your recruiter told you is this what you expected when you signed up for the National Guard?

Corporal Brian Webb: No sir. No. I wanted to go into the medical field. My recruiter told me that the government would pay for my medical school and that in Iraq? I'd be a medic. Never see combat.

Alan Shore: Why are you home now?

Corporal Brian Webb: I was shot.

Alan Shore: Thank you Corporal.

Alan goes to sit down. U.S. Attorney Chris Randolph gets up.

U.S. Attorney Chris Randolph: You were a soldier in war!

Corporal Brian Webb: I was told I would never see combat.

U.S. Attorney Chris Randolph: Is it your testimony that you were never trained in combat?

Corporal Brian Webb: That's not my testimony.

U.S. Attorney Chris Randolph: And corporal, before you joined the National Guard you were roughly six thousand dollars in debt?

Corporal Brian Webb: Yes.

U.S. Attorney Chris Randolph: And the government gave you a hefty signing bonus which you used to pay off that debt?

Corporal Brian Webb: Yes sir.

U.S. Attorney Chris Randolph: And now that you're back at home, going to college at night tuition free and have a good job both of which the government facilitated based on your training in the National Guard?

Corporal Brian Webb: Yes sir.

U.S. Attorney Chris Randolph: And your testimony is that the government didn't keep its promises to you?

Corporal Brian Webb: That is not my testimony.

Alan, Cassie and Garrett are walking in a hallway at Crane, Poole and Schmidt.

Alan Shore: It's actually a good thing that they're calling a witness and that the Judge wants to hear from their side. It means we... **Through a window into an office Alan sees Denny. He's wearing hunting hat is being measured for a hunting jacket.** ...made an impression. **He walks away from Cassie and Garrett and walks up to Denny.** What's this?

Denny Crane: My Halloween costume.

Alan Shore: We were gonna be flamingos together.

Denny Crane: I decided to be a hunter. Leave.

Alan Shore: Hunters shoot flamingos. **Denny gives him a look. Alan nods his head slightly. He looks to the tailor.** Could you excuse us please? **The tailor leaves.** Denny. Whether or not one agrees with the war...

Denny Crane: I don't wanna talk about it.

Alan Shore: Why is that? Why does no one wanna talk about it? Why can't friends even discuss it?

Denny Crane: Because you're either with us or against us! And I don't wanna talk to people who are against us! **He leaves.**

In Judge Paul Resnick's courtroom. Evelyn is in the witness chair.

Evelyn Sawtelle: Wicca is a way to reconnect. In our modern mechanized world people have lost touch with nature, and Wicca teaches us that God is in all living things.

Denise Bauer: What about magic?

Evelyn Sawtelle: The only spells we cast are positive ones. We believe in the law of three. Whatever energy you put out in the world will return to you threefold. So, we promote good will. Not hexes.

Denise Bauer: Tell us why you want Ms Berleth to end her witch act.

Evelyn Sawtelle: The stereotype. The wicked witch. My daughter comes home at least once a week crying because the kids in school torment her and say she worships the devil.

Denise Bauer: You don't worship Satan, do you Evelyn?

Evelyn Sawtelle: Wicca has no concept of Satan. The devil, fire and brimstone, hell. That stuff was dreamed up by Christians.

Bob Mathias: Dreamed up.

Denise goes to sit down. Attorney Morrison get up.

Attorney Morrison: Now you said Wicca is an ancient belief.

Evelyn Sawtelle: Yes.

Attorney Morrison: But I'm confused. Wasn't Wicca made up in England the 1950's?

Evelyn Sawtelle: It wasn't made up. It came about after England finally repealed the last of its witchcraft laws in 1951. But, it's simply a modern version of an old belief system.

Attorney Morrison: Witchcraft laws?

Evelyn Sawtelle: Laws created in England and Europe during what are called the burning times. It started in about 1480 and went on for hundreds of years. Tens of thousands of innocent people were burned at the stake because of these laws.

Attorney Morrison: Burned by whom?

Evelyn Sawtelle: Well, the Christians.

Shirley, Denise, the Mathiases and the Sawtelles are in room somewhere.

Bob Mathias: You said you'd leave out the attacks.

Sam Sawtelle: She didn't attack you.

Denise Bauer: Sam, Bob, please.

They're making a mockery of our religion.

Evelyn Sawtelle: I did no such thing. **Grace get up from her chair and turns to Evelyn.** What?

Sam Sawtelle: This is why we came to you. This is what we're talking about.

Bob Mathias: Wait a second. You, you saw Denise behind our backs?

Evelyn Sawtelle: It wasn't behind your back.

Bob Mathias: Oh? So then you're a hypocrite?

Sam Sawtelle: Hey. Hey. Hey.

Bob Mathias: **He shoves Sam.** I didn't know I was dealing with a hypocrite, that's all.

Grace Mathias: Hey!

Sam Sawtelle: Don't push me.

Bob Mathias: What are you going to do? Turn me into a toad?

Denise Bauer: All right!

Shirley Schmidt: Bob!

Sam Sawtelle: We don't do hexes. **He punches Bob in the face.** We throw punches occasionally.

Denise Bauer: All right. That's enough! All of you!

Sam Sawtelle: ??? to the attack.

Bob Mathias: I will kill you!

Denise Bauer: I've had enough of all of you.

Evelyn Sawtelle: What did you just say?

Sam Sawtelle: Spoken like a true Christian.

Shirley Schmidt: Is this the fun part?

Bob Mathias: You know I think I know where you can put your broomstick.

Denise Bauer: Okay. Hey! Hey! Hey! Stop it! Stop it!**She stamps her feet.** All of you! Stop it!

In Judge Clark Brown's courtroom. Sergeant Jason Hendler is in the witness chair.

Sergeant Jason Hendler: I told Private Elliot exactly what he'd be getting into when he signed up. I answered all of his questions.

U.S. Attorney Chris Randolph: Did you ever lie or mislead Private Elliot when he came into your recruitment office?

Sergeant Jason Hendler: No sir. We went over his service contract together and I explained each provision completely. I may have emphasized the positive but I never lied to him.

Alan Shore: You told Private Elliot that he'd be doing things other than canon loading?

Sergeant Jason Hendler: Of course. I explained all the contingencies to him. I told him the same thing I tell all recruits.

Alan Shore: Really. This man, Mr Dewey, seated in the second row went to your recruiting office yesterday at our direction. Do you remember speaking with him sir?

U.S. Attorney Chris Randolph: Objection!

Judge Clark Brown: Mr Shore? What are you doing here?

Alan Shore: Impeachment Your Honor. Sergeant Hendler articulated that he tells the same thing to all recruits. Mr Dewey is one of those all.

Judge Clark Brown: I will allow it. But I have my eye on you.

Alan Shore: Again. Sergeant. Do you remember having a conversation with this young man?

Sergeant Jason Hendler: Vaguely.

Alan Shore: Vaguely? You told him the National Guard could train him in sound-mixing.

Sergeant Jason Hendler: We offer a wide spectrum of training possibilities.

Alan Shore: Isn't it a fact that you never told Mr Dewey he'd have to do anything else? You also told him he'd probably never see combat.

Sergeant Jason Hendler: I believe my words were hopefully he'd never see combat.

Alan Shore: And if Mr Dewey says he never heard the word 'hopefully' would he be lying or mistaken because he's willing to take a polygraph.

U.S. Attorney Chris Randolph: Objection!

Judge Clark Brown: Sustained.

Alan Shore: You also mentioned to him something about a Try One program. What's that?

Sergeant Jason Hendler: Try One is a one year trial program. If you sign up and you aren't happy a the end of your one year contract then you can leave. Without officially enlisting in the National Guard.

Alan Shore: And that's what Private Elliot signed up for. Correct?

Sergeant Jason Hendler: Yes sir.

Alan Shore: See this is what confuses me. Private Elliot served out his year, fulfilled his contract and clearly wasn't happy. Why didn't he just come home?

Sergeant Jason Hendler: Private Elliot was kept in Iraq under the Stop Loss program. In case you haven't noticed, we're at war.

Alan Shore: Tell me Sergeant. Under this Stop Loss program how much longer had the military planned to keep Private Elliot in the service?

Sergeant Jason Hendler: Private Elliot's obligation was extended to 2031.

Alan Shore: Twenty-six years. Did you tell either Mr Elliot or Mr Dewey about these contingencies?

Sergeant Jason Hendler: We're at war Mr Shore. We need soldiers.

Alan Shore: Yes. According to our generals and military advisors we need a lot more than the 140,000 currently over there. Why are we not sending more? Are we trying to win this war or not Sergeant?

In Judge Paul Resnick's courtroom. Shirley, Denise and Attorney Morrison are in front of Judge Paul Resnick's desk.

Shirley Schmidt: Your Honor, this is clearly a stunt. He orchestrated this.

Attorney Morrison: These are the children who will be affected.

Shirley Schmidt: That doesn't mean you parade them around like exhibits.

Judge Paul Resnick: Counsel, this has already taken up enough time. Let's just get through this. Step back.

Attorney Morrison goes back to his table. Shirley and Denise turn and look as the courtroom spectators. All children, all of them dressed in Halloween customs.

Attorney Morrison: Halloween is a secular holiday and as you can see a fun one. Now the witch at the center of this case, played with gusto by Mrs Berleft, is not a symbol of Satanism and in no way defames the religion of the Wiccans. The whole pageant, indeed all of Halloween everywhere is just make-believe. And to claim that this somehow rises to the level of persecution is not only laughable but offensive. Persecution is an issue which, to be perfectly frank, neither of these suburban parents, nor their high-priced attorneys know anything about. And it's insulting to groups who have been persecuted to raise that issue at this time in this case.

Shirley Schmidt: ***She get up. Evelyn takes her right hand. Grace takes her left hand. Grace and Evelyn smile at Shirley. She smiles back, removes their hands and walks up to the Judge..*** The first amendment says we shouldn't discriminate against any group on the basis of religion. It's a nice theory. But the truth is the law is rarely applied to protect the Christian faith because being in the majority; well I guess we feel they can take it. And if the religion is too far out there, Christian Scientists sure, Scientologists maybe. Wiccans? Well. At what point does a religion become silly enough that it's okay to make fun of them? And who decides? What this case is really about is tolerance. Whether it's Hindus attacking Jews, or Muslims against Catholics, Christians fighting with Wiccans. The aim of the law is tolerance. And I could be wrong but I don't think we ever ratified persecution under the heading of fun. Let me read you something by Martin Nummular a German pastor who opposed the Nazis. In Germany they came first for the communists and I didn't speak up because I wasn't a communist. Then they came for the Jews and I didn't speak up because I wasn't a Jew. Then they came for the trade unionist and I didn't speak up because I wasn't a trade unionist. Then they came for the Catholics and I didn't speak up because I wasn't a Protestant. Then they came for me and by that time there was no one left to speak up.

In Judge Clark Brown's courtroom.

U.S. Attorney Chris Randolph: In war, any war, there are casualties. For the family of a victim to sue the army for such a casualty is not only patently ridiculous it's an insult. First it offends the memory of the soldier who gave his life to defend his country. Worst, it's an attack on patriotism and the US Army itself. He enlisted. He was trained in combat. He assumed the risks of combat. This lawsuit merely represents a flamboyant attempt to showcase anti-war sentiment. It is wrong, it is baseless and it's an affront to every soldier, to every veteran who has put himself on the line to defend the United States of America. Especially, primarily the ones who have given their lives to do so.

Alan Shore: First. This is hardly about anti-war sentiments. Private Elliot was for the war. Personally I was against it, then I was for it then I was against it again, but that's just me, I'm a flip flopper. But whether one is for or against the occupation and let's assume judging from your tie one is, ***(The fabric of the knot of Judge Clark Brown's tie is blue with white stars; the rest of the fabric has red and white stripes)*** that does not exempt the military from a duty to be honest with its soldiers. Private Elliot was told he'd serve a year. He was told he wouldn't see combat! Okay! Unexpected stuff happens he did see combat. Fine! But, he was sent into combat with insufficient backup, he was sent in to perform duties for which he was never ever trained! He wasn't given the most basic of equipment. And then after his tour of duty was finally up they wouldn't let him leave. He never assumed those risks by enlisting. Over extended, under equipped, non-trained. He never signed up for that. And now he's dead. An aside from his sister, nobody seems to care. We talk about honoring

the troops. How about we honor them by giving a damn when they're killed! Our kids are dying over there! In this country, the people, the media, we all just chug along like nothing is wrong. We'll spend a month obsessing about Terri Shivo. But dare we show the body of a fallen soldier? The most watched cable news station will spend an hour a night on a missing girl in Aruba, but God forbid we pay any attention when kids like Private Elliot, killed in action...

Judge Clark Brown: You're off the point.

Alan Shore: I'm not off the point. We've had two thousand American trees fall in that forest over there and we don't even know it. Not really. But, maybe we don't wanna know about our children dying. So lucky for us this war isn't really being televised. We're not seeing images of soldiers dying in the arms of their comrades, being blown apart on the streets of Bagdad. But they are! By the thousands! And all the American public wants to concern itself with is whether Brad and Angelina really are a couple. At least with Vietnam we all watched and we all got angry!

Judge Clark Brown: What does this have to do with the death of Private Elliot?

Alan Shore: Private Elliot is dead in part because we have a people and a government in denial. We currently have no strategy to fight this war. We have no timetable for getting out. Some of these troops could be extended twenty plus years! Their mothers and fathers have to spring for body armor because the army doesn't. And they're getting killed! And we as a nation in denial are letting them. We simply don't seem to care. Well she does. She's in this courtroom honoring one dead soldier. That's a start.

As Alan walks back to his chair he sees Denny sitting in the back row.

Judge Paul Resnick: We're dealing here with a pageant in a public school. A public school can't promote the exercise of any religion and it can't denigrate followers of any religion. No one should take that lightly. And indeed, Christians, witches and other groups have been persecuted over the years. And no one should take persecution lightly. But we should take Halloween lightly. As the defense pointed out Halloween is secular holiday. More importantly it's a silly holiday. Children don't see a witch as a symbol of any sort. A witch is just something to enjoy being afraid of. Motion by the plaintiffs is denied. The Halloween Pageant will go on as it always has. And I advise both parties to lighten up and remember what Halloween really is all about: the candy! Court adjourned.

Shirley Schmidt: Sorry.

Grace Mathias: We forgive you.

Shirley Schmidt: I thought you might.

Evelyn Sawtelle: Thank you both.

Sam Sawtelle: Thank you.

Evelyn Sawtelle: **She turns to Denise.** Listen. Uhm. Tonight's Samhain. That's what we call Halloween. There's a woman's circle after the celebration. It's a full moon. It's the perfect time for letting the energy of the goddess heal and restore you. You need it. I'll fax you directions.

Denise Bauer: Thank you so much. **She turns to Shirley.** Do I strike you as being out of harmony?

Shirley Schmidt: Tut, tut, tut.

Judge Clark Brown: This war is a disaster. It has been sold to America under false premise. The government has been repeatedly told by its most senior military advisors that it needs far more troops. The advisors have been ignored or, in some cases, even fired. And now we have what very much looks like the beginning of another Vietnam. Except as Mr Shore points out, without the necessary outrage. That said, like it or not, we are at war. And the one thing that keeps the military functioning in war is its hierarchy. Orders are given, orders followed. That's why Congress has granted the military immunity in lawsuits like this. Ms Elliot, I have the deepest sympathy for you and for your brother. However I rule in favor of the government. The motion to dismiss is granted.

Alan Shore: I hope at least that somebody heard your screams.

Cassie Elliot: If not then maybe they heard yours. **Alan leaves. She turns to Garrett.** Well. Bye.

Garrett Wells: Why?

Cassie Elliot: I'm sorry.

Garrett Wells: Why does it have to be goodbye?

Denny is in his office. Alan knocks on the doorjamb.

Alan Shore: We lost. If it's any consolation.

Denny Crane: It isn't.

Alan Shore: Anybody who truly loves this country Denny, has to at least try to understand the awful truth over there.

Denny Crane: One of the reasons it's happening over there is so it won't happen here.

Alan Shore: I'm afraid I don't agree with you Denny. But if Americans can continue to nurture the expression of differing opinions, what's happening over there will never happen here.

The office Halloween party at Crane, Poole and Schmidt.

Paul Lewiston: I, I don't think people recognize our customs.

Shirley Schmidt: Maybe we should use the accent.

Sara Holt: **To Brad.** I give you my word. I'm not trying to be disrespectful. I just wanted to feel hot.

Alan, wearing a flamingo costume is standing alone. Denny, wearing an identical costume, walks up next to him.

Denny Crane: Tried it on. Looked good. Kept it on. Doesn't mean I forgive you.

Alan Shore: Got it. Denny? You look pretty in pink.

Denny Crane: Not having sex with you.

Alan Shore: Just the same.

Garrett and Cassie walk on to the dance floor.

Garrett Wells: What exactly is our costume again?

Cassie Elliot: It's uhm. 'I look good in white-tails'.

Garrett Wells: Ah. Right.

Cassie Elliot: Thank you. Did I tell you that?

Garrett Wells: To Alan Shore you did.

Cassie Elliot: Hm. Nothing for you?

Garrett Wells: No.

They kiss.

Alan and Denny are out on the balcony. They are still wearing their flamingo costumes and smoking cigars.

Alan Shore: What are you thinking about? It's not a trick question.

Denny Crane: Can't I have solitary pensive moment? Keep a thought to myself?

Alan Shore: Ha, ha. You forgot what you're thinking. Ha, ha. I don't presume to know whether this is a good war Denny. But there can be no dispute it's a complex one. One that we as a citizenry, as patriots need to be talking about.

Denny Crane: Here's all you need to know. Put me in charge. I'll win the darn thing.

Alan Shore: Do you think the army would let two flamingos enlist?

Denny Crane: Don't ask. Don't tell. **They look out to the street.** Most of the cranes in my family were flamingos.

Alan Shore: Indeed.