

Boston Legal

Do Tell

Season 4, Episode 4

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Scaps, courtesy of bbbeluga

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Recaps

Tara Summers: Previously on Boston Legal.

Denny Crane: What are you doing in my law firm?

Carl Sack: It's not your firm, Denny. I'm a senior partner.

Carl Sack: You just want to run around, drop your pants, shoot people. How's the Mad Cow coming?

Shirley Schmidt: I need you to tread more lightly.

Carl Sack: Well, I could always go back.

Shirley Schmidt: I don't want you to go back.

Lorraine Weller: Alan, Shirley.

Alan Shore: Lorraine!

Denny Crane: She's an old girlfriend. The town is full of them.

Alan Shore: There's something addictive about this woman.

Jerry Espenson: I thought maybe we could celebrate by getting dinner tonight.

Katie Lloyd: I don't want this to be construed as a date.

Shirley Schmidt: I hired another associate. Alan, Lorraine. Lorraine, Alan.

Scene: Crane, Poole & Schmidt—Reception Area



Elevator ding, and Whitney Rome steps out, walking through the Reception Area and talking on her cell phone with ear bud.

Whitney Rome: Never mind, "How could you go to Boston?" You should have picked up on the signals, Ramon. Like when I said "I'm going to Boston." Was that too subtle?

Whitney Rome collides with Denny Crane.

Whitney Rome and Denny Crane: in unison Oh!

Whitney Rome: to cell phone: Uh, hold on. **To Denny Crane:** What?

Denny Crane: Sexy.

Whitney Rome: Old. **Back to cell phone:** Keep your voice down, Ramon. I'm at work. My new job in Boston. Boston, Massachusetts.

Carl Sack: Whitney!

Whitney Rome: Hey, Carl! I'm working here now. You mind?

Carl Sack: What?

Whitney Rome: Ramon has pissed me off for the last time, so I'll need an office and an assistant.

General Mark "Fitz" Fitzgerald: entering from the elevator bank Ten, hut!

Denny Crane: turning around to see Fitz Fitz!

General Mark "Fitz" Fitzgerald: Denny.

Denny Crane: extending his hand to shake You came home safe.

General Mark "Fitz" Fitzgerald: nods Hmm.

Denny Crane: You made it home safe, man.

Quick cut to:

Scene: Crane, Poole & Schmidt—Denny Crane's Office

Denny Crane pours General Mark "Fitz" Fitzgerald and himself glasses of scotch, and then sits next to Fitzgerald on the couch; Shirley Schmidt sits across from them in a chair.

General Mark "Fitz" Fitzgerald: So, he lied. You think it's the first time a president lied to get us into a war?

Denny Crane: I don't know, Fitz. It's just he makes it hard to win an argument. I keep waiting for him to do something right. Well, I guess you can't expect a leopard to change its stripes.

Shirley Schmidt: Spots.

Denny Crane: You gotta have those looked at.

Shirley Schmidt: So, Fitz, what brings you? It's not like you to make a social call during wartime.

General Mark "Fitz" Fitzgerald: Well, it's . . . um . . . it's my grandson.

Denny Crane: Is he going over?

General Mark "Fitz" Fitzgerald: Oh, God, no. I'd send him to Canada first. No, he's . . . um . . . My grandson is gay.

Denny Crane: *surprised* Oh! You must be crushed.

General Mark "Fitz" Fitzgerald: Well, it's a disappointment. But the disappointment is me, Denny. I'm afraid I—I didn't set a very good example for the boy.

Denny Crane: *gesturing at the many ribbons on his uniform* But you, you've *killed* people!

General Mark "Fitz" Fitzgerald: Even so. Um, I've been a disappointment because I haven't done a better job of standing up for gay rights. You see, I'm gay.

Shirley Schmidt and Denny Crane appear shocked at hearing this, and Denny Crane slides a few inches further away from Fitzgerald.

Denny Crane: Very funny.

General Mark "Fitz" Fitzgerald: Not jokin', Denny. About a month ago, I came out. The Army says it's gonna boot me.

Denny Crane: But you're married with, uh, kids. You've seen me naked in the shower!

General Mark "Fitz" Fitzgerald: I would like this firm to represent me.

Denny Crane: Uh, 'gay' gay? Uh, like in homo—homosexual?

General Mark "Fitz" Fitzgerald: I would like to sue the Army. "Don't ask, don't tell"? I think we should be allowed to tell.

Denny Crane: Uh, 'gay' gay? ***Stands, remonstrating to Shirley Schmidt*** 'Gay' gay?

[Opening Credits; first time including Taraji P. Henson]

Scene: Crane, Poole & Schmidt—Jerry Espenson's Office

Katie Lloyd enters.

Katie Lloyd: Good morning, Jerry!

Jerry Espenson: *nods; not making eye contact* Morning!

Katie Lloyd: Everything okay?

Jerry Espenson: *still nodding, attention on his legal papers* Fine. You?

Katie Lloyd: Fine, thank you. Nothing's wrong at all?

Jerry Espenson: Nope. Just very busy. Busy day. Busy, busy day.

Scene: Crane, Poole & Schmidt—Carl Sack's Office

Whitney Rome: Breaking up with him isn't the hard part. Staying apart is something different. I just figure I need to be in a different city far away.

Carl Sack: But not too far away.

Whitney Rome: Just give me a case so I can distract myself.

Carl Sack: Whitney, you can't just waltz in here and hire yourself!

Whitney Rome: Why not?

Carl Sack: Because—

Miguel Obisbo: *suddenly appears at the door and enters, a young boy in tow.* Señor Sack! Ay Que lindo! (oh how wonderful) ***Throws his arms around Sack in a big bear hug.***

Carl Sack: What an incredible surprise!

Miguel Obisbo: : ***Speaking rapid Spanish.***

Carl Sack: It seems you've abducted a small child.

Miguel Obisbo: No, no, no. Éste es mi hijo Domingo, tiene diez años. (This is my son, Domingo, he's 10 yrs old)

Carl Sack: Miguel, my Spanish hasn't gotten any better since last we hugged. Miguel, stop!

Miguel Obisbo: Diga me. (tell me)

Whitney Rome: He says "This is my son, Domingo, ten years old."

Miguel Obisbo: Si. Si.

Carl Sack: You speak Spanish?

Whitney Rome: I don't speak it; I can understand it.

Miguel Obisbo: Señora [*Spanish*] mi ex-esposa [*Spanish*]

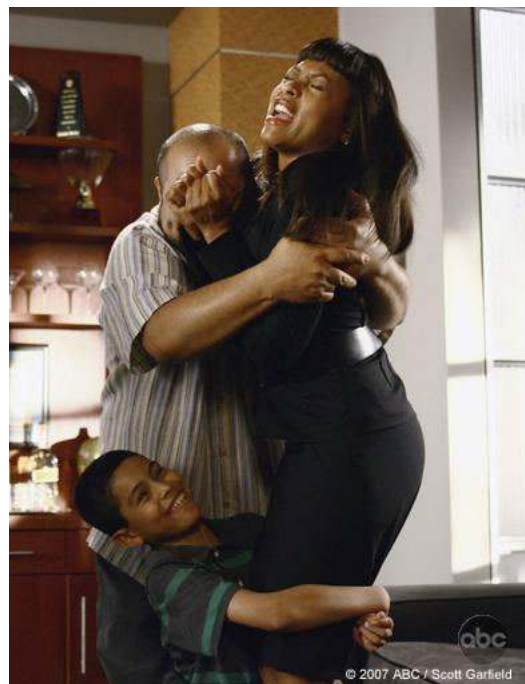
Whitney Rome: His ex-wife is trying to take his son away from him. She's not Mexican.

Miguel Obisbo: Cuando yo llevo Domingo a Mexico.

Whitney Rome: When he takes Domingo to Mexico, he competes in sports. One sport where he excels as a champion—

Domingo Obisbo has attached himself to Carl Sack's right leg, hugging it tightly.

Carl Sack: Okay, the child is cutting off circulation.



Miguel Obisbo: *coaxing Domingo Obisbo away from Carl Sack* Ay, pardon, pardon.
Carl Sack: What, um, sport are we talking about?
Miguel Obisbo: Los toros.
Whitney Rome: Bullfighting!
Carl Sack: What?
Miguel Obisbo: Si. Mi hijo Domingo es el matador campeón—une torero supremo (my son is a champion matador – a supreme toreador)
Whitney Rome: Okay. So this child fights bulls?
Miguel Obisbo: Si.
Whitney Rome: In a ring with a sword and cape and “Olé!”
Miguel Obisbo: Olé!
Domingo Obisbo: Olé!
Miguel Obisbo pretends to be a bull, using his hands to make horns on his head, and charges Domingo Obisbo, who, with a flourish, demonstrates his bullfighting acumen. Yo soy el toro enojado (I am the angry bull)
Carl Sack: He’s a bullfighter! I get it! I get it! Stop!
Domingo Obisbo: Please, help me.
Carl Sack: I’m afraid I can’t help you, son. But don’t despair. Whitney can.
Whitney Rome: No, no!
Miguel and Domingo Obisbo charge at her, capturing her in one of their characteristic big bear hugs.
Miguel Obisbo: [Spanish] Gracias, señora. [Spanish]
Domingo Obisbo: [Spanish]
Whitney Rome: No, ooh.
Carl Sack: Distracted enough, yet?
Whitney Rome: Um, can you get him off?
As Whitney Rome glares at Carl Sack, Miguel Obisbo continues to chatter on in Spanish.

Scene: Crane, Poole & Schmidt—Conference Room

General Mark “Fitz” Fitzgerald: My problem is, if I raise a stink, they might retaliate. I could be court-martialed.
Shirley Schmidt: And yet?
Lorraine Weller is flirting with Alan Shore, who is trying to avoid returning the flirtation.
General Mark “Fitz” Fitzgerald: I wanna make a stink.
Shirley Schmidt: Court martial could mean jail, Fitz.
Alan Shore: In *Lawrence vs Texas*, the Supreme Court struck down boysenberry, claiming it canonized the squeegee. That’s exactly the Pope. *chuckles*
Lorraine Weller and Shirley Schmidt both notice Alan Shore is “speaking in tongues,” and give him warning looks.
Alan Shore: Canker sore.
Lorraine Weller: In addition to striking down the dreaded canker sores, I believe the Lawrence court also scorched the law against sodomy. They ruled it basically criminalized gay conduct. We *could* argue that “Don’t Ask, Don’t Tell” policy does the same thing.
Alan Shore: gesturing toward Lorraine Weller Jello.
General Mark “Fitz” Fitzgerald gives Alan Shore a warning look. Alan Shore rises—buttoning his jacket—to walk out.



Alan Shore: looking at his watch Oh! *hurriedly exits out of the room*
Shirley and “Fitz” exchange looks; Shirley Schmidt smiles.
General Mark “Fitz” Fitzgerald: Denny! Any thoughts?
Denny Crane: sitting at the far end of the table, opposite Fitzgerald Between you and God.
General Mark “Fitz” Fitzgerald: You got something to say, say it.
Denny Crane: Oh, suddenly we’re a fan of honesty.
General Mark “Fitz” Fitzgerald: You don’t want to be at my table, you can walk right out that door.
Denny Crane: Hey, *my* table.
Shirley Schmidt: All right!
Denny Crane: My door! Not telling me what to do. *exits, in a huff*

Scene: Crane, Poole & Schmidt—Corridor

Whitney Rome: The truth is, I’m not good with Mexican people, Carl. Especially the bullfighting variety.
Carl Sack: You wanted a case.
Whitney Rome: Aw, c’mon. Not this one.
Carl Sack: Tough. *spots Katie Lloyd* Katie! How are we today?
Katie Lloyd: Feels a bit like a trick question, I must say.
Carl Sack: This is Whitney. She’s joining us as a new associate, and she has a child custody case, as do you now. Play nice. *exits*
Whitney Rome: shouts after Carl Sack I need an office!



Katie Lloyd: Hello! Welcome!

Whitney Rome: Yeah. I'm not feeling the connection here.

Scene: Crane, Poole & Schmidt—Alan Shore's Office

Alan Shore *is pacing and obviously having quite an animated talk with himself—with his hands.*

Lorraine Weller: *enters* Everything alright, Alan?

Alan Shore: *nodding, eager to get her to leave* Guadalupe.

Lorraine Weller: You still get afflicted by word salad, I see.

Alan Shore: Ahh—

Lorraine Weller: As I remember, it's brought on by anxiety.

Alan Shore *crosses his arm, shoulders back, chest out.*

Lorraine Weller: I'm no psychologist, but I believe the best way to relieve anxiety is to talk about it. Do we know the cause, Alan?

Alan Shore: *complete with hand jive* I. Hate! To *disappoint!* But *he's talking, but nothing's coming out—as if his audio and video are out of synch, then* whatever effect you have on me isn't neurological. *laughs*

Lorraine Weller: I see your lips can certainly form the words properly, and that tongue of yours easily wraps around the most challenging of syllables. I think it's my favorite part of that tongue, actually, the way it wraps syllables. *She strokes his lips*

Alan Shore: *stepping away from her* Nice try!

Lorraine Weller: But I *have* noticed you've completely lost the art of kissing softly. Does it trouble you not to be able to kiss softly?

He takes one big step toward her, and proves her wrong.

Lorraine Weller: It seems I'm wrong.

Alan Shore: Seems so.

Well, then again, maybe not. Soft kissing becomes . . . bodice-ripping.

Carl Sack: *enters* Well, well, well. Thank you, Alan, for welcoming the new employees with such open arms!

Alan Shore laughs uncomfortably, and he and Lorraine Weller part, straightening their clothes.

Carl Sack: I just made another hire. Wondering if I might ask Clarence to give her some administrative assistance?

Alan Shore: *nodding his assent and giving the thumbs up* Coleslaw!

Carl Sack twitches an uncomfortable smile at Alan Shore before exiting.

Scene: Massachusetts State Court—Judge Clark Brown's Courtroom

As Judge Clark Brown enters:

Court Clerk: All rise.

Shirley Schmidt: Oh, great.

General Mark "Fitz" Fitzgerald: What?

Shirley Schmidt: Not the judge we want.

Court Clerk: This court is in session, the Honorable Judge Clark Brown is sitting. God bless the Commonwealth of Massachusetts.

Everyone sits after Judge Clark Brown has been seated.

Judge Clark Brown: *glaring at General Mark "Fitz" Fitzgerald* How dare you? How dare you sue the United States military in a time of war. I find this shocking.

Shirley Schmidt: Yes. Notwithstanding that little nugget of objectivity, might you consider recusing yourself, on the grounds that you're in shock?

Judge Clark Brown bangs his gavel—twice—silencing her. Quick cut to:

Scene: Massachusetts State Court—Judge Clark Brown's Chambers

Judge Clark Brown: *entering* First of all, this case doesn't belong in a state court. It's a question of Federal jurisdiction. And, second: It doesn't belong there, either. How well do you think this war would go, *Counsel*, if every gay soldier decided to sue?

Shirley Schmidt: Ah, let me guess. Less well than it's going now?

Judge Clark bangs his gavel on his desk.

Shirley Schmidt: Your Honor, other gay soldiers are not likely to sue, since, by coming forward, they'd also be coming out in the process, possibly face dishonorable discharge or even court martial. And, as for jurisdiction, you are right. We *do* belong in Federal court, but let's face it—all the judges there are Federal appointees and most of them are looking to move up, and that'll never happen if they do anything other than kick this case on its face. W—we stand a much better chance of getting a fair hearing from a fair, impartial, open-minded state court judge, like yourself. But, given your own—oh, let's call it "baggage"—perhaps you should hand this ball off.

Judge Clark Brown: Why?

Shirley Schmidt: Okay. You once sued a religious institution because it failed to cure you of your homosexuality.

Judge Clark Brown bangs his gavel on his desk, again.

Judge Clark Brown: I am not now, nor have I ever been, a member of the Homosexual Party. I admitted to having isolated, aberrant, unnatural urges! I'll have you know, I no longer do.

Shirley Schmidt: Oh, great! So you are cured. I find card-carrying heterosexuals with histories of aberrant, unnatural urges to be least flexible on military issues.

Judge Clark Brown: *rising to pronounce* I shall hear this case.

JAG Schoenewics: What? I—I thought you were simply going to dismiss it.

Judge Clark Brown: Denied! I'm capable of presiding here, and I shall. Call your first witness!

Shirley Schmidt: *nods* Terrific. *turns to exit; sotto voce to General Mark "Fitz" Fitzgerald:* We're winning so far. Sort of.

Scene: Crane, Poole & Schmidt—Jerry Espenson's Office

Katie Lloyd: Could you possibly imagine letting a 10-year-old child do battle with a 600-pound bull?

Jerry Espenson: *looks up just to say* It's awful.

Katie Lloyd: Jerry? I feel some estrangement between you and I. It's upsetting. Could you look at me, Jerry?

Jerry Espenson puts his wooden cigarette in his mouth and dons his "Cigarette Man" persona.

Katie Lloyd: *smiling* Without the wooden cigarette, please.

Jerry Espenson puts the prop away and Katie Lloyd sits.

Katie Lloyd: When you asked me to dinner as colleagues, were you asking me out on a date?

Jerry Espenson: *shaking his head* I have no idea what you're talking about.

Katie Lloyd: However our relationship evolves, I pray it's always an honest one. Were you asking me out on a date, Jerry?

Jerry Espenson: *hesitant, nodding once* Yes.

Katie Lloyd: I'm enormously flattered by that. It's a lucky woman who gets to be involved with you.

Jerry Espenson: Hm. And you don't feel nearly so lucky.



Katie Lloyd: I've known you less than a month, and I already feel that you and I could grow into the very best of friends—a friendship that runs deeper than any I've ever had with a lover.

Jerry Espenson: Katie, it was wrong of me even to ask.

Katie Lloyd: No, it wasn't. You took a chance with the noblest of motives. You should feel anything but embarrassed. Aside from being one of the kindest and most intelligent men I've ever encountered, I now know you to be a person with impeccably good taste and high standards.

Both smile, nod.

Katie Lloyd: Promise me you won't stop being my friend, Jerry.

Jerry Espenson: I could never.

Whitney Rome appears at the window, raps, and motions with her head for Katie Lloyd to join her. Katie Lloyd smiles at Jerry Espenson, rises and exits. Jerry Espenson waves goodbye, and smiles.

Scene: Massachusetts State Court—Judge Clark Brown's Courtroom

General Mark "Fitz" Fitzgerald: *on the witness stand* As of the year 2005, more than 10,000 people were discharged by the U.S. military for homosexuality.

Shirley Schmidt: Ten thousand?

General Mark "Fitz" Fitzgerald: At a replacement cost of \$364 million. This, at a time when recruitment standards have been lowered to include the people who have criminal backgrounds, and people who have medical issues. Does that make sense?

Shirley Schmidt: May I ask: Have you always known that you were gay?

General Mark "Fitz" Fitzgerald: Well, I denied it—to myself. That's what my generation did. We married, we had kids, denied. But I'd have to say, yes, I've always known it.

Shirley Schmidt: So, for 30 years of military service, during which time you won all of those pretty ribbons—

General Mark "Fitz" Fitzgerald: I was homosexual; queer; light in the loafers.

JAG Schoenewics: Objection.

Judge Clark Brown: Sustained.

General Mark "Fitz" Fitzgerald: You have to hide that part. You have to change pronouns. When people ask you about relationships, "he" becomes "she." "Don't Ask, Don't Tell" was a compromise. It was supposed to allow gays to serve without witch hunts. Instead, it's institutionalized prejudice.

JAG Schoenewics: Did you as a general enforce this policy?

General Mark "Fitz" Fitzgerald: I'm ashamed to admit, I did.

JAG Schoenewics: In fact, you yourself discharged soldiers because they were gay.

General Mark "Fitz" Fitzgerald: Because they were *openly* gay, yes.

JAG Schoenewics: And now when you get fired, you wanna sue.

General Mark "Fitz" Fitzgerald: Yes.

JAG Schoenewics: You still married, sir?

General Mark "Fitz" Fitzgerald: No.

JAG Schoenewics: She left after you announced you were gay.

General Mark "Fitz" Fitzgerald: Yes.

JAG Schoenewics: Did you sue her?

Shirley Schmidt: Objection.

General Mark "Fitz" Fitzgerald: A personal relationship, in part based on sexual attraction, is obviously skewed by sexual orientation. My job performance as a general was not.

Scene: Videotape of Domingo Obisbo, Dressed as a Toreador, Fighting a Bull
The camera pulls back to reveal:

Scene: Family Court—Judge Victoria Peyton's Courtroom

The women in the room—Judge Victoria Peyton, Katie Lloyd, Whitney Rome, Ms. Obisbo and Attorney Sheila Zale—watch in horror and concern, as Miguel and Domingo Obisbo smile proudly at Domingo Obisbo's prowess as a young bullfighter. The videotape stops abruptly.

Judge Victoria Peyton: You've gotta be kidding.

Whitney Rome: Your Honor, the tape clearly proves the young man was never in danger.

Judge Victoria Peyton: Never in danger?! He was being charged by a 500-pound bull!

Whitney Rome: Kids engage in dangerous sporting activities all the time. Ten-year-olds race down the side of mountains at break-neck speeds. We let them play football, where they smash all kinds of bones. Let's not even discuss ice hockey.

laughs, turning to Attorney Sheila Zale I think *they* bite.

Attorney Sheila Zale is not amused.

Whitney Rome: I could be wrong.

Judge Victoria Peyton: Letting them play with bulls seems to cross the line.

Whitney Rome: According to our customs, but not Mexico's.

Judge Victoria Peyton: I'd like to hear from the boy.

Whitney Rome: Fine. Talk to him. But there's a reason why he's sitting next to his father on this.

Judge Victoria Peyton: I'd like to hear from him in my chambers, please. I want to be satisfied that he is not under anybody's influence or control while he's answering. Would that be okay with you, Counsel?

Whitney Rome: *turns to Katie Lloyd:* Why is she picking on me? Do you see a big target on my forehead? *back to Judge*

Victoria Peyton: Yes, ma'am.

Scene: Crane, Poole & Schmidt—Denny Crane's Office

Denny Crane: Word salad?

Alan Shore: Ugh! Thought I was over it.

Denny Crane: Well, we never really know ourselves, Alan, or our friends. We think we do, but . . . *shakes his head*

Alan Shore: Well, I don't know this Fitz. Denny, think of the discrimination gays face. We've got senators running around proposing Constitutional Amendments to prevent them from enjoying the same freedoms heterosexuals have. Never mind the proliferation of hate crimes, where they're routinely beaten up, and multiply that bigotry times ten—times fifty! That's what Fitz faced while he was growing up.

Denny Crane: Gibberish!

Alan Shore: Sorry?

Denny Crane: You're not speaking gibberish. It only seems to come on when Lorraine comes around, which happens to be now, by the way.

Alan Shore, panicked, turns toward the door, just in time to see Lorraine Weller enter.

Lorraine Weller: Hello.

Alan Shore: *stands up—fast—puts his glass of scotch on Denny Crane's desk* Nipple. Uh, breakdance! *exits quickly*

Denny Crane: Wanna play elevator?

Lorraine Weller exits.

Denny Crane: Whatever. *takes a sip of scotch*

Scene: Massachusetts State Court—Judge Clark Brown's Courtroom

General Milton Eckert: General Fitzgerald's career has been one of distinction. He was awarded the Purple Heart and the Bronze Star, the Soldier's Medal. He's received eleven decorations, including the Legion of Merit. He was a soldier's soldier.

Shirley Schmidt: Until he was tragically struck down with gayness.

JAG Schoenewicks: Objection.

Judge Clark Brown: Sustained.

General Milton Eckert: He can be dismissed pursuant to the 1994 National Defense Authorization Act.

Shirley Schmidt: "Don't Ask, Don't Tell."

General Milton Eckert: Yes.

Shirley Schmidt: Which says that gays can only serve in the military as long as they keep their sexual orientation private?

General Milton Eckert: Yes.

Shirley Schmidt: And General Fitzgerald's offense was?

General Milton Eckert: He told.

Shirley Schmidt smiles and turns to go back to her table.

Judge Clark Brown: Oh, congratulations, Ms. Schmidt! Why, you've just taken up a—an hour of the court's time—of—of my time—to establish something that was stipulated to by both sides from the very beginning!

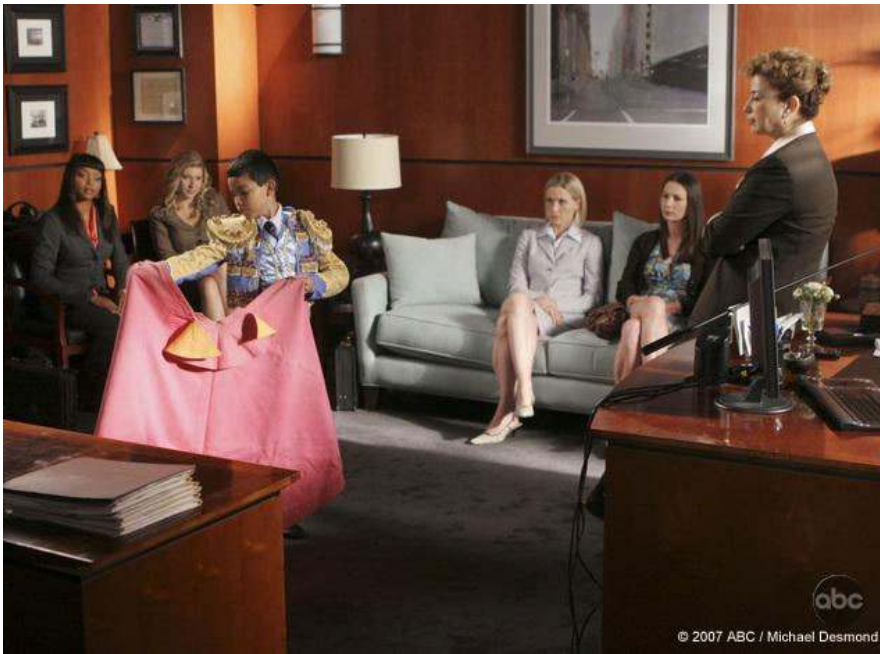
Shirley Schmidt: Y'know, you're really taking the fun out of this.

Judge Clark Brown bangs his gavel.

Scene: Judge Victoria Peyton's Chambers

Domingo Obisbo is dressed in full matador regalia, demonstrating how he engages in bullfighting.

Domingo Obisbo: These are veronicas. And you end with a *media veronica*.



Judge Victoria Peyton: That's very impressive.

Domingo Obispo: *bows* Sometimes you being with a *farol de rodillas*. The bull enters the ring. He charges his way. He's coming! And then— *twirls his cape, and kneels*

Judge Victoria Peyton: Domingo, do you ever get scared when you're in there?

Domingo Obispo: Sometimes. But I love it. I've tried other sports—football, baseball. This is the only one I love. And I'm good.

Whitney Rome: Again, Your Honor, I would urge you not to impose *our* culture on—

Judge Victoria Peyton: Counsel.

Whitney Rome: Hmm?

Judge Victoria Peyton: I don't really see this as a culture war, but thank you. You're a sage.

Whitney Rome: *sotto voce, to Katie Lloyd* Okay. That's not picking on me?

Judge Victoria Peyton: I'd like to hear from the father.

Ms. Obispo: What about me?

Judge Victoria Peyton: Ms. Obispo, as a mother, I totally know where you're coming from. Dad needs to step into the witness chair—tomorrow.

Scene: Crane, Poole & Schmidt—Shirley Schmidt's Office

Shirley Schmidt: You don't just hire people unilaterally, Carl.

Carl Sack: She hired herself; I—

Shirley Schmidt: You signed off, without any—

Carl Sack: Whitney Rome is a blue-chip attorney.

Shirley Schmidt: That's not the point.

Carl Sack: What is, Shirley? You brought me in here to help run litigation. I made an executive decision.

Shirley Schmidt: You subordinated me. I don't like being subordinated. It's not what true partners do.

Carl Sack: We're still talking professionally?

Shirley Schmidt: Uh, uh, of course, we're talking professionally. What else would I be talking about?

Carl Sack: Shirley, ever since I suggested we move in together, you've gone Donald Rumsfeld on me—minus the charm.

Shirley Schmidt: *chuckles, then steps around her desk toward Carl Sack* You didn't suggest we move in together. You suggested I move into *your* place.

Carl Sack: Ahh!

Shirley Schmidt: I don't like being "Ahh-ed."

Carl Sack: Ohh. You know what your problem is?

Shirley Schmidt: I thought I was perfect.

Carl Sack: Besides that. You've controlled every man you've ever been with. You said yourself—they've always made you feel like their mother at times. And yet, the idea of *you* being controlled—Heaven forbid—*subordinated*!?

Shirley Schmidt: Is that what you think?

Carl Sack: I think you are the most beautiful woman I've ever known. And I want to live together—wherever. And if you get "mommy pangs," I'll let you spank me.

Carl Sack and Shirley Schmidt smile, kiss, hug, and suddenly:

Shirley Schmidt: Denny! We were just—

Denny Crane stands at the entrance to Shirley Schmidt's office, a world of hurt and surprise playing across his face.

Carl Sack: *clears his throat* Just—

Denny Crane exits without a word.

Shirley Schmidt: *shaking her head* Not good.



Scene: Crane, Poole & Schmidt—Denny Crane's Office



Denny Crane is crying in Alan Shore's arms, as Alan Shore gently pats his back.

Alan Shore: Denny, the thing about shooting him is you'll go to jail.

Denny Crane: *sobbing* I don't care. There's nothing on the outside for me any more.

Alan Shore: You don't mean that.

Denny Crane: I thought she still loved me. *shakes his head, then buries his face in Alan Shore's shoulder again* She doesn't.

Alan Shore: Maybe Fitz does.

Denny Crane: Not funny! Shirley's the one for me, Alan. She's the one.

Alan Shore realizes Lorraine Weller is watching this from the hallway.

Alan Shore: Humperdinck.

Denny Crane: I doubt if she'd let me.

Scene: Family Court—Judge Victoria Peyton's Courtroom

Miguel Obisbo: Yo no queria que el luchó a los toros

Sister Catherine O'Reilly: *interpreting.* I didn't want him to fight bulls. I tried to encourage him to play other sports.

Katie Lloyd: Such as?

Miguel Obisbo: Le compro una pelota futbol ...

Sister Catherine O'Reilly: I got him a soccer ball. He drew horns on it, and stabbed it with a toy sword. It was the same with baseball, basketball, everything. He only wants to fight the bulls.

Katie Lloyd: But children want to do a lot of things that aren't good for them, Mr. Obisbo.

Miguel Obisbo: Pues, torero es un tradicion en mi pais.

Sister Catherine O'Reilly: Bullfighting is a tradition in my country. I would have done it if I had the gift. Climb in with that big bull stallion. To have that big bull charge me—just me. That stallion bull. One time. Me, and a big, horny bull. *ecstatic* Oh, oh!

Everyone's attention is on Sister's translation.

Sister Catherine O'Reilly: God, forgive me.



Scene: Massachusetts State Court—Judge Clark Brown's Courtroom

JAG Schoenewicks: "Don't Ask, Don't Tell" is a very considered and thought-out policy, Your Honor. One hatched not by Dick Cheney or Karl Rove, by the way, but by the Clinton Administration. It doesn't target gays; it doesn't say you can't be gay—just don't be open and notorious. We do not need our military compromised by unnecessary distractions. And, also, let's face it: The Army is concerned with image. It has to be. The rough and tumble soldiers ready to do battle. We seek to strike awe, and, yes, a little fear, into the hearts of our enemy. So, we have "Don't Ask, Don't Tell." Do we change this one day? I don't know. Maybe. But now, as a practical matter, you do not challenge or change military policy during a time of war. You just don't.

Shirley Schmidt: Yes, that works out to be *extremely* practical for our Presidential candidates when they don't want to go near the issue. I was watching a debate. There were at least 12 candidates standing on stage. Not one dared challenge "Don't Ask, Don't Tell." I—I guess politicians feel bigotry can be ratified by a 59% approval rating, but whether your name is Hillary, Obama, Rudy or Mitt, their message is all the same: You want to be gay? Fine. But for God's sake, keep it to yourself. Aren't we a proud people? Thank God for America holding out for real values, while Canada, England, Australia, Israel welcome gays into their military. In fact, every member of NATO, with the exception of Turkey, say it's okay to be gay and in uniform. But, what do they know? If you're going to impose democracy across the world, you've got to take a stand against civil liberties.

Judge Clark Brown: *bangs his gavel* I will not allow you to attack the United States of America!

Shirley Schmidt: Why the hell not? On this issue, we've taken a decidedly low road. We're not only tolerating intolerance, we're codifying it into national policy. How can we all not be ashamed?

Judge Clark Brown: Not everyone shares your point of view.

Shirley Schmidt: *chuckles* Clearly. I—in fact, it's quite a popular prejudice. We don't allow gays to marry. We don't allow them to give blood. We make it next-to-impossible for them to get health insurance. And, how about the big national tribute to Jerry Falwell, the man blamed 9-11 on God's wrath against homosexuals? We give him a state funeral like he's a national hero?

Judge Clark Brown: This case is not about Jerry Falwell. It's not about discrimination against gays in America. It is about gays in the military, a practical analysis in time of war, and I will ask you to keep your remarks on point.

Shirley Schmidt: Okay. *pause* Practically speaking, this war isn't going well. We keep saying we need to send in more troops. Well, Judge, there are no more troops. We've run through the National Guard. We're now tapping into private security companies. *emphasizing each word* There are no more troops. As a practical matter, we have thrown 10,000 good soldiers out, because they admitted being gay. Do you know how desperately the Army could use those men? As a practical matter, this policy stinks. As a moral one, I repeat: How can every one of us not be ashamed and why the hell aren't *you*?

Shirley Schmidt and Judge Clark Brown share a tense moment, and Shirley Schmidt walks back to her chair, sits.

Scene: Crane, Poole & Schmidt—Denny Crane's Balcony

A solitary Denny Crane leans against the balcony, contemplating the evening skyline of Boston. Shirley Schmidt enters.

Shirley Schmidt: You didn't . . . come to court.

Denny Crane: I didn't feel like being a prop today.

Shirley Schmidt: Denny, you and I . . . Do you really think—?

Denny Crane: My loins still hunger for you. I felt yours were still hot for me.

Shirley Schmidt: My loins cooled off in the '80s.

Denny Crane: So you jump in the sack with . . . Sack?! *pause* Do you love him?

Shirley Schmidt: *nods* I think I do.

Denny Crane: *sigh* Do you love me?

Shirley Schmidt: I'll always love you, but not that way. I could be wrong, but you seem to have no trouble feeding your loins.

Denny Crane: I love you, Shirley; I'm not ashamed to say that.

Shirley Schmidt: If you love me, then you'll want me to be happy, even if I'm not with you.

Denny Crane: I don't love you *that* much.

Shirley Schmidt: *nods, smiles* Good night. *starts to exit*

Denny Crane: Uh, Shirley . . .

Shirley Schmidt turns back to face Denny Crane.

Denny Crane: If you are happy, I'm glad. I really am.

Shirley Schmidt: Thank you.

Denny Crane: I—I've *always* wanted your happiness. *strokes her shoulders and prepares to kiss her; unfortunately, he prepares to French-kiss her, and his tongue-timing is a bit off.*

Shirley Schmidt: Oh, damn it, Denny!

Denny Crane: I want you to be happy!

Shirley Schmidt: No! God! Good night! *exits quickly*

Scene: Family Court—Judge Victoria Peyton's Courtroom

Attorney Sheila Zale: This boy is 10 years old. The physical danger speaks for itself. Any time that Domingo is in the ring, he's always only an instant away from death. Moreover, you should also consider this: What kind of person is Domingo becoming? Where's the moral center of a child who is taught that torturing and slaughtering an animal is alright? Best interests of the child—that's your criterion. His best interests simply cannot be served if he's allowed to engage in a sport where "winning" means torturing an innocent animal, and "losing" means either catastrophic injury or death. *steps back to her chair*

Katie Lloyd: *risks; clears her throat, steps into position to face Judge Victoria Peyton* Good morning, Your Honor.

Horrible business, this bullfighting. It's a wonder that serious injuries are relatively rare, which they are. We have more catastrophic injuries in this country from cheerleading. In football—the American version—there are 300 thousand concussions each year, and that's just measuring high school and college students. Studies now link these concussions to lifelong depression. I suppose we should ban football, but, of course, we never will. It's part of American culture, as are firearms. There are more guns in American households than pets. I must say I don't quite fathom that one, but America began with the shot heard around the world, so I suppose guns is simply part of its fabric. In Mexico, bullfighting is part of the fabric. It may seem barbaric to Ms. Zale or you or me, but the European Union did declare bullfighting to be a protected activity, because it is part of the national culture of certain countries. Goya and Picasso have painted bullfights; Lorca and Hemingway have written about them; Bizet's "Carmen" involves a bullfighter; Almadovar's movies have dealt with them. It's considered by many to be an art, and Domingo is very, very good at it.

Judge Victoria Peyton: I must say, as a mother—

Katie Lloyd: But, you're not this boy's mother, Your Honor.

Judge Victoria Peyton: *pointing at Mrs. Obispo* But, *she* is.

Katie Lloyd: Yes, and if you rule in her favor, what's to stop the next mother from challenging custody because Dad takes Johnny rock climbing? Or hang gliding, or hunting, or bull-riding, as they do in the West? Sports *can* be dangerous. The key is proper training, as Domingo has most certainly had here. There's no evidence to suggest that Miguel Obispo has been anything other than a fit and loving father. Courts have never decided custody based on the sports that children engage in. Do you really mean to open that door?

Judge Victoria Peyton: If the sport is barbaric, and lethal, I don't have a problem. This isn't Mexico, Counsel. This is America. I bring my own values to the plate.

Katie Lloyd: Yes. I come from England. There was a time when the whole world belonged to us. It took a while for us to make peace with the idea that it didn't anymore, and probably never did. Lovely idea, I suppose, the thought of imposing one's culture all over the globe. I think the world once belonged to America, too, or so *you* thought. It really doesn't. *turns and walks to her chair; sits*

Whitney Rome: When did the world ever belong to England?

Katie Lloyd smiles.

Scene: Crane, Poole & Schmidt—Denny Crane's Office

Close-up following the end of a fishing rod to the fisherman—Denny Crane, in his waders.

Alan Shore: Denny, you can't just run off to Nimmo Bay every time you get your heart broken.

Denny Crane: Why not? I can't have Shirley, I'll settle for a big, fat Chinook. And, by the way, I asked to hump her dink, and she said she didn't know what the hell I was talking about. Neither did I, quite frankly.



Alan Shore: Denny—

Lorraine Weller interrupts their conversation with 2 knocks on the door.

Alan Shore: I'll get my waders.

Lorraine Weller: May I talk to you? It's important.

Alan Shore: *grabbing and clutching Denny Crane's hand* Anything you have to say to me, you can say in front of Denny.

Denny Crane: We're married.

Lorraine Weller: Fine, then. *closes the door behind her* Sit.

They do, still holding hands.

Lorraine Weller: What's going on?

Alan Shore: *sotto voce, to Denny Crane:* She said she wanted to talk; that question requires me to.

Lorraine Weller: Why have I occasioned the relapse into word salad?

Alan Shore: You haven't! Spinach!

Lorraine Weller: Clearly, I make you uncomfortable. You profess I even cause you to act involuntarily, though I remain unconvinced. And now, the disorganized speech patterns. What is it? And don't say you don't know; I suspect you do.

Alan Shore's—and our—attention is directed at Lorraine Weller's rather shapely knees and legs.

Denny Crane: She's very strict.

Lorraine Weller: I'd appreciate you staying out of this, Denny. Alan?

Alan Shore: *eyes closed* It's not you.

Lorraine Weller rises, and walks out, leaving Alan Shore, eyes open and looking stricken, with Denny Crane. Alan Shore sighs.

Denny Crane: As one penis said to the other, "You can just call me Chubby."

Alan Shore drops Denny Crane's hand.

Scene: Massachusetts State Court—Judge Clark Brown's Courtroom

Court Clerk: All rise! This court is in session. The Honorable Judge Brown presiding.

Judge Clark Brown raises a very large gavel; and bang.

Shirley Schmidt: My God, he got a bigger gavel.

All sit.

Judge Clark Brown: I find the demeanor of Ms. Schmidt to be disgusting! Attacking my country! We Americans do not. Get. Ashamed. But I must admit: There is no defensible rationale for "Don't Ask, Don't Tell." There is no evidence that gay soldiers might distract the heterosexual ones. This isn't a bigotry supported by any real, pragmatic concerns. This is two thousand and seven, and we are still telling people that they don't have the right to be who they really are? It's shocking! Disgusting! Abominable!

Shirley Schmidt: He threw in a new word.

Judge Clark Brown: I rule in fairness. *points at General Mark "Fitz" Fitzgerald* This man—this man has served for 30 years—thirty years!—on tours of duty in Bosnia and Iraq. He's been awarded almost every medal of distinction, then he's going to be tossed because he's gay? *shakes his head* I hereby enjoin that discharge, and I order the United States Army to leave this fine soldier alone. *bangs his very large gavel* Adjourned!

Shirley Schmidt: Wow! Congratulations! *shakes General Mark "Fitz" Fitzgerald's hand*

General Mark "Fitz" Fitzgerald: Thank you so much, Shirley.

Shirley Schmidt: I'll bet you made your grandson very proud.

General Mark "Fitz" Fitzgerald smiles.

Scene: Family Court—Judge Victoria Peyton's Courtroom

Judge Victoria Peyton: Okay, call me a cultural imperialist if you want, but I think bullfighting is a horrid sport! And to let a 10-year-old do it seems beyond insane. The truth is: We cannot create risk-free environments for our children, especially in sports. The other truth is: This is not a judge's decision; it's a parental one. And, as Ms. Lloyd put it, I'm not his mother.

pointing at both parents The two of you need to come together and figure this out. There's no evidence that this man is otherwise an unfit or unloving father. I am leaving custody as is, and I am throwing the ball back to you. Mr. Obisbo, I have to live with this decision, so your son better.

Miguel Obisbo nods.

Judge Victoria Peyton: Adjourned.

Miguel and Domingo Obisbo launch themselves at Whitney Rome, hugging her tight, speaking rapid-fire Spanish.

Whitney Rome: Okay, wait. Wait, wait, wait! Why are you huggin' me? I didn't do the closing; she did. *points at Katie*

Lloyd, who hurries out Come back here! Okay, this is not a part of my law job. I'm not a hugger. I'm not a hugger!

Scene: Crane, Poole & Schmidt—Denny Crane's Balcony

Alan Shore is contemplating the street scene below, as we hear sirens and the bustle of the city at night.

Denny Crane: They won! Did you hear? Shirley, Fitz.

Alan Shore: So did Katie and the new girl.

Denny Crane: I thought Katie was the new girl.

Alan Shore: No, the newer one. They defended the sacred art of bullfighting.

Denny Crane: Oh, thank God.

Alan Shore: *chuckles; walks to his chair; sits* How did you leave it with Fitz?

Denny Crane: Mmm. I congratulated him; I told him I still considered him a friend. Hope that we get to stay in touch. Not, ah, touch touch. Ah, ah. Eh, no.



Alan Shore: You're homophobic, Denny. You do know that about yourself.

Denny Crane: I'll hit rehab on the way back from Nimmo Bay. What about you? What do you know about yourself? Lorraine was right on the money. She affects you—not just in an exciting way, but a disturbing one. I saw your face. What do you know?

Alan Shore: *clears his throat* When I was 14, my mother had a friend. She was . . . very beautiful—like Lorraine. Sometimes I would catch her looking at me. I mowed her lawn. On occasion, I'd peek over her fence, see her by the pool sun-bathing, often naked. I knew she knew I saw, and one day, I was cutting her lawn—it was miserably humid—and she invited me in for a glass of water. She was wearing some kind of a halter top. I was so attracted. She obviously knew that. I finished my water; handed her the glass. She took my hand and led me into the bedroom, and then, "The Graduate" met "Summer of '42," and I was no longer a virgin.

Alan Shore laughs a bit uncomfortably, and looks away; Denny Crane also laughs, rapt.

Denny Crane: Oh, my God! What a wonderful childhood you had.

Alan Shore: I was 14, Denny; it was statutory rape. You're the first person I've ever told that to, Denny. I actually feel—

Denny Crane: Unburdened?

Alan Shore: *pauses a while* Maybe.

Denny Crane: It's good to be affected by women, Alan. I've never seen you like this.

Alan Shore looks away, sighs.

Denny Crane: I think you should tell Lorraine what you just shared with me. Open up to her, Alan. I promise I won't be jealous.

Alan Shore: You really are an extraordinary friend, Denny.

Denny Crane: Everybody needs somebody.

Alan Shore: Well, I've got you.

Denny Crane: Damn right. You know, when you were telling the story, I pitched a fly rod right in my waders.

Alan Shore: *chuckles* Oh, here we go.

Denny Crane: Well, I—I'm sharing with you, man. The trouble with you is you don't like to listen. I'm a good listener. Tell me the story again.

Strains of Dean Martin's "Everybody Loves Somebody Sometime" heard in the background.

Alan Shore: Oh, just forget it.

Denny Crane: Your problem is: You're selfish! I tell you my stories.

Alan Shore: I just told you mine. I just don't feel like telling it twice.

Denny Crane: Fine.

Alan Shore: Thank you.

Denny Crane: Can I be there when you tell Lorraine?

Alan Shore: Oh, Denny.

Denny Crane: Fine. Selfish.

Alan Shore: I'll go to rehab.

Denny Crane: Funny.



Previews

James Spader: Next on Boston Legal.

Katie Lloyd: Why were you arrested?

Joseph Washington: Drivin' a car.

Jerry Espenson: Evidently, it's a crime for registered sex offenders to operate motor vehicles within the Middletown town borders.

Mare Winningham: My daughter was murdered. The man who murdered her was found not guilty by reason of temporary insanity.

Alan Shore: And how exactly can I help you?

Mare Winningham: I would like to kill this man and be found not guilty by reason of temporary insanity. *In jail* It's not every day you encounter compelling characters, is it?

Alan Shore: This was a premeditated, calculated revenge killing.

Mare Winningham: Not true. He had it coming.