

Boston Legal
The Nutcrackers
Season 3, Episode 10
Written by David E. Kelly and Corinne Brinkerhoff
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This is a very abbreviated script, subject to change. It's taken from the June script that became 3x1 Can't We All Get a Lung? The storyline below only includes the part about the pro-white singing duo/custody case, which was scrapped from 3x1 to use in 3x10. Check back after the episode for one more reflective of the actual broadcast. Please do not distribute. [September 10, 2006]

Scene 6

At Crane, Poole and Schmidt in Alan Shore's office. He is there with Ellen and George Tanner, mid-thirties. With them are their adorable, talented, blonde twin ten year old daughters Katey and Lauren. There is a guitar sitting nearby.

George Tanner: **Re: girls.** They're beautiful, well-behaved.

Ellen Tanner: **Modestly.** We home school. On the road, as well.

George Tanner: And this is an outrage!

Ellen Tanner: My sister has issues.

Alan Shore: Suing for custody is a rather drastic measure.

George Tanner: Our daughters are talented and successful.

Ellen Tanner: And if we thought for a minute that what we were doing was abuse...

Ellen starts to get choked up. George comforts her.

George Tanner: Performing on stage is what gives our children joy. Isn't it girls?

Katey Tanner: It's fun. Lauren Tanner: We love it.

Ellen Tanner: Would you like to hear them perform, Mr Shore?

Alan Shore: Delighted.

Ellen picks up the guitar. She plays a two bar introduction. Then --

Katey/Lauren: **Singing.** Rise up and shine. America's sons and daughters / Rise up and shine / You gotta fight to part those waters / When we swim in the light, all will be okay / The black, yellow and brown man will wash away.

Alan reacts, not sure what he just heard.

Katey/Lauren: **Singing.** Yes, the black, yellow and brown man will wash away.

Yes, it is what he heard.

Katey/Lauren: Ri-ise, rise and shine.

Alan is horrified.

Scene 8

At Crane, Poole and Schmidt, Alan and Brad walk and talk.

Brad Chase: Those Nazi twins? No way.

Alan Shore: But you're such a natural for the case, Brad – blond, blue-eyed, prone to outbursts of violence...

Brad Chase: Why didn't you just get yourself removed as counsel?

Alan Shore: I tried going to the judge, but since Edwin Poole had already taken and spent the retainer, his Honor said no.

Brad Chase: He spent it all? On what?

Alan Shore: Rabbits.

A beat.

Brad Chase: Good luck.

As Alan and Brad cross up, pick up Shirley and Denise walk and talk.

Shirley Schmidt: Are you really surprised? He fixed that cancer study, that's how you two met and fell in love.

Denise Bauer: Yes, but when you agree to marry someone, you hope that over time they become increasingly less ghoulish.

Scene 10

At Crane, Poole and Schmidt in the conference room. Alan is there with his clients Ellen and George Tanner. On the opposite side of the table is Ellen's sister Annette Shaw with her attorney, Juliette Monroe, forty-two, strong.

Annette Shaw: *To Alan; re: the Tanners.* I was raised the same way they were. Our parents told us the same stories about there being no Holocaust. The blacks mongrelizing the pure white race. The whole deal. But I was able to come out from under it.

Ellen Tanner: And now you're trying to put your stamp on our children.

George Tanner: Just because you can't hang onto a relationship long enough to have your own kids...

Annette Shaw: How...? You're insane. **To Juliette.** They're insane.

Ellen Tanner: Are we? Our whole race is under assault.

Alan Shore: **To Juliette.** Ms Shaw, Ms Monroe, regardless of my personal feelings about this case and my client's -- feelings which are many -- I must warn you, you have no legal standing. The Tanner's girls are happy, well-fed, not a blonde lock out of place. A court wouldn't dare take the children away from their parents based on said parents' political beliefs.

Scene 11

At Crane, Poole and Schmidt in Denny's office, he is surrounded by his learned flight crew. Max Roberts is pointing to the mathematical equations on his white board. Jake Schultz is present.

Max Roberts: The angle of attack will determine your lift coefficient. However, there's a problem with your aspect ratio.

Denny Crane: What's the problem?

Max Roberts: Your weight and drag are greater than your lift and thrust.

Denny Crane: Speak English.

Jake Schultz: You're fat.

All the learned flight crew nods in agreement, as does Denny. Then:

Denny Crane: **To all.** You're fired.

Scene 13

In Judge Gimbel's courtroom (Family Court). Alan is there with his clients. Juliette is on direct with Katey Tanner. Judge Gimbel presides.

Katey Tanner: This summer we sang at a Patriot's Day picnic in Richmond, and at the Solstice Festival in Tampa. Also, we got to do the national anthem at an anti-immigration rally and the KlanJam.

Attorney Juliette Monroe: The KlanJam?

Katey Tanner: **Matter of factly.** In Fort Payne.

Juliette pauses, lets Judge Gimbel take this in. Alan is not happy.

Attorney Juliette Monroe: Katey, do you ever wish that, instead of having to perform at those kinds of gatherings, you got to do fun things like other kids -- summer camp, Disney land?

Katey Tanner: Performing is fun for us. And it's important. We're standing up for something.

Attorney Juliette Monroe: What, exactly, are you standing up for?

Katey Tanner: White Pride. **George and Ellen are beaming -- but they're the only ones. Katey tries to explain.** I mean, other groups are allowed to be proud of themselves, right?

Alan Shore: Objection. Katey, sweetheart, you weren't asked a question.

Judge Gimbel: I'd like to hear from Katey.

Katey Tanner: It used to just be, like, blacks. With their marches and history months and stuff. **She turns to face Judge Gimbel as she warms to her argument.** Now it's everyone. Like the Mexicans. They say that they want to be become Americans, but at their rallies, they just wave their Mexican flags and talk Spanish. With our songs, we're saying that whites need to stand up and fight back. Because the minorities -- they're winning.

Attorney Juliette Monroe: Winning what?

Katey Tanner: **She glances back at her parents, aware that she's headed for even more controversial territory. George nods reassuringly.** The race war.

Attorney Juliette Monroe: Race war?

Alan Shore: Objection. Relevance.

Judge Gimbel: Overruled. What about this race war?

Katey Tanner: Not, like, with guns. With babies. **With conviction.** The Mexicans, the Chinese – they're all having as many kids as they can, so they can take over. Whites are already a minority in California – we pretty much lost that state to the wetbacks.

Attorney Juliette Monroe: Who told you that?

Katey Tanner: I learned it in school.

Attorney Juliette Monroe: In your home school. That your mom teaches.

Katey Tanner: Yes.

Juliette looks to Judge Gimbel and shrugs sadly, confident that he's made his point. As he sits, Alan slowly gets to his feet.

Alan Shore: Katey, have you parents ever hit you?

Katey Tanner: **Incredulous.** Hit me? No.

Alan Shore: How about Lauren? Do they get violent with her?

Katey Tanner: No. They love us.

Alan Shore: Do you always get enough to eat?

Katey Tanner: **This is so silly.** Um, yeah.

Alan Shore: How about your health – any aches or pains not being attended to? Perhaps a sore throat from all that singing?

Katey Tanner: Are you kidding? They take us to the doctor if we even sneeze.

Alan Shore: Now, Ms Monroe mentioned that your mom is your teacher. Given all the time you spend traveling and performing, does she let you slide when it comes to school?

Katey Tanner: I wish. We do way more homework than kids in regular schools. **Annoyed.** And whenever we're taking a trip somewhere, our dad turns it into a total history lesson.

Alan Shore: Which, I'm sure, is terribly interesting. Nevertheless, the State of Massachusetts requires that every child – home-schooled or not – become competent in a core set of subjects: English, math, science.

Katey Tanner: **Nods.** We have to take the MCAS tests, just like everyone else.

Alan Shore: And?

Katey Tanner: Lauren and I were both in the 95th percentile last year.

Alan Shore: So you're safe, and well-fed. Healthy, Successful. If you and Lauren would be together, and your parents didn't have a say --where would you want to go?

Katey Tanner: We don't want to go anywhere. We want to be home. With our family.

Alan Shore: Your Honor, I think we've established quite clearly that there is no legal basis for pulling the Tanners' family apart. In their way, and well within the tolerances of our society, the parents are parenting. The kids are kids-ing. And whatever the national security concerns were that Ms Monroe mentioned earlier-- they've certainly not been proven.

The Judge, almost convinced, turns to Juliette. Well?

Attorney Juliette Monroe: We have a witness who will speak to them, Your Honor. Conclusively.

Alan is suddenly anxious.

Scene 16

In Judge Gimbel's courtroom, Agent Ryan Everly, thirty-three, testifies. Juliette is on direct.

Agent Ryan Everly: I'm an agent with the Federal Bureau of Investigation, specializing in domestic counter terrorism.

Alan Shore: Objection.

Judge Gimbel: He just stated his name and profession.

Alan Shore: And I find them objectionable.

Judge Gimbel: **Annoyed.** Mr Shore, we've been through this before.

Alan Shore: And I will say it again. This is a simple custody battle. Bringing in an FBI counter terrorism agent is ridiculous.

Judge Gimbel: And I again overrule your objection.

Attorney Juliette Monroe: The Tanners are members of the Concerned Citizens Society of America. Are you familiar with this group?

Agent Ryan Everly: Yes, The CCSA aggressively advocates the violent overthrow of the United States Government, and adheres to a whites-only, immigrant bashing, Jew hating doctrine. And they continually recruit... through the internet, through music, through Katey and Lauren.

Attorney Juliette Monroe: How so?

Agent Ryan Everly: The girls headline these music festivals, family weekends. Once people show up, they're enrolled in seminars glorifying slavery, exposed to bare knuckles ring fighting and offered militia training, including proper ambush techniques and target practice.

Juliette displays three targets, riddet with bullet holes: One a caricature of a Black man, one of an Asian woman, and one of a Jewish man.

Attorney Juliette Monroe: Agent Everly, do you recognize these pictures?

Agent Ryan Everly: Yes. Those are some of the targets I confiscated at their last "Pride" weekend. **A beat.** Look, this is the moral equivalent of an Al Qaeda training camp, where hordes of people are filled with anger and hate, then trained how to act on that fury.

Alan Shore: Objection. Foundation.

Judge Gimbel: Sustained.

Attorney Juliette Monroe: Nothing further. **She sits.**

Alan Shore: He rises. I must agree with you, Agent Everly. My clients are frightening. So frightening that you're obviously arrested Katey and Lauren's parents, have you not?

Agent Ryan Everly: No, we have not.

Alan Shore: But from what you'd have us believe, they are clearly terrorists. Why not arrest them?

Agent Ryan Everly: Because they have not technically broken the law. But we have collected literature, communications –

Alan Shore: Darn that pesky First Amendment.

Agent Ryan Everly: Money transfers, strong, heavy chatter indicating potential terrorist activity.

Alan Shore: In other words, a bunch of rednecks sitting around talking. **Then.** No one has done anything illegal, yet those girls are going to have their lives torn apart because you don't like how they're being raised and you have a hunch.

Agent Ryan Everly: A hunch was all some people had about Al Qaeda before 9/11. A hunch is all we had about Timothy McVeigh and the Christian Identity Organization before Oklahoma City. Back then, we didn't take hunches seriously. Now we take everything seriously.

Alan knows that sunk in with Judge Gimbel.

Scene 23

In Judge Gimbel's courtroom (Family Court), Alan sits with the Tanners family as Judge Gimbel readies himself to deliver his decision.

Ellen Tanner: Whatever happens, Mr Shore, you've fought the good fight.

Alan Shore: Like a good German.

Ellen squeezes his hand and nods, he's starting to see reason.

Judge Gimbel: The law is clear. Mr. and Mrs. Tanners may be questionable as human beings, but they are loving parents. The petitioner's motion for removal is denied.

The Tanners are elated. George thuds Alan on the back. Out of the corner of the eye, Alan sees Annette sagging in her chair. Katey and Lauren give Alan grateful hugs.

Katey Tanner: Thank you, Mr. Shore! Can we sing you a song?

Alan Shore: Quickly. No. No songs.

Ellen takes her daughter's hands and joins their father. They walk out of the courtroom – the perfect family. Alan watches them go, then picks up his briefcase. He notices Annette sitting alone in the courtroom. Walks to her.

Alan Shore: I am sorry.

Annette Shaw: I hope we all won't be sorry in the ten years. **She walks off.**

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