

Boston Legal

Kill, Baby, Kill!

Season 5, Episode 9

Broadcast: Nov. 17, 2008

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Transcribed Imameess for Boston-Legal.org; Thank you to olucy for proofreading and to Dana for the pictures.

At Crane, Poole and Schmidt Jenny Pratt steps off the elevator. As she crosses the oncoming Denny Crane he does a sharp pivot and falls in lock-step right behind her, he's close enough to smell her hair so he does. Sensing somebody behind her, she stops, he collides, nearly knocking her over.

Jenny Pratt: Oh!

Denny Crane: I'm terribly sorry. I didn't see you there. How may I help you?

Jenny Pratt: Ah, um I'm looking for Carl Sack.

Denny Crane: I'm Carl Sack.

Jenny Pratt: You're Carl Sack?

Denny Crane: At your service. **He kisses her hand.** Full service.

Jenny Pratt: I've seen photographs of Mr. Sack and...

Denny Crane: I look shorter in person. And fatter. And... **Carl walks up.** Hello, Denny!

Carl Sack: I'm Carl Sack.

Denny Crane: He's got the mad cow. Makes him think he's Carl...

Jenny Pratt: I'm Jenny Pratt.

Carl Sack: Yes, uhm, let's go to my office.

They leave for Carl's office, Denny follows.

Jenny Pratt: There were a dozen eyewitnesses and they all tell the same story. **We see flashbacks as she tells her story.** Dwayne Willis was brought in a little before nine PM. They strapped him down on the table and hooked up the two IVs, one in each arm. The first drug is supposed to render the condemned man unconscious. It didn't. It was now ten past nine. The drugs had been going into him for nearly ten minutes. That's when Officer Holt started getting worried. More time goes by. Willis has been hooked up to the drip for twenty minutes now. He's still conscious! An argument breaks out. The tech wants to pull the IVs out and try again, another guard says, "No! Just increase the dosage." And then Willis starts thrashing about, his chest is heaving, he's gasping, choking, it's horrifying! And Holt says, "Do something!" but nobody knows what to do. Willis has been hooked up for a half hour now. He's not even unconscious! He's gagging and thrashing. And that's when Holt just snapped. He fired one round into Willis' head. Willis died instantly. **End of flashback. Back in Carl's office.** He's charged with Murder Two, but the D.A. is willing to knock it down to manslaughter, only Holt won't take the deal.

Carl Sack: Ms. Pratt.

Jenny Pratt: Jenny.

Carl Sack: There must be many lawyers in Virginia who could do this.

Jenny Pratt: Yeah. I need an advocate



who can speak forcibly against the death penalty itself.

Carl Sack: Jenny, whatever one's feelings are on the death penalty...

Denny Crane: For it!

Carl Sack: It's moot here. Your client carried out a death sentence. Albeit in a unique fashion.

Jenny Pratt: But the legal issue is also unique. Is it even possible to murder a man who's being executed?

Denny Crane: Double homicide! Happens all the time.

Carl Sack: A double homicide is when two people are killed, Denny.

Denny Crane: What's your point?

A beat.

Carl Sack: Listen Jenny, I'm not sure...

Denny Crane: Carl, Virginia is a swing state. I've always wanted to swing.

Carl Sack: Denny.

Carl Sack: Carl! We need to bond! Hell, man, this is our last season. If there's one thing I've learned in life it's never, ever say no to a road trip.

At a Virginia State jailhouse, Jenny, Carl and Denny are sitting across the table from Officer Preston Holt in a visiting room.

Officer Preston Holt: I just couldn't watch him suffer anymore. If I had to do it over again I'd do the same thing.

Carl Sack: You only fired the one shot?

Officer Preston Holt: Yes.

Carl Sack: We could go with "Defense of Others" but since you went into the room to participate in executing the man, I don't think...

Officer Preston Holt: I didn't go in to torture him!

Carl Sack: Another approach, a version of diminished capacity. You were overcome with compassion...

Denny Crane: In Virginia?

Carl Sack: Moreover your years of witnessing executions could have taken a mental toll.

Officer Preston Holt: I'm not arguing that.

Carl Sack: How about simple temporary insanity? You saw a man suffering, you snapped.

Officer Preston Holt: No! I knew exactly what I did while I was doing it. I'd do it again.

Carl Sack: We don't have a lot to go with here.

Officer Preston Holt: I won't say I was insane.



D.A. Jack Fitzhugh's office.

D.A. Jack Fitzhugh: You want us to just cut him loose?

Carl Sack: You make it sound as if he's strung up somewhere. Let's not get ahead of ourselves.

D.A. Jack Fitzhugh: Mr. Sack, you're a stranger here...

Carl Sack: I knew it. They plan to play the stranger card.

Denny Crane: Aren't we all brothers, my friend?

D.A. Jack Fitzhugh: This is a very serious matter.

Carl Sack: Yes, it is. So! I thought perhaps we could be serious for a second. You don't mean

to tell a jury of your fellow Virginians that shooting a man the Commonwealth was in the process of killing was murder? Or manslaughter? Or in fact any crime at all?



D.A. Jack Fitzhugh: It was a crime. According to the law!

Carl Sack: Understood. But a D.A. has discretion whether to charge. **To Denny.** Do they not?

In the familiar Denny and Carl rapid-fire speed.

Denny Crane: The good ones do.

Carl Sack: Well, he looks good.

Denny Crane: Looks great.

Carl Sack: Best I've seen.

Denny Crane: Me too.

D.A. Jack Fitzhugh: Look, I am not dismissing the charges. He is going on trial. For murder.

Denny Crane: You're not my brother anymore. Which I believe leaves me free to have sex with your sister.

A beat as D.A. Jack Fitzhugh doesn't respond.

Carl Sack: We try to make our cases fun.

Alan Shore's office.

Martha Headly: I can't thank you enough for seeing me, Alan.

Alan Shore: **He motions to a chair.**

Please.

They both sit.

Martha Headly: So? I hear you've become quite the busy man these days, huh? Big lawyer! A celebrity of sorts.

Alan Shore: Ah ha! **He shakes his head.**

Martha Headly: Well, you look great!

Alan Shore: Thank you.

Martha Headly: Yeah. You know, I always figured you to age fat and bald.

Alan Shore: Well, I was lucky enough to stave off the evil that so ages men.

Martha Headly: Which is?

Alan Shore: Marriage. **A beat.** What's up, Martha?

Martha Headly: Well, unfortunately I was fired from my job.

Alan Shore: Ah.

Martha Headly: Yeah. A very good job, I might add. I was district sales manager for a software company. In line to become regional sales manager. Now I know this might be hard to prove but I think I got fired because I voted for John McCain! My boss and I, we got into this big fight over the election and as soon as I told him who I voted for he just got this look of disgust on his face. As... **She notices Alan's sneer.** Not entirely dissimilar to the expression on your face at the moment. But anyway, ah, so he fired me!

Alan Shore: Did he give you a reason?

Martha Headly: No! No, they don't have to give a reason anymore. They're advised by their labor lawyers not to. But I know it was because I voted for McCain. I can feel it in my bones, Alan.



In Judge Walter Yardley's courtroom.

Officer Mike Carr: And the prisoner started gasping for breath and moving around on the table.

D.A. Jack Fitzhugh: Is that uncommon?

Officer Mike Carr: It's happened before. No two lethal injections ever seem to go exactly the same way. There was a lot of screaming and yelling. Officer Holt became very upset. Then he suddenly pulled out his gun and shot the prisoner in the head.

Carl Sack: **He gets up.** Are you familiar with the case Emmett v Johnson?

Officer Mike Carr: I heard of it. Something like lethal injection is cruel and barbaric.

Carl Sack: Something like. According to briefs filed in that case, Virginia's method, in particular, carries a greater risk of pain than the method used in Kentucky which the Supreme Court approved.

Officer Mike Carr: Our methods are substantially the same.

Carl Sack: The brief includes evidence that members of the death team, including I assume, you, don't understand how the drugs work. Don't know how to properly administer an IV. And don't know how correctly to observe the inmate during the execution to determine if anything is going wrong.

Officer Mike Carr: That's an argument in a lawsuit. There's another argument on the other side. Why don't you read that?

Carl Sack: Oh, I'm sure there is. Are you aware that a prominent medical society has found Virginia's method of execution unacceptable?

Officer Mike Carr: I know doctors have an issue with the death penalty in general. So it wouldn't surprise me if some physicians' group said that.

Carl Sack: Neither would I. Except the group I'm referring to happens to be the American Veterinary Medical Association. Some vets have banned your lethal injection protocol because the method Virginia uses on humans is considered too barbaric to be used on cats and dogs.

D.A. Jack Fitzhugh: Objection! The AVMA has said that their report was misinterpreted!

Judge Walter Yardley: Sustained. Mr. Sack, this case is not about the legitimacy of the death penalty. If that's where you're coming from you can tuck in your little tail and head on back to Massachusetts.

Carl Sack: Your Honor, I'm very proud of my home state. It's home of the Red Sox. The Patriots. Mitt.

Judge Walter Yardley: We take our laws here in Virginia very seriously, sir.

Carl Sack: Do you take this case seriously?

He raises his right hand. Show of hands! Because you know it is a bit silly...

D.A. Jack Fitzhugh: Objection!

Carl Sack: ...there's a man on trial here for trying to kill somebody the State was already killing! If anything, my client accomplished the death penalty!

Judge Walter Yardley: Mr. Sack!

Carl Sack: The legitimacy of which I certainly would never question, particularly in Virginia.

D.A. Jack Fitzhugh: Your Honor!

Judge Walter Yardley: Mr. Sack!

Carl Sack: How about torture? Are we for that?

Judge Walter Yardley: **He points his gavel.** I'm warning you!

Carl Sack: Because this man was being tortured, that's why my client...

D.A. Jack Fitzhugh: Objection, Your Honor! Objection!

Judge Walter Yardley: Order! **He pounds his gavel.** Order! **He pounds his gavel.** Order! **He pounds his gavel.** Order! **He pounds his gavel.**

Denny Crane: **He takes out a gun and shoots at the ceiling. Gasps and screams are heard throughout the courtroom.** Take control of the room, will you, Judge?

Judge Walter Yardley: Bailiff!

Denny is sitting behind bars. A guard leads Carl in.

Denny Crane: Blanks! What's his problem?

Carl Sack: How'd you even get the gun in the courtroom?

Denny Crane: Oh please.

Carl Sack: Denny, what are you doing?

Denny Crane: Would you relax? Like I said, firstly it was blanks! Secondly, this is Virginia! My approval rating went up in that room. I'm a hero to those people. I couldn't be more popular if I got kids to smoke cigarettes. **A beat as Carl doesn't respond then turns to leave.** Carl! Don't leave me here, I can't swing in here. **Without turning back Carl waves goodbye.** Alan's way more fun!

Donald Feldcamp's office.

Alan Shore: I appreciate you making the time to see me.

Donald Feldcamp: Ah, sure. Well, actually my lawyer told me not to see you. But I never listen to him anyway.



Alan Shore: I know you certainly didn't bother consulting with him before firing Martha.

Donald Feldcamp: Nice try.

Alan Shore: Why did you fire her, Mr. Feldcamp?

Donald Feldcamp: **He sighs.** Wasn't working out.

Alan Shore: How so?

Donald Feldcamp: Oh, hard to say. You know, as an employer you sometimes get a feel for an employee, and with Martha--hard worker, but she was never gonna make the next step. In this company you either move up or you move out!

Alan Shore: Martha's of the impression that you fired her because she voted for John McCain in the election.

Donald Feldcamp: She's mistaken. Look, I voted for McCain. All right? Martha simply wasn't working out!

Alan Shore: There must be a reason you didn't think she was working out. **He waits for a response. Donald just sighs.** If I have to depose you to force an answer I can do so, but you seem to be rather forthcoming. Why not you just tell me now?

Donald Feldcamp: Okay. She's stupid.

Alan Shore: And as for evidence of her stupidity?

Donald Feldcamp: Oh! Ta! I could cite many!

Alan Shore: Cite one.

Donald Feldcamp: She voted for McCain.

Alan Shore: You said *you* voted for him.

Donald Feldcamp: Hm. Yeah, I did. I voted for him because I like his policies on nuclear energy. Because I believed he'd make a better Commander-in-Chief in times of war. Because I trusted his experience. But Martha voted for him because she felt Sarah Palin to be *spunky*.

Alan Shore: So you admit you fired her because of who she voted for?

Donald Feldcamp: No, I fired her because she is stupid! Look. I got a bad feeling about her, you know? It's plain and simple.

Alan Shore: I'm starting to get a bad feeling about you.

Donald Feldcamp: Ha! Then it's lucky for me that you're not my boss! **He sighs.** Look, are we done?

Alan Shore: No, I'm afraid we're not done. **He rises.** Rather it seems we're just beginning.

Donald Feldcamp: You know what, Mr. Shore? I fire people all the time! And some of them go on to sue me. This is "at will" employment here. It's *my* will. So if you wanna file a lawsuit, just join the club.

Alan Shore: Oh, I'm not a member of any club I assure you. I tend to stick out. I don't mind. It makes me more memorable. You'll remember me, Mr. Feldcamp. **He turns to leave.**

Donald Feldcamp: Don't let the door hit you on the way out.



Judge Walter Yardley's courtroom.

Dr. Linda Corbin: First is sodium thiopental, which is a barbiturate. Next come pancuronium bromide, a muscle relaxant that paralyzes the diaphragm and thus stops breathing. Then potassium chloride is injected, and that stops the heart.

Carl Sack: But that's not what happened here?

Dr. Linda Corbin: Not exactly.

Carl Sack: What did happen?

Dr. Linda Corbin: Well, the technician who started the IV on the prisoner missed the vein in one arm, and in the other arm, he stuck the needle through the prisoner's vein and into his muscle tissue.

Carl Sack: Do you know of other botched executions using the lethal injection method?

Dr. Linda Corbin: There have been too many to list! This is something that should be done by doctors, but doctors refuse to do it on ethical grounds.

Carl Sack: But to be fair, in most instances where lethal injection is used, the condemned man just sort of drifts off to sleep without incident.

Dr. Linda Corbin: It's more likely that the paralytic agent simply prevents prisoners from communicating. In fact they could be suffocating, suffering excruciating pain during the procedure--they're just unable to scream.

D.A. Jack Fitzhugh is now up.

D.A. Jack Fitzhugh: How many of these so-called botched executions occurred in Virginia?

Dr. Linda Corbin: One.

D.A. Jack Fitzhugh: And the Supreme Court has approved the method of lethal injection used in the



Commonwealth of Virginia?

Carl Sack: And we know they're such sticklers.

Judge Walter Yardley: Mr. Sack, I will hold you in contempt!

D.A. Jack Fitzhugh: And the Supreme Court has not approved prison guards shooting condemned prisoners in the head? Have they?

Carl Sack: Has anybody asked them?

Judge Walter Yardley: Now look, we all know things went wrong here, that's not the point. I will repeat, the question here is do we simply give prison guards the right to just whip out their guns and blast away?

Carl Sack: Well thank you, Your Honor, for framing the issue in such a neutral and impartial way.

Shirley Schmidt's office.

Shirley Schmidt: Why do you need my help?

Alan Shore: Well, I don't. Probably it's just Denny is out of town.

Shirley Schmidt: Will you give up ever?

Alan Shore: I have no one to share private thoughts with tonight on the balcony! Shirley, this man, Feldcamp—the unfettered, smug, arrogance—he could almost make Rudy Giuliani seem humble. Come on! It'll be fun!

Shirley Schmidt: He really fired her because of how she voted?

Alan Shore: Well he's claiming it's stupidity, but yes, I think he did.

Shirley Schmidt: And what exactly would *my* role be?

Alan Shore: Why do you say it with such distrust?

Shirley Schmidt: Because I can smell a dog on the sniff.

Alan Shore: Don't be ridiculous! You're almost old enough to be my mother. Or one of my mother's friends! The one who used to sunbathe naked by the pool.

Shirley Schmidt: So you want to march into court tomorrow, the two of us side by side and fight for a woman who...

Alan Shore: Who voted for John McCain.

Shirley sighs.

Judge Victoria Peyton's courtroom. Alan and Attorney Wayne Davidson stand in front of the Judge.

Alan Shore: He all but admitted to me, Your Honor, that he fired her because she voted for John McCain.

Attorney Wayne Davidson: He made no such admission! The basis was her stupidity!

Alan Shore: Yes, and the evidence of that was her vote. Look, they got into a big political debate three days before...

Attorney Wayne Davidson: During which the plaintiff further displayed a complete lack of intellect which prompted my client...

Alan Shore: Because she didn't share your client's political point of view.

Attorney Wayne Davidson: *My client* voted for McCain! Your Honor, my client is a Republican who is happy with Ms. Headly's vote, but nonetheless could not ignore that she was... well... dumb.

Martha Headly: How dare you?

Judge Victoria Peyton: Ms. Headly.

Martha Headly: He just called me dumb and stupid!

Judge Victoria Peyton: Ms. Headly. Mr. Davidson, as I read the affidavit, it does seem like she was fired for her political opinions.

Attorney Wayne Davidson: Free speech is not a right in the workplace. People are hired for their opinions and perceived intellect. That's why we have interviews, to determine whether we like what comes out of their mouths.

Alan Shore: Listen, the fact is this woman did get hired and then she was discharged for exactly as you say, Your Honor, her political opinion.

Judge Victoria Peyton: All right, I want to hear Ms Headly on the stand and I want to hear exactly how this went down. Let's go.

Martha gets up.



Judge Walter Yardley's courtroom.

Officer Preston Holt: It seemed like... I dunno like, like it had gone past the point of torture even. I, I just couldn't watch him suffer anymore. So I um... I took him out.

Carl Sack: Did you stop to think, sir... that you were breaking the law by...

Officer Preston Holt: All I could see was a person suffering just way beyond the point of... It was inhumane. Somebody had to do somethin'. I yelled at the others but they just stood there... It just wasn't right!

D.A. Jack Fitzhugh: **He is now up.** You decided all by yourself to take a human life?

Officer Preston Holt: Well, the man was dying anyway. I made the decision to be humane about it.

D.A. Jack Fitzhugh: I see. I've prosecuted two doctors in agony so they decided to hasten their deaths. In

who made the same decision. They had terminal patients in agony so they decided to hasten their deaths. In fact, I believe your family faced a similar situation. You had an aunt who was dying of ovarian cancer, am I right?

Officer Preston Holt: Yes.

D.A. Jack Fitzhugh: And there were those in your family who wanted to put her on a morphine drip to... speed things up. Because she was suffering so. Is that true?

Officer Preston Holt: Yes.

D.A. Jack Fitzhugh: What was your position there? Do you remember?

Officer Preston Holt: I was against it.

D.A. Jack Fitzhugh: You thought it was murder, didn't you? You told your mother and the doctor, "Only God gets to make that call." Do you now amend that to 'God and correctional officers'?



Judge Victoria Peyton courtroom.

Martha Headly: We got into this huge argument on nuclear energy--I'm against it and he's for it. Now that argument somehow got replaced by some brouhaha on the war. I'm against it and he's for it. And that segued into taxes! He doesn't think he should have to pay any, and I said...

Alan Shore: So you had a lot of political differences?

Martha Headly: Yes. Yes. **Alan makes a rolling motion with his hands to indicate "let's keep things moving."** Well then the very next day after I did inform him that I voted for McCain he called me a complete idiot!

Alan Shore: Mr. Feldcamp called you an idiot?

Martha Headly: A complete one!

Alan Shore: And then what happened?

Martha Headly: Well, not long after that he walked into my office and he fired me.

Attorney Wayne Davidson is now up.

Attorney Wayne Davidson: Have you ever had any yearly reviews with respect to your employment with Mr. Feldcamp?

Martha Headly: Yes.

Attorney Wayne Davidson: How'd they go?

Martha Headly: Okay. He said I could perform better. And he said sales could be higher. But in this economy? Come on! **To the Judge.** You know that! It's bad everywhere! I mean it's like the number one problem in this country right now!

Attorney Wayne Davidson: So you consider the economy to be the number one problem in the country?

Martha Headly: Yes, I do.

Attorney Wayne Davidson: Hm. If I may ask, how does John McCain's economic policy differ from Barak Obama's?

Martha Headly: **A beat.** Taxes. **Another beat.** And um... well, I'm not exactly sure what else, to be honest.

Attorney Wayne Davidson: Well, if you consider it to be the number one problem in the country...?

Martha Headly: Look, even despite how they all say they'll be different, they all do the same thing once they get elected! **To the Judge.** Come on! You know that!

Attorney Wayne Davidson: You were an ardent Hillary Clinton supporter, were you not?

Martha Headly: Yes, I was! Proudly!

Attorney Wayne Davidson: And according to your co-workers you crossed over to McCain primarily because of Sarah Palin.

Martha Headly: Yes!

Attorney Wayne Davidson: Because her policies were consistent with Hillary's?

Martha Headly: Because I was impressed with her. And because she strikes me as a real American! Which is what this country needs!

Attorney Wayne Davidson: And you liked her spunk?

Martha Headly: And the country needs spunk too, yes!



In a bar, Denny and Carl are having a drink.

Carl Sack: I don't have a good feeling on this one, Denny. Virginia is not being nice to me.

Denny Crane: A little constructive criticism?

Carl Sack: Okay.

Denny Crane: You're not very good.

Carl Sack: That's for keeping it constructive.

Denny Crane: You're making this a referendum on the death penalty. You gotta get through that Liberal Democrat skull. Americans love the death penalty!

Carl Sack: We do?

Denny Crane: Yeah! Especially these parts. Hillary and Obama, you know those pinko-heads couldn't really be pro death penalty. But they claim they are. In fact almost everyone who runs for President miraculously is for the death penalty. Why? Cause this is the US of A! Death penalty rules! Flip the switch, ready-aim-fire, turn up the

gas, it's who we are as a people. Hell, you heard it at the Republican convention, Kill, baby, kill. That's our mantra, Carl.



Carl Sack: I thought Republican were pro life.

Denny Crane: That's for babies. Criminals we kill. You're going about this ass-backwards. Your argument you wanna make to the jury is this: that Willis guy, he wasn't dying the way he was supposed to. After receiving the injection the bastard refused to choke out, so our client finished him off. Job done. Game over. Bang. Preston Holt, American hero. Kill, baby, kill.

On the balcony, Alan and Shirley are having a scotch and cigars.

Shirley Schmidt: Do you think... Martha and Sarah and Joe the... is he an electrician?

Alan Shore: Plumber. Unlicensed.

Shirley Schmidt: Are, are they the real Americans?

Alan Shore: Not necessarily. I think that's what this election just proved. That real Americans aren't just rural and white. The portrait of real Americans has been redrawn in this election. Real Americans are of all ages, races, ethnicities. They live in cities and apartments as well as... farms. They... we have a president-elect who fits into no category or demographic whatsoever other than he's an American.

Shirley Schmidt: *She sighs.* I wept that night. Did you?

Alan Shore: No! I just... watched and watched and... didn't want the night to end. I already miss Sarah Palin, though. *Shirley laughs.* She was fun while she lasted. I hope they let her keep the wardrobe.

Shirley Schmidt: I still have to say though, as heartened as I am by the election and by America...

Alan Shore: What?

Shirley Schmidt: Martha's a little bit of an idiot.

Alan Shore: Shirley, almost forty-seven percent of this country didn't vote for Obama, perhaps because they disagreed with him on the issues, which is fine. But some, no doubt, because they thought he was Muslim with terrorists on his speed dial, and others because they were convinced he was not only socialist, but even worse, a bad bowler. And others still because they simply loved those cream-colored jackets Sarah may have to give back. But there's one thing all those idiots have in common.

Shirley Schmidt: What?

Alan Shore: They still get to vote.



Shirley takes a puff from her cigar.

Alan watches.

Shirley Schmidt: What?

Alan Shore: Sorry. Just looking at you under a gently lit sky, sharing the same oral fixation Denny and I.

Shirley Schmidt: Is it a little game, Alan or are you really sexually attracted to me?

Alan Shore: I'm sexually attracted to you.

Shirley Schmidt: *She chuckles.* I'm in my sixties.

Alan Shore: Well, first of all you're beautiful. And second, your intellect is... dazzling. And third I've seen the naked pictures of you.

Shirley Schmidt: *Shirley laughs.* Oh,

right!

Alan Shore: Let's not discuss the cheerleader outfit.

They look at each other for a moment.

Shirley Schmidt: So if I, I wanted to go there, you'd go there?

Alan Shore: In a second. Oh, if only Obama had picked you as Vice President. What a world we'd have then.

In Judge Walter Yardley's courtroom.

D.A. Jack Fitzhugh: Look, I can see the defendant's point. The man was dying anyway. What's the big deal? Well, what about the doctor or the hospice worker who wants to speed the death of that cancer patient dying in agony? What about the nurses who opt to withhold treatment from those severely retarded infants who only face a lifetime of misery? We don't go down that path. We don't start measuring the quality of people's lives to decide whether or not they live. The defendant took the law into his own hands and murdered somebody. Nobody gets the right to do that. Whether the person is on death row, whether a person has a day left to live. An hour. Or even a minute. You don't get to shoot somebody. That's the law.

Carl Sack: That's the law! **He gets up.** Because of a presumed sanctity of human life? That sanctity was off the table here. The life was being executed by the State. **Carl looks to Denny, they share a look.** Ah, forgive me, but you know what I think is really going on is this man doesn't like capital punishment and he's trying to bring scrutiny upon it. It's the only possible explanation! If he can get you to say this execution was wrong, well that's one step from saying, "Gee! Maybe executions are wrong."

D.A. Jack Fitzhugh: That's ridiculous!

Carl Sack: More ridiculous than accusing a man of murdering someone who was being executed? Let's not kid ourselves. There are those out there trying to get rid of capital punishment. And I would suspect they have to be tricky because they know we, the people, are overwhelmingly *for* it. We the people know the death penalty is one of the things that makes America... well, *America*. Not many countries have it, you know. We're the only westernized country left. And it's not easy being in the company of Iraq, China, Saudi Arabia, Pakistan, Sudan. And I'll admit the reasons for abolishing capital punishment are compelling. It costs us hundreds of millions of dollars. Up to six times more than life imprisonment. It doesn't seem to deter crime. Murder rates are actually lower in non-death penalty states. It's well known. Canada's homicide rate fell forty percent after they abolished the death penalty. We botch executions. A lot. Medical evidence now shows that even when they go off without

a hitch the executed suffer perhaps excruciating pain. There are many reasons to do away with capital punishment. But we don't! Because let's face it, the death penalty--it's who we are as a people. We're an eye-for-an-eye kind of nation. And we don't have to apologize for it. Listen, if somebody killed my son? We believe in executing murderers! It's justice. The only thing my client did here was carry out the State's mission. It makes no sense to be prosecuting him. The only conceivable explanation is that this man is insidiously trying to bring scrutiny on the death penalty because he secretly is against it.



Carl sits down with a doubtful scowl on his face.

Judge Victoria Peyton's courtroom.

Donald Feldcamp: No, look, as I said to her lawyer over there, I like Martha Headly. Nice lady. But my God, sales is about selling, it's about relating to people. She doesn't even read the newspaper.

Attorney Wayne Davidson: Well, George Bush doesn't read the paper.

Donald Feldcamp: I would never hire George Bush. Would anybody?

Attorney Wayne Davidson: And you voted for John McCain whose politics...

Donald Feldcamp: No, no, no, this is not about politics! This about being smart or not smart! And she is the latter.

Judge Victoria Peyton: Mr. Feldcamp, to be fair, you're basing your conclusion on her political opinion.

Donald Feldcamp: No, what I'm saying is whatever your opinion is about anything, at least be able to defend it. And failing that, articulate it. Martha's never been the brightest bulb in the tanning booth, but when she talks

politics, I mean, you know, I just cringe. How can I have a person like that working for me? Well, guess what? It's my company! I don't have to!

Shirley Schmidt: *She is now up.* Do you make all your employees defend their political beliefs?

Donald Feldcamp: Not all my employees launch into them.

Shirley Schmidt: But, had she defended hers better she might...

Donald Feldcamp: Now look, look, look, for sixteen months she went prancing around talking Hillary, Hillary, Hillary, Hillary! And then she railed against Obama's inexperience all throughout the primaries, and then out comes some moose hunter from Alaska, she knows nothing about Sarah Palin, or about John McCain! What does that say about her?

Shirley Schmidt: Sarah?

Donald Feldcamp: No.

Shirley Schmidt: Hillary?

Donald Feldcamp: *Indicating Martha.* Her!

Shirley Schmidt: Ah.

Donald Feldcamp: What does that say about a person who can be so arbitrary? So fickle? This is about stuff she actually felt strongly about! I'll tell you what it says. She is an idiot! *Martha gasps.* Let somebody else hire her. I don't think it'll be you!

In Alan's office, Martha marches in followed by Alan and Shirley.

Martha Headly: How dare you let him go off on me like that in a courtroom?

Alan Shore: I didn't let him go off. I was...

Martha Headly: Yes, you did! He was bellowing that I was an idiot and you just sat there! *She turns to Shirley.* And so did you! Of all people!

Shirley Schmidt: Now wait! What's that supposed to mean?

Martha Headly: It means that it was blatant sexism. I expected more from a person of your caliber.

Shirley Schmidt: Now hold on here!

Martha Headly: Is that the kind of lawyer you are? Is that the kind of woman?

Shirley Schmidt: Honey, the sexist in all this is you!

Martha Headly: Me?

Shirley Schmidt: Yeah! You claim to be a staunch Hillary Clinton supporter. You walked into that booth and voted against everything Hillary stands for. And why? Because the Republicans added to their ticket someone they referred to at the convention as "the hot chick."

Martha Headly: Oh! So you just sit quiet and let me be brutalized on the stand?

Shirley Schmidt: I sat there for two reasons. First, there was no valid objection to be made.

Martha Headly: And second?

Shirley Schmidt: You *are* an idiot!



Judge Victoria Peyton's courtroom.

Attorney Wayne Davidson: 'At will' employment means exactly that, Your Honor. At the employer's will. Certainly we can't fire anybody for race, or ethnicity, but well...intellect...or a person's lack of it? Bosses fire people all the time for that.

Judge Victoria Peyton: Mr. Davidson, to fire someone for their political opinion is still...

Attorney Wayne Davidson: Your Honor, if I may, that's one way to look at this. The other way--are we saying that stupidity can never be grounds for discharge when it's cloaked in political content? He's the boss! It's his company! So, as long as he stays within the

law he gets to hire and fire who he wants.

Alan Shore: The unassailable right to vote is the core principle of any democracy. And people have the right to cast their ballot for whomever they want. For good reasons, for bad reasons or for no reason at all. Let's face it, Your Honor, we as a nation are horribly uninformed when it comes to politics. Approximately one-third of the people in this country, people of voting age, couldn't tell you the name of our current vice president. Now admittedly, some of us like to block it out, but even so, only two in five adult Americans know we have three

branches of government. And Mr. Feldcamp expects his employees to actually know the political issues of the day? Well, today our news programs consist solely of sensational headlines and sound bytes. People forego newspapers for the internet, where instead of relying on credentialed journalists they turn to these bloggers--sort of entry-level life forms that intellectually have yet to emerge from the primordial ooze. This is how we've gotten the elected officials we've gotten. We've never really cared about issues. Come on! We're more concerned with how Hillary looks in a pantsuit! Or whether Barack can bowl! We don't always go for the best or the brightest. We elect the guy we'd most like to have a beer with. Or the gal we'd most like to feel up in the back of the car. Now I certainly wouldn't pick my airline pilot that way or my accountant or doctor. But for my President, so often it's "Give me the blue-collar, lunch-bucket, good ol' boy who fits in best at the pancake breakfast." The problem with Mr. Feldcamp, and forgive me, I hesitate to say this about anybody, but he's an elitist.

Attorney Wayne Davidson: Objection!

Alan Shore: I realize that's much worse than being called stupid.

Judge Victoria Peyton: Mr. Shore? Let's stay on message.

Alan Shore: The message is we vote for who we like. It's as simple as that. We don't need to have a reason. It's as simple as that. The founding fathers did not form a meritocracy. This is a democracy. We can be as stupid as we choose. We're Americans. We're as simple as that.

Judge Victoria Peyton: All right. Look, I don't like it. But, just as we don't get into why a person voted the way he or she did, nor do we get into why a boss terminates somebody in an 'at will'--

Alan Shore: Whoa, whoa! This sounds like I'm losing!

Judge Victoria Peyton: Your motion for an injunctive relief is denied. If she wants to sue for lost wages, I can't stop her. But we're done here! We are adjourned. **She leaves.**

Donald Feldcamp and Attorney Wayne Davidson shake hands.

Alan Shore: I'm sorry, Martha.

Martha Headly: You didn't try hard enough. That's what happened. I'll be suing you next! I never liked you! **She leaves.**

Alan Shore: She seemed much more fun in high school.

Shirley Schmidt: Ha! Oh, well.

Alan Shore: Shirley, in anticipation of winning I booked a little celebration dinner at the Ritz.

Shirley Schmidt: The restaurant that comes equipped with private rooms should we have too much celebratory wine.

Alan Shore: Shirley, one's life is a sum of his or her experiences.

A beat.

Shirley Schmidt: Okay Alan.

Alan Shore: **Softly.** Oh.

Shirley Schmidt: With Denny's permission.

Alan Shore: What? Why do you need...?

Shirley Schmidt: Because I do. Till then. I'll be waiting.



Judge Walter Yardley's courtroom.

Judge Walter Yardley: Has the jury reached a verdict?

Foreman: We have, Your Honor.

Judge Walter Yardley: How say you?

Foreman: On the matter of the Commonwealth of Virginia versus Preston Holt, the charge of murder in the second degree, we find the defendant, "not guilty".

Preston sighs and leans on the table.

Judge Walter Yardley: The court thanks you for your service. The defendant is free to go. We are adjourned.

Officer Preston Holt: Thank you, Mr. Sack.

Carl Sack: You're welcome.

Jenny Pratt: I wasn't exactly sure of your strategy there but...

Carl Sack: Not to worry, neither was I.

Officer Preston Holt: Thank you, Mr. Crane.

Denny Crane: You're welcome, son. **He hugs Jenny and grabs her buttocks. Jenny is wide-eyed.**

Out on the balcony, Alan and Denny are having scotch and cigars.

Alan Shore: Don't you think it's odd that when running for office, having an Ivy League education is considered a liability?

Denny Crane: No.

Alan Shore: You don't?

Denny Crane: Well, a Harvard grad took us into Vietnam, Yale grad bought us Iraq. We've learned our lesson.

Alan Shore: Denny! Between you and me, do we really think he made it through Yale?

Denny Crane: A little help.

Alan takes a sip, Denny takes puff.

Alan Shore: Denny, there's something a little... well delicate I've been meaning to discuss.

Denny Crane: What?

Alan Shore: Well... they say as a man... ages he eventually sits alone with nothing but his memories. I'm concerned that... well, with the Mad Cow you could possibly be robbed of your memories in the end. And what a horrible thing, not to being able to even recollect the things that brought you your most profound joy. Making love to Shirley! How sad if one day you weren't able to remember all the wonders of Shirley. How she smelled, how she tasted, how... I was thinking, if that day ever came and you no longer... It would be great if I could tell you about it. To help you remember. Maybe I should make love with Shirley! Once! Just so I'd know...

Denny Crane: You're pathetic! Exploiting my Mad Cow just so you could get in the sack with Shirley.

Alan Shore: All right.

Denny Crane: I can't believe you just did that! Waltzing me down Mad Cow lane, where there's no memory lane, just so you...

Alan Shore: All right!

Denny Crane: **He taps his cigar over an ashtray.**

Here's where your logic failed, Alan! First of all I'll never be alone because I've got you. Secondly, I could never forget what it was like to be with Shirley. Because there was a magic there that no man could ever forget. In fact there's a chance that it'll be the last memory I'll have in the end. It could be the only thing I'll talk about in the end. All day long, every day, I'll tell you about it. I'll tell you how we moved together as one, one night on the beach in Nantucket. How her breasts were as soft and pure as a baby's behind.

Alan Shore: You really are cruel.

Denny Crane: Yes I am. Cruel enough to shoot you if you so much as look at Shirley.



Alan Shore: I need a new woman to objectify. What do you think of Sarah Palin?

Denny Crane: Oh. Those pouty lips. Those down to earth slutty good looks. I've got two things to say about Sarah Palin. Right here! Right now!

Alan Shore: Do you think we're sexist?

Denny Crane: Why do you ask that?

Alan Shore: Just wondering aloud.

Denny Crane: What about Shirley and Sarah together?

Alan Shore: There's a ticket.

Denny Crane: Who wouldn't vote for that?