

A Kids Opinions Count™ Book

No Speak



By MAKs

No-Speak The Play



Book Six in the
Kids Opinions Count Series
Agent's of Change Publishing's
Teen Fiction Series with a Difference

Written by **MAKS**

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(Kids opinions count; 6)

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This book is a work of fiction. Diverse subject matter is drawn from science, history, culture, media, crime, business, sports, medicine, technology, television, music etc., and woven into a work of fiction. The names of the characters, places, incidents and entities, either are products of the author's imagination or are used in a fictitious manner. Any resemblance of our fictional characters or situations to actual events or locals or persons or other entities, living or dead, is entirely coincidental.

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Music and lyrics are the property of Pennywise and Epitaph records. Minor lyric changes were made to adapt to audience. The fictional issues, views and opinions explored in this play do not necessarily reflect the views and opinions of Pennywise or Epitaph Records. The play and the lyrics to the music were not written in conjunction or collaboration.

Pennywise gave permission to publish the lyrics from:

Pennywise Straight Ahead 1999 Epitaph Records

Pennywise Land of the Free 2001 Epitaph Records

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Spring Valley School Presents

No-Speak



Playbill

Let the Play Begin!

Setting the stage and actions

Dialogue

Taped conversation

The Actors

Tucker Shyster (Buck Huckster) played by Alex

Bobby Schreck (RL Bailey) played by Scott

Benedict Arnold (Benjamin Arnold) played by Jeremy

Judge Emily Flyn played by Amy

Terrance Arnold (Jeremy Arnold) played by Cal

Troy Trueman (Matt Molina) played by Zach

Vickie Virtue (Tommie Campbell) played by Kim

Harley Arnold (Farley Arnold) played by Josh

Riley Virtue (Scott Campbell) played by Elliot

Kevin White (Alex Black) played by Michael

David Goodson (David Goodman) played by Mr. Wagner

Mrs. Hardy played by Mrs. Hardy

Court Clerk played by Melissa

Jury Foreperson played by Sara

Female Jurors played by Alanna, Erica and Cynthia

Jurors, Gallery and Media scrum – played by Mrs. Hardy's class

Dan Ratherknot (Van RATHERnot) is played by Taylor

Narrator is Chuck Reimer

The Music



Act One

Greed – Pennywise – Straight Ahead 1999 – Epitaph Records

My Own Way – Pennywise – Straight Ahead 1999 – Epitaph Records

Authority – Pennywise – Land of the Free 2001 – Epitaph Records

Time Marches On – Pennywise – Land of the Free 2001 – Epitaph Records

Can't Take Anymore – Pennywise – Straight Ahead 1999 – Epitaph Records

Watch Me as I Fall – Pennywise – Straight Ahead 1999 – Epitaph Records

Act Two

Can't Believe It – Pennywise – Straight Ahead 1999 – Epitaph Records

Straight Ahead – Pennywise – Straight Ahead 1999 – Epitaph Records

Badge of Pride – Pennywise – Straight Ahead 1999 – Epitaph Records

The World – Pennywise – Land of the Free 2001 – Epitaph Records

W.T.O. – Pennywise – Land of the Free 2001 – Epitaph Records

Still Can Be Great – Pennywise – Straight ahead 1999 – Epitaph Records

It's up to You – Pennywise – Land of the Free 2001 – Epitaph Records



Important – Spring Valley School has taken the position that the lyrics of these songs are important social and economic statements and with the exception of a few words which we thought might be offensive to some, they will be sung in their entirety.

We will not compromise their integrity...

No-Speak

“Well Kids, you did it. You created art that we can all be proud of,” Mrs. Hardy exclaimed.

“Are you ready to break a leg?” Chuck asked. “The curtain’s about to go up.”

“It’s a packed house tonight. I hope the sound system holds up,” Mr. Wagner said.

“I hope everyone is watching our live web cast,” Scott exclaimed.

The cast and crew of the play, all twenty-five of Mrs. Hardy’s students, wished each other luck.

“On with the show!”



Act One

Narrator: The Federal courtroom is empty. A man walks in, stops and looks towards the witness stand. A woman walks in. They recognize each other. They walk up to the first bench at the front of the courtroom, behind the Federal Prosecutor's chair and table. They take a seat and quietly talk to each other.

A tall, dark and handsome man in his mid-forties, saunters into the courtroom like he owns it. His body is draped with an expensive Italian suit. His name is Tucker Shyster and he is President and Chief Executive Officer of ShysterCo, a billion dollar company. He's rich man walking.

Tucker Shyster is accompanied by a man in his mid-twenties who looks like a younger version of Tucker. His name is Harley. Harley walks behind Tucker as they proceed down the aisle toward the front of the courtroom. Harley is Tucker's counsel and is carrying a legal briefcase.

The two people seated at the front of the courtroom notice Harley and Tucker walking toward them. They turn their heads, to ignore them. Tucker stands in the aisle, six feet from them, and speaks.

Tucker: Troy Trueman and Vicki Virtue. How are you? What are you two up to these days? Who are you working for?

Troy and Vicki continue to ignore Tucker. Harley proceeds to the defendant's table. There are glasses and a large pitcher of water on the table. Harley pushes them to the side. They sit precariously near the edge. Harley places his briefcase on top of the table. He sits down, opens it up and pulls out papers.

Tucker now walks over to Troy and Vicki and stands right beside Vicki. She continues to

face away from Tucker and neither she nor Troy acknowledge his presence.

Tucker: It's rude not to look at someone when they're speaking to you! If this is an indication of your interpersonal skills, perhaps it's a good thing you left my company. I hope you treat your next employer with more respect.

Troy and Vicki both look up at Tucker.

Troy: Our actions aren't on trial here. Yours are!

Harley has risen from his chair and is walking over to Tucker, Troy and Vicki.

Tucker: This is a waste of the taxpayer's money. These are ridiculous unsubstantiated charges. My attorney will have them dismissed. You two really don't understand how business is done, do you.

Vicki: We know exactly how you do business.

Harley taps Tucker on the shoulder. Tucker turns around. Troy and Vicki turn away. Harley speaks to Tucker.

Harley: Mr. Shyster. You don't need to explain your actions to these people. I understand you are just being friendly, but it is obvious these people aren't your friends.

Tucker: You're right Harley. I don't understand why they're so bitter.

Harley: They're simply jealous of all that you've accomplished. They want what you have and they're willing to do anything to get it, even lie.

Tucker: Right again, Harley. That's why we're here today! Because of liars like them.

Tucker turns around and walks tall to the defendant's chair. Harley follows. As this is occurring, Troy shakes his head in disbelief. Vicki shivers. She crosses her arms in front of her and rubs her upper arms to warm herself.

Vicki: I need to get out of here.

Vicki stands up to leave. Troy gets up to accompany her. Troy whispers to Vicki.

Troy: That guy scares the heck out of me. He's crazy! He's not even taking these charges seriously!

Vicki: He really believes what he said to us. That we're the problem, not him. We need to set him straight!

♪ GREED

Everything you see, you always think you need

You are so crazy motivated by greed

You never take responsibility

You only waste your time when you deal with us

All you do is take, you see our hatred grow
Can't take much more, we're about to explode
You'll see a side of us, that we've never shown
You'll feel pain like you've never known
Got enough, but you want it all
In it for greed, and you're gonna fall
Here we come, gonna ruin your day
Time has come, and it's your turn to pay.
The mighty dollar is your only care
You're moving up but you're going no where
You say you only want to get your share
But you still want more no you won't play fair.
You'll never ever quit, you won't be denied
You sit and watch your money multiply
To get what you want, you'll cheat and lie
But we know – you won't be satisfied
Today is a good day for suffering.

(Straight Ahead – Pennywise – 1999 – Epitaph Records)

Harley and Tucker laugh in their faces. Tucker jumps up out of his chair.

Tucker: You idiots just don't get it. I'm like every other businessman out there. I'm not doing anything differently than anyone else.

Troy: That doesn't make it right.

Tucker: You people are in your own world. You need to see the world like we businessmen do!

Vicki: Like The Conglomerate?

Tucker sings.

♪ MY OWN WAY

I got my way of life and I won't back down or apologize

For things I cannot change, guess I gotta do things my own way
And I don't give a darn, if you got a problem with who I am
Cause I don't give a care, you wanna change me well you're out of luck
I don't think that I could never ever change
And I don't know if I would want to anyway
And I don't care if I never live to see the day
I won't compromise, I'm doing things my own way
It's so hard to believe, that we can see the world so differently
We don't realize, cause we can't see the world through each other's eyes
We'll never understand, I don't think that anybody can
I won't change anyway, guess we're both just stubborn and stuck in our ways
I don't care if you never see the world like I do

(Straight Ahead – Pennywise – 1999 – Epitaph Records)

Tucker laughs boisterously.

Tucker: You two are going to pay for this. I'm going to ruin your lives and you can take that to the bank!

Tucker takes his seat. He exudes confidence.

Vicki and Troy leave. The courtroom door closes behind them. Tucker and Harley are alone. They loudly discuss the upcoming NFL season.

Within seconds, the courtroom doors quietly open. A man walks down the isle and approaches Tucker and Harley. They don't notice him until he is standing directly in front of them and across the defendant's table. The man is agitated. Tucker looks up and speaks.

Tucker: Long time no see. Here to wish me luck?

The man is silent. He stares at Tucker. He looks like he is ready to explode.

Tucker: Speak up! What can I do for you?

The Man: You never return my calls! I tracked you down here. You'll speak to me now! I want what I deserve! What I earned! You need to pay for your sins!

Tucker: You've got what you deserve and the courts agreed with me. And as far as my sins go, I answer to a higher authority than you, Goodson. If you're not here to apologize to me for wasting my time with your stupid case, then I suggest you leave before I call

security and have you removed.

Goodson: You'll pay! You'll pay! I swear you'll pay!

Goodson shakes his fist at Shyster. He is enraged and slams his fist on the table. One of the glasses flies off and smashes onto the floor. Tucker stretches his arms out toward Goodson and pushes him backward. Goodson loses his balance, stumbles and falls. Goodson is embarrassed. He quickly gets up and runs out of the courtroom. Harley shouts after him.

Harley: Get out of here before I charge you with uttering threats!

Harley gets up, walks around to the side of the table, bends over and picks up the pieces of glass. He puts them into a garbage can that was already under the table. He sits back down at the table.

Harley: What was that all about?

Tucker: Just a disgruntled employee. They're never satisfied with their compensation. They're always trying to get more money than they're worth. These employees are the greediest bull-crap artists out there. If I paid them everything they think they're owed, I'd be broke!

Harley: (Laughing) Nature of the beast.

Tucker: I know. I wish I could rid the world of every one of them. Make salesmen obsolete!

Harley: (Still laughing) Salesmen. Necessary evil. And people think we lawyers are scum.

Tucker: (Laughing) You're right, and here I'm the one on trial.

Harley: You didn't do anything wrong. Just (Harley sings) Takin' Care of Business.

They both laugh and start talking about football again. The courtroom doors open. Troy and Vicki, along with ten other people enter the courtroom and take a seat. Troy and Vicki again sit behind the Federal Prosecutor's table.

Within seconds, a short, curly haired man in his early fifties enters the courtroom. He is carrying two large legal briefcases. It is Bobby Schreck. He walks over to Troy and Vicki.

Vicki: Where's the Federal Prosecutor.

Bobby: Fedorak? He had a family emergency.

Vicki: What? You mean he's not here?

Bobby: No. I'm filling in.

Vicki: I know you'll do a great job, Bobby.

Bobby: I'm glad you two could make it.

Troy: We had to come.

Bobby: The Feds have a very good case against him. I'm confident I can demonstrate to The Jury that these no-speak documents are unconstitutional and that Shyster used them to suborn perjury. We're going to make new law today.

Troy and Vicki nod their heads. There are glasses and a full picture of water on his table. Bobby heaves his two heavy legal briefcases onto the table and knocks one of the glasses to the floor. It doesn't break. Harley and Tucker laugh.

Bobby is embarrassed. He walks around, picks up the glass and sets it back down on the table. He opens one of the briefcases and begins to pull out paper and little plastic boxes. He sets everything out on the table in a particular order. Bobby sits down.

While Bobby is organizing himself, Tucker is looking over at him, trying to get his attention. Bobby ignores Tucker for a while and then glances his way. Tucker smiles and Bobby nods his head.

Tucker's attorney stands up and walks over to Bobby. He towers over Bobby, who remains seated. Bobby looks up.

Bobby: Where's Silverman?

Harley: I've taken over this case.

Bobby: I don't think I've seen you before. Are you new to the bar?

Harley: I've just recently returned to this jurisdiction. I graduated from Harvard last year and articulated in Boston. I had a once in a lifetime personal offer from Mr. Shyster. I couldn't pass-up working corporate law for such a well-respected and successful businessman.

Bobby: When did you join ShysterCo?

Harley: Not long ago. I heard Fedorak had a little problem.

Bobby: How did you hear?

Harley ignores Bobby's question. The court clerk enters the room through a door that is parallel with the judge's bench. Harley notices his arrival. Harley extends his hand towards Bobby. Bobby reciprocates and they shake hands. Harley leaves the courtroom.

The courtroom is suddenly invaded by kids as they push through the doors. They are chatting amongst themselves.

Mrs. Hardy: Spring Valley Students. Quiet down and take your seats over here, behind the defendant's bench.

The students turn the volume down and follow orders. They sit behind the defendant, Tucker Shyster.

Mrs. Hardy: Now students, we are very fortunate to be here today.

She gets a beep and she pulls out her pager. She looks at it and rolls her eyes.

Mrs. Hardy: Now you kids behave yourself and please keep quiet. I'll be back in two minutes.

Mrs. Hardy exits the courtroom. One of the students waves at Troy Trueman.

Terrance: Hi, Mr. Trueman!

Troy looks toward the voice.

Troy: Terrance! What are you doing here?

Terrance: We're here for our English class. We're here to learn something.

Troy: Oh, I see.

Tucker turns around and glares at the students behind him. He doesn't recognize any of them.

Tucker: You'll learn something all right, Kid. You'll learn all about the American way. I'm Tucker Shyster and I'm President of ShysterCo. I'm sure you've heard of me. Watch and learn what big business is all about. It's about living the American Dream.

Terrance: I know who you are. You're the guy who screwed Mr. Trueman!

Tucker: Mr. Trueman misled you young man. I hope after today, you'll understand that Mr. Trueman was wrong. I'm just an honest businessman trying to make sure my company makes sales and provides services and keeps all of my terrific employees employed. No Kid, Mr. Trueman is trying to screw me.

Terrance: You're full of crud man. You stole from him. You made Mrs. Trueman sick. You made him sell their house and Justin Trueman, my best friend, had to move away. You're not the American Dream. You're the American Nightmare.

Tucker: Mr. Trueman brought his trouble on himself, not me. He's the guilty one. You'll see. Listen to me. I know what I'm talking about.

Riley: You stole from my mom!

Tucker: Who the heck is your mom?

Riley: Vicki Virtue.

Tucker: She's a lying low-life. This trial isn't about her and her cronies' unsubstantiated claims, so why don't you cry babies, pack up your diaper bags, and crawl out of here.

Kevin: You're scum Man!

Tucker: Show some respect for authority!

Riley: Do you think your kind of authority means anything to us? We know what you're all about, you and your friends at The Conglomerate. We know all about your no-speak agreements and how they're just like cement shoes.

Kevin: You're no better than the Men Of Business.

A stunned Shyster turns away from the kids. He is wondering how they made the connection between him and the Men Of Business. The kids aren't finished with him... or the legal system.

All the kids stand up and sing – Authority.

♪ AUTHORITY

Someday you gotta find another way
You better right your mind and live by what you say
Today is just another day
Unless you set your sights, and try to find a way
I say to heck with authority, silent majority
Raised by the system, now it's time to rise against them
We're sick of your treason
Sick of your lies
Heck no we won't listen
We're gonna open your eyes
Frustration, domination, feel the rage of a new generation
We're living, we're dying and we're never gonna stop trying
You know the time is right, to take control
We got to take offense, against the status quo
No way not gonna stand for it today
Fight for your rights, its time we had our say.

(Land of the Free – Pennywise – 2001 – Epitaph Records)

The kids all sit down. Mrs. Hardy walks back into the courtroom. She has no idea what has just happened. Harley re-enters the courtroom and returns to his table. The court clerk enters the room. Harley re-enters the courtroom and returns to his table. The court clerk enters the room.

Clerk: All rise, for the Honorable Judge Emily Flynn.

Everyone in the courtroom stands up. Judge Flynn enters the courtroom through the side door as well. She is in her early forties and quite attractive. She walks over to her bench. As she passes by Tucker and Harley, they smile at her. She smiles back and takes her seat. She then bangs her gavel to silence the gallery.



Judge Flyn: Please be seated. Clerk, please bring in The Jury.

Everyone in the courtroom sits down. As the clerk walks toward the side door, the Judge speaks.

Judge Flyn: I see that we have a group of students here today. I hope that you find this case interesting and that you can see just how wonderful the American justice system is. It's not like you see on television. It does work and it does work well.

By this time the clerk has opened the door and called for The Jury. He escorts them toward their seats. The courtroom is buzzing with anticipation.

Tucker jumps to his feet and stands as if to honor The Jury as they pass by. He looks like a male model, and the female jurors are visibly impressed. He and Harley make sure to make eye contact with and smile at each juror as they pass.

Bobby is busy getting ready and he doesn't look up as they walk by. The Jury doesn't seem to care. Some women and men are still fixated on Tucker and Harley. When The Jury is all seated, Judge Flyn speaks.

Judge Flyn: Mr. Schreck, are you ready to make your opening statement?

Bobby: Yes, I am, Your Honor.

Judge Flyn: Proceed.

Mr. Schreck pours himself a glass of water and takes a drink. He stands up, does up his bottom jacket button and straightens himself out. He walks over to The Jury box. He looks over The Jury, smiles and makes eye contact with each of the jurors.

The Jury looks nervous and they smile back. Tucker Shyster is also smiling at them, looking cool and calm. He is really flirting with the female jurors. One of the male jurors winks at him. Tucker is shocked and shakes his head and body as if to get rid of the cooties.

Bobby: Ladies and Gentlemen of The Jury, Your Honor, my name is Bobby Schreck and I am here today, on behalf of the Federal Prosecutor's Office.

The case before you here to day is quite simple. I will prove to you, beyond reasonable doubt, that Mr. Tucker Shyster caused his witness, who is also his employee, to lie under oath, and is therefore guilty of suborning perjury. Subornation of perjury is a plague on

our society and is an affront to our American Right to Freedom of Speech.

I will also prove beyond reasonable doubt, that Mr. Shyster used a document, called a no-speak agreement, between himself and the witness, to stop the witness from telling the truth, under oath. In simple terms, this no-speak agreement has made it illegal for the witness to speak about ShysterCo unless ShysterCo is asking the questions. Their witness is unable to exercise his inalienable right to Freedom of Speech.

Would we allow a drug dealer to not tell the truth under oath because he signed a no-speak agreement with his drug lord? I think not. Would we allow a contract killer to lie under oath because she signed a no-speak agreement with her mob boss? I think not. Would we allow a Secretary of Defense to falsely testify under oath because he signed a no-speak agreement with the President?

Again, I think not.

Bobby pauses for it to all sink in.

I will clearly demonstrate to you today, that the witness, has lied under oath in previous legal case Affidavits. For those of you who may not be familiar with the term, Affidavit, it is simply a statement of fact, that the witness makes in writing and swears to that it is truthful. I will clearly demonstrate that he omitted the truth in these Affidavits. Each of these cases, brought against ShysterCo, were filed because ShysterCo failed to pay compensation to employees. The defendant in each of these cases was Mr. Tucker Shyster, President of ShysterCo.

I will prove here today, that Mr. Ben Arnold knew that employees had not been paid what they were owed by the company, and that he himself, Mr. Ben Arnold was also not paid what he was owed by the company... and that despite Mr. Arnold's knowledge of these facts, Mr. Arnold testified in his Affidavit, and under oath, that all employees, including himself, had been paid what they were owed. I will also prove here today that Mr. Ben Arnold lied and that he lied because he was forced to lie by Mr. Tucker Shyster and that Mr. Shyster is therefore guilty of suborning perjury.

And finally, I will prove that the witness was forced to lie and withhold the truth because he signed a no-speak agreement. Our objective today is to strike down the constitutionality of these no-speak agreements to enable employees to speak freely... and to stop these 'no speaks' from being abused by people and employers like Tucker Shyster.

I will prove this beyond a reasonable doubt, here today.

Bobby takes his seat. Troy and Vicki congratulate him on an excellent opening statement.

Judge Flyn: Thank you Mr. Schreck. Is the Defense prepared to give your opening remarks?

Harley: Yes, I am, Your Honor.

Judge Flyn: Please, proceed.

Harley: Thank you, Your Honor.

Harley gets up from his chair and swaggers over to the jurists. He flashes a big smile and shows off his perfect teeth. He makes sure to look at each juror, and lingers a while on the faces of the three attractive females. They are fixing their hair and straightening their clothes, in an effort to look more attractive. Harley stands as tall and as straight as he can, showing off his large frame and athletic build. He runs his fingers through his full head of hair, pushing it off his forehead. It falls back down perfectly into place.



Harley: Ladies and Gentlemen of The Jury, Your Honor, my client, Mr. Tucker Shyster, that elegant, handsome and brilliant young man, sitting over there,

He turns and faces Tucker Shyster and extends his arm towards Tucker. He uses larger than life body language and arm movements. It looks like he's on stage.

Harley: ... is wrongly accused of using undue influence and legal instruments called 'no speaks' to force people to lie and to stop them from telling the truth, thus suborning perjury. Mr. Shyster allegedly did all of this to avoid paying his employees, the compensation that they claimed they were owed.

Harley turns back around to face The Jury.

Harley: Mr. Shyster is being charged with an offense that goes against all that he believes in... the American way of life and the American way of doing business.

Harley holds his hand over his heart, like he's pledging allegiance. He speaks directly to The Jury.

Harley: It is time that we realize that big business is not the enemy. I recognize that the dishonest actions of a minority has sullied the reputation of the majority. But, you must understand, Mr. Shyster is one of the majority. The majority of honest businessmen.

The Federal Prosecutor would have you believe that my client, Tucker Shyster, the founder and President of ShysterCo, is dishonest, that he is a bully, a liar, an arm twister, a criminal who forces people to perjure themselves. I am here to tell you, to prove to you beyond reasonable doubt, that Mr. Shyster is none of these things. I do not represent a criminal.

Harley bats his eyelashes and looks as innocent as Dennis the Menace.

I represent an honest, honorable, trustworthy, hard working man. Mr. Shyster is a loving father, a devoted husband, a selfless volunteer. He is not a criminal.

Mr. Shyster is a successful businessman who has created thousands of good jobs. He is not a criminal.

Mr. Shyster is a generous philanthropist, giving to many worthy causes and to people of all ethnic persuasions. He is not a criminal.

Mr. Shyster abides by the rules of conduct set out by the American people's high moral standards, by the business community's high ethical standards and by the American legal system.

You may ask yourself, is this guy for real? And I am here to tell you... Yes, he is! He is just like you. Just like all honest, hardworking men with high moral and ethical standards and family values. The only difference may be, that he runs a large company.

Now, to protect all that he has built, all that supports his employees, the philanthropic beneficiaries and his own family, he takes common legal steps to protect himself from the devastating effects of liable. He uses a no-speak agreement.

These no-speak agreements protect corporate America from disgruntled employees who may lie in legal proceedings, like we are having here today. Or worse, who may cause other people to lie, who would not otherwise be so inclined.

If an employee does not earn and therefore does not receive a good performance review, a bonus, a raise or a promotion, what is stopping them from telling viscous lies about their employers to justify their own shortcomings? These lies can create negative vibes in the business community which could then impact on a company's ability to do business... Mr. Shyster's ability to continue to help so many Americans, achieve their American Dream.

How do they avoid this? The answer is, a simple agreement between employers and employees called a 'no speak.' I am here today, defending not only Mr. Shyster's right, but the right of every businessman in America to protect themselves with no-speak agreements. These innocuous little documents that do no harm to anyone... except contemptuous people who would not only lie themselves, but would coerce otherwise honest, righteous people to lie for them.

I will prove, here today, that Mr. Shyster did not suborn perjury. Mr. Shyster had no control or influence over what the witness testified to in his Affidavits. If the witness lied, that would have been his choice. You will not see Mr. Shyster holding a gun to anyone's head here today.

And I will prove to you that the no-speak agreements are not only constitutional but necessary. We must protect our right to no-speak and in doing so, protect the American right, to our Freedom of Speech!

Harley takes a little bow toward The Jury and then walks slowly back to his seat, making sure to smile at The Judge on his way. He exudes confidence. A voice from the middle of the group shouts out:

Terrance: He's lying your Honor! I know he's lying.

Judge Flynn: Young man. I am pleased you are here today, along with your fellow students. But I must tell you, that you cannot be heard in a court of law, unless you are a witness, a judge or one of the attorneys.

Terrance: But I was a witness! I saw how every evil thing this guy, Tucker Shyster did, affected my good friend and his dad and mom and sister. I am a witness to his crap.

Judge Flynn: Well, you must be a witness that is called to testify, and I don't see you on the witness list.

Terrance: I'll testify. Add me to the list!

Judge Flynn: That's not how the justice system works.

Terrance: But I have something to say! I want to be heard!

Judge Flynn: Not here and not today, Young Man. Maybe some other time.

Terrance: I'm going to be heard!

The kids all stand up to protect Terrance so he can be heard. Terrance sings to his fellow students. Mrs. Hardy tries to get to him but the students keep him protected.

♪ TIME MARCHES ON

Time has changed, what's going wrong

You can only regress, as time marches on

Down with the system, enough of your lies

You can only realize, if you open your eyes

I don't know, if we're ever gonna see

Tell me what's gone wrong, with society

Got no future, this is not right for me

And I don't know, just what went wrong

All that I know, it's going on too long

Got no future, there is no life for me, not for me

Look ahead, what is my fate

To make the same mistakes, that you made yesterday

Or do I try, to save myself

Or sit back and laugh, as it all goes to heck

(Land of the Free – Pennywise – 2001 – Epitaph Records)

Students shout in unison.

Students: We'll try to save ourselves and we'll make our presence known!

Harley: Shut-up you little brats

Terrance: You butt-face. How can you work for that sleaze!

Judge Flynn: Order! Order in the court! I'll have no more outbursts like that or I'll have you students removed from these proceedings.

The students take their seats.

Judge Flynn: The Defense may call your first witness.

Harley: Thank you, Your Honor. At this time I would like to call my first and only witness, Mr. Ben Arnold.

Terrance is shocked. He is embarrassed. He slinks down in his seat so no one can see him.

The courtroom door opens and in walks a well-dressed, older man. His name is Ben Arnold. He has an air of wealth and confidence. He walks up to the box and sits down. The clerk walks over to him, carrying a Bible. Ben automatically puts his hand on the Bible when it is extended toward him.



Clerk: Mr. Arnold, do you solemnly swear to tell the truth, the whole truth and nothing but the truth, so help you God.

Ben: I do.

The clerk takes the Bible away and returns to his desk that is situated beside The Judge's bench. Harley stands up and walks over to the witness stand. He smiles and looks extremely confident. He begins to question the witness.

Harley: Mr. Arnold. Thank you for coming here to day. Mr. Arnold, do you see Mr. Tucker Shyster in the courtroom?

Ben: Yes, I do. He is sitting right over there.

Ben points toward Tucker.

Harley: Good. Now, Mr. Arnold, I only have a few questions for you. This shouldn't take long. Mr. Arnold, what is your position at ShysterCo?

Ben: I create business opportunities.

Shyster laughs.

Tucker: He's a low-level employee! All he creates is...

Harley looks at Shyster disapprovingly. Shyster stops in mid sentence. Judge Flynn hammers her gavel and sternly stares at Shyster.

Judge Flynn: Mr. Shyster, you are not allowed to speak.

Bobby: I object to Mr. Shyster's behavior. Your honor, Mr. Shyster is attempting to intimidate his own witness.

Judge Flynn: Your objection is sustained, Mr. Schreck. Mr. Shyster, if you speak out again, I will find you in contempt and you will be fined. The Defense may continue with your witness.

Harley: Thank you, Your Honor. Mr. Arnold, as you are aware, your employer, Mr. Tucker Shyster, is charged with suborning perjury. The Federal Prosecutor alleges that Mr. Shyster forced you to lie under oath in the Affidavits you provided for previous cases against Mr. Shyster; and that he is forcing you to lie today. Please tell The Jury if that is true.

Ben: No. That is not true.

Harley: Have any of Mr. Shyster's employees forced you to lie under oath?

Ben: No, they have not.

Harley: Did you sign a no-speak?

Ben: Yes.

Harley: Did the no-speak agreement that you signed, cause you to lie in previous cases against Mr. Shyster that you provided Affidavits for?

Ben: No. I just recently signed the no-speak.

Harley: So, neither Mr. Shyster nor any of his employees have used undue influence, no-speaks, or any other methods to cause you to lie.

Ben: That is correct.

Harley: And the no-speak agreement has never caused you to lie or omit the truth in the past. Is that correct?

Ben: That's correct.

Harley: Over the entire time you have worked at ShysterCo, did you respect Mr. Shyster and the other senior management?

Ben: Yes. They are honorable men.

Harley: Have you always been paid what you were owed?

Ben: Yes.

Harley: To the best of your knowledge, did any other employees ever have a problem

with getting paid?

Ben: No, everyone always get paid what they are owed. ShysterCo is a great company to work for. I even recruited friends and old colleagues to join us.

Ben smiles at Harley.

Harley: Now, were Troy Trueman and Vicki Virtue, employed by ShysterCo?

Ben: Yes.

Harley: Did you know them personally?

Ben: I worked with Troy, but I never met Vicki Virtue.

Harley: Did you ever say anything negative about the company to Troy Trueman?

Ben: No.

Harley: Did you ever say anything negative about the company to Vicki Virtue?

Ben: No.

Harley: If they ever said anything bad about the company, we can therefore assume, they wouldn't be repeating anything you said to them. Correct?

Ben: Correct. I never told either of them anything negative about the company, or Mr. Shyster.

Harley: So, whatever you swore to in the Affidavits you signed for their pending cases, is entirely true.

Ben: Absolutely.

Harley: So, in your Affidavit, which I have here as Defense Exhibit One, you are reaffirming that you have always been paid what you were owed by the company.

Ben: Yes, I am.

Harley: And, you are reaffirming that ShysterCo has always honored their written and oral representations to you.

Ben: Yes, I am.

Harley: And you are reaffirming, that to the best of your knowledge, ShysterCo has always paid their employees, the appropriate compensation due them.

Ben: That is correct.

Harley: So Mr. Arnold, you have just testified that you did not lie or did not omit truths in any of your previous Affidavits, and that you are not lying or omitting the truth here today.

Ben: Yes, that is true.

Harley: And you have just testified that you have never told anyone, including Troy

Trueman and Vicki Virtue, that ShysterCo did not honor written or oral commitments made to employees, and to the best of your knowledge have paid everything owed to employees, including yourself.

Ben: Most definitely.

Harley: In summary, Mr. Arnold, you were happy working at ShysterCo. You were always paid what you were owed and on time, and you have never said anything negative about the company because there was never anything negative to say about the company or senior management.

Ben: True. I am fortunate to be working for such an honest employer and such a well-run organization. ShysterCo is not N-Run! I am blessed! I signed the Affidavits on behalf of my employer, ShysterCo, in support of their position, that they don't owe Troy or Vicki or any other employees money, and that I've always been treated with respect, honesty and fairness.

Harley: Are you telling the truth right now?

Ben: Yes, I am.

Harley: And neither Mr. Shyster, nor any of his employees forced you to say these things.

Ben: No! Never! Mr. Shyster is always honest and generous with me and my colleagues. I have no reason to say otherwise.

Harley: Thank you, Mr. Arnold. I am finished with this witness, Your Honor, however I reserve the right to recall.

Judge Flynn: Does the Federal Prosecution wish to cross-examine Mr. Arnold?

Bobby: Yes, I do, Your Honor.

Tucker is smiling at Ben. Ben is grinning ear to ear. Tucker gives Ben the thumbs-up sign. Bobby gets up from his chair and walks over to the witness stand.

Bobby: Mr. Arnold, my name is Bobby Schreck. I am an Acting Federal Prosecutor.

Ben: Uh huh.

Bobby: Are you aware that the Affidavit you swore to in preparation for this proceeding, as well as those you signed previously as evidence in prior and pending cases, will be used in evidence here today?

Ben: Yes, I am aware of that, Sir.

Bobby: Is there anything you swore to in any of those Affidavits, that you would like to change?

Ben: No.

Bobby: Could you tell the court Sir, why it is you will not testify in person in Mr. Trueman's case against ShysterCo.

Ben: I will be in Europe on business in September. That's when Mr. Trueman's case is being heard. Besides, like I already said, I signed an Affidavit for the company.

Bobby: And could you tell the court, why you will not testify in person on behalf of Ms. Virtue in her case against ShysterCo?

Ben: I don't know Ms. Virtue. Besides, I'll be in Hawaii for the whole month of November, and that's when her case is being heard. And, like I said, I already signed the Affidavit on behalf of the Company.

Bobby: Have you ever acted as a witness for any employees of ShysterCo in any of their cases against the company?

Ben: No. I wouldn't be able to help them. ShysterCo is a great company and they always treat me with respect and honesty.

Bobby breaks for a few seconds, to let the last statement sink in. He looks at The Jury and then back at Mr. Arnold.

Bobby: Okay. We'll move on. I take it you've had an opportunity to talk with Mr. Shyster and his attorneys about what your testimony is going to be here today?

Ben: Yes, yes, absolutely.

Bobby: And were you told that Mr. Shyster was being charged with subornation of perjury?

Ben: Yes, I was.

Bobby: And were you asked here to testify on Mr. Shyster's behalf?

Ben: Yes, I was.

Bobby: When was that?

Ben: Two weeks ago.

Bobby: So, Mr. Shyster and his attorney know what you are going to say?

Ben: Yes.

Bobby: And if you were a witness for the Federal Prosecutor's Office, I would know what you are going to say.

Ben: I don't know what you know, Sir. You have my Affidavit.

Bobby: Okay, Mr. Arnold, I want to talk to you first about Troy Trueman and Vicki Virtue. Over the last few of months I understand they tried to contact you to be a witness for their upcoming cases.

Ben: I don't know that.

Bobby: Now, Troy Trueman was a guy that you worked pretty closely with at ShysterCo, and talked to daily, for at least a year, and probably shared a lot of thoughts about ShysterCo and about your work and your personal life?

Ben: Yes, talked to daily about our work and family. We had a lot in common.

Bobby: Would you say you and Mr. Trueman were friends?

Ben: Yes, I would say that, and so were our kids.

Bobby: Did you have occasion to confide in Mr. Trueman?

Ben: Maybe.

Bobby: Mr. Trueman tried to contact you a number of times by phone, email, mail and in person over the past few months, didn't he?

Ben: We aren't working for the same company anymore.

Bobby: But he did try to contact, didn't he?

Ben: Yes.

Bobby: And did you return any of his calls or emails or letters or even answer the door when he came to you house?

Ben: No.

Bobby: Why not?

Ben: I just didn't. We're not working together anymore.

Bobby: But you just testified that you were friends. Why didn't you? Did you know why he was trying so hard to contact you?

Ben: To testify at his case against ShysterCo.

Bobby: So you chose not to speak with him.

Ben: That's correct.

Bobby: Were you testifying for Mr. Shyster in this case at the time Mr. Trueman was trying to contact you?

Ben: No.

Bobby breaks from questioning for a few seconds.

Bobby: Let me move on. Was Vicki Virtue another colleague at ShysterCo?

Ben: Yes. But I never worked with Vicki. I've never met Vicki. I don't know her, personally.

Bobby: Did Vicki Virtue try to talk to you about testifying for her in her pending case against ShysterCo?

Ben: I don't know why she was calling.

Bobby: Did you return her calls?

Ben: No.

Bobby: How many messages do you think she left you?

Ben: I don't know.

Bobby: Would you be surprised, Mr. Arnold, if I told you she tried to contact you fifty-three times. I have the phone records to prove it.

Ben: I don't know that, but if you say so.

Bobby: Your Honor, I would like to introduce these records as Prosecution's Exhibit One.

Judge Flyn: Please proceed Mr. Schreck.

Bobby: So, it was clear that she really wanted to get hold of you if she left you more than fifty messages for you to call her.

Ben: I guess so. I just didn't want to talk to her.

Bobby takes a deep breath and sighs.

Bobby: Did Ms. Virtue call anyone else you know, trying to get a message to you to call her?

Ben: I think she called every Ben Arnold in the U.S. trying to get hold of me.

Bobby lets this sink in with The Jury.

Bobby: And you knew this because?

Ben: I heard back from relatives.

Bobby: And you didn't think it was important for you to talk to her?

Ben: No. She was upsetting me and my family.

Ben glares at Vicki.

Bobby: Had you talked to Vicki in the past about ShysterCo?

Ben: Yeah, she called. But I never met her. I really don't know her. I never worked with her.

Bobby: Could you tell me what you talked about?

Ben: Sure, she wanted to know how compensation worked. And I shared with her, similarly along the lines that Troy and I discussed on a number of occasions, the things you should be aware of, like getting all the T's crossed and I's dotted.

Bobby: Okay. So you would have told her pretty much the same things that you told Troy Trueman.

Ben: Yes.

Bobby: And when these people called you in the last while, you made a decision not to call them back. Is that correct?

Ben: Yeah.

Bobby: Did your decision have anything to do with the agreement that you signed with ShysterCo in which you agreed not to say anything negative about ShysterCo?

Ben: It had nothing to do with the agreement. Like I said before. I was so disturbed by how Vicki tried to get a hold of me, Mr. Schreck. I was so disturbed that she went to the level to disturb family members throughout the country to get in touch with me. What my Aunt Susie Lou told me, disturbed me. So I made a decision at that point. I'm not calling anybody.

Bobby: What did your Aunt Susie Lou tell you?

Ben: She said that Vicki called her and told her, she needed me to testify for her, and that Troy Trueman was trying to speak to me, too.

Bobby: Was that all?

Ben: She told my aunt that I didn't return her calls or Troy Trueman's calls. She said something like, "I'd fallen off the face of the earth." And this upset my aunt.

Bobby breaks for effect. He walks around and comes back.

Bobby: So, the fact that Ms. Virtue was worried about you, upset your aunt. And despite Ms. Virtue's urgency, and worry, and need to speak with you, you decided not to call her.

Ben: That is correct.

Bobby: Mr. Arnold, could you please point Ms. Virtue out to The Jury.

Ben: Sure, she's...

Ben catches himself.

Ben: I think that's her over there, sitting with Troy Trueman. But I can't be sure.

Bobby: Thank you, Mr. Arnold... So, Mr. Arnold, from what you've just testified to, you knew that Troy and Vicki wanted you to testify on their behalf at their upcoming cases against ShysterCo, but you did not want to help so you did not return any of their calls, emails, letters or in-person visits.

Ben: I had nothing to say that would help them anyway.

Bobby: Okay. Moving on. I tried to call you a while ago and you didn't respond to my calls, correct?

Ben: Correct.

Bobby: At the time I also wrote you and told you I was trying to contact you to help in Mr. Trueman and Ms. Virtue's cases, had you been asked to testify on behalf of Mr. Shyster?

Ben: No. Mr. Shyster only asked me to testify a couple of weeks ago.

Bobby: The Federal Prosecutor also wrote you a letter asking to talk to you about what your testimony might be here today, in this case.

Ben: Right.

Bobby: And you didn't respond to him. Is that correct?

Ben: Right.

Bobby: Do you remember that letter?

Ben: Maybe.

Bobby: I'll refresh your memory. He indicated to you in that letter, he was representing the Federal Government in a subornation of perjury case against Mr. Shyster. Do you remember it and its content now?

Ben: I can't even remember if I ever got it.

Bobby walks back to his table and picks up a piece of paper. He walks back to the witness stand.



Bobby: Your Honor, I would like to introduce Exhibit Two, the letter which was sent to Mr. Ben Arnold. It was sent by registered mail and I have a copy of Mr. Arnold's signature, proving that he received the letter.

Judge Flyn: Please, proceed.

Ben: Let me see that. It could be anyone's signature. Let me see that.

Bobby hands Ben the letter.

Bobby: Mr. Arnold. Is this your signature?

Ben: Maybe.

Ben looks at Tucker.

Bobby: Mr. Arnold. What did you do with this letter once you received it?

Ben: I don't remember.

Bobby: Did you show it to anyone?

Ben: I'm not sure. I may have faxed it to my eldest son.

Bobby: Did you show it to Mr. Shyster?

Ben: I don't remember. I don't think I did.

Bobby: We'll go on.

Bobby breaks.

Bobby: Mr. Arnold, we have already established that you decided not to contact me about Mr. Trueman and Ms. Virtue and their cases, nor return the Federal Prosecutor's calls about this case. Can you tell us why?

Ben: I wanted to stay out of it all.

Bobby: Did it have anything to do with the no-speak you signed?

Ben: No. I told you. I just signed that a couple of weeks ago!

Bobby: Were you paid to testify for Mr. Shyster?

Ben: No. ShysterCo is a wonderful company and Tucker Shyster is an American Icon. I only have good things to say.

Bobby: Your Honor, at this time I would like to introduce, Exhibit Three. It is a copy of the no-speak agreement that Mr. Arnold signed.

Judge Flyn: Agreed.

Bobby walks over to the clerk and hands him the agreement. It is entered into evidence and handed back to Bobby. He takes the agreement and walks back to the witness stand.

Bobby: At this time, Your Honor, I would like to have Mr. Arnold read paragraph two of the agreement that he signed.

Bobby hands it to Ben.

Judge Flyn: That's fine. Mr. Arnold, will you please read paragraph two of the agreement that Mr. Schreck just handed you.

Ben: Certainly, Your Honor. Ah, let's see. You said paragraph two, right?

Bobby: Yes, that should suffice.

Ben: Okay. It says that, "By signing this agreement, on this day, Mr. Ben Arnold agrees to abstain from any public, private or legal proceeding's commentary on the business or personal dealings of Mr. Tucker Shyster, any or all of his employees, or any or all of ShysterCo Incorporated Business dealings, unless at the request of Mr. T. Shyster, President and CEO of ShysterCo. A breach of this agreement will result in criminal charges against the signator of this agreement, Mr. Ben Arnold."

Bobby: So, this agreement does not allow you to say anything at all; good, bad or indifferent about Mr. Shyster, any ShysterCo employee, or the company, unless asked to by Mr. Shyster?

Ben: That's what it says.

Bobby: Can you tell us why you are a witness today?

Ben: Mr. Shyster knew that I had nothing negative to say about the company and he knew that I could testify truthfully in support of him today.

Bobby: So, Mr. Shyster asked you to speak on his behalf?

Ben: Yes, for today he did.

Bobby: Mr. Arnold, when did you sign the no-speak?

Ben: I can't remember.

Bobby: Mr. Arnold, again, please look at paragraph two.

Ben looks it over.

Ben: Oh, right. I signed it two months ago.

Bobby: That's considerably more than two weeks ago. As a matter of fact, you signed this agreement ten days after receiving the registered letter from me?

Ben: I've been so busy lately, what with the promotion, and the new house... I just lost track of time.

Bobby looks like he just won the lottery. He breaks for a moment, collects his thoughts and continues.

Bobby: Let me move on.

Bobby: So, Mr. Arnold, again, I ask you if your decision not to return any of The Federal Prosecutor's calls and letter has anything to do with speaking to Mr. Shyster about my letter and with the subsequent no-speak agreement you signed?

Ben: I have nothing to say that would help your case anyway. The no-speak has no barring on my testimony.

Bobby: So you are testifying here today, Mr. Arnold, you had a pretty good relationship with ShysterCo during the three years you've been working for them, regardless of the no-speak you signed. Correct?

Ben: With all my colleagues. With all my accounts. I had a wonderful relationship.

Bobby: Are you testifying truthfully today?

Ben: Of course I am.

Bobby: Have you been coerced to testify on behalf of ShysterCo?

Ben: No, I haven't.

Bobby: Have you or any member of your family been rewarded in any way to testify on behalf of ShysterCo?

Ben: No, I haven't and they haven't.

Bobby: Have you been threatened by ShysterCo to testify on behalf of ShysterCo?

Ben: No, I most certainly have not.

Bobby: Is everything you are telling us today and that you testified to in your Affidavits and that everything you have told Troy Trueman and Vicki Virtue in the past about ShysterCo, the truth?

Ben: I don't know Vicki Virtue. I told you that.

Bobby: Have you ever lied to Mr. Trueman?

Ben: No.

Bobby: Have you ever deceived him?

Ben: What do you mean?

Bobby: Have you ever lead him astray? Have you ever given him false information?

Ben: No. Certainly not. He's a friend! He'd never lie to me either.

Bobby: Your Honor, at this time I would like to introduce Exhibit Four. It is a copy of an Affidavit Mr. Arnold signed and swore to two years ago. This Affidavit has been submitted in the previous cases of Goodson versus ShysterCo, Ulster versus ShysterCo and Sheffield versus ShysterCo and in the pending cases of Trueman versus ShysterCo, Virtue versus ShysterCo, and the State versus Tucker Shyster.

Judge Flyn: So noted.

Bobby gets Exhibit Four from his table and then walks over to Ben.

Bobby: Mr. Arnold, please look at the document.

Bobby hands Ben the document. Ben looks it over and flips through the pages.



Bobby: Mr. Arnold, is this the Affidavit you wrote and signed as part of your testimony in the cases I just mentioned?

Ben: Yes, it is.

Bobby: Thank you, Mr. Arnold. I'll take the document now please.

Ben hands it back to Bobby.

Bobby: In your Affidavit, Mr. Arnold, which you swore is truthful, under the penalty of perjury, you stated... let me read this to you and you tell me if you agree...“I affirm under the penalties of perjury under the laws of the United States that the foregoing is true and correct of my own knowledge.” Do you remember signing this?

Ben: Yes.

Bobby: And do you remember signing updated versions for each new case that arose against ShysterCo?

Ben: Yes. The only thing that was changed was the date and the names.

Bobby: I see. So the content is the same.

Ben: Yes, exactly the same.

Bobby: And do you agree to the following statements in your Affidavit? “I have never told Troy Trueman, Vicki Virtue, David Goodson, Susan Ulster or Jacob Sheffield that ShysterCo had promised me or any other employee, compensation according to a written contract or oral representation, which was never received.”

Ben: Yes, I wrote that.

Bobby: Mr. Arnold, did you state, “To the best of my knowledge, ShysterCo has paid me all the compensation that I am entitled to.”

Ben: Yes, they have. That statement is correct.

Tucker stands up and points at Bobby.

Tucker: Let’s get on with this Kangaroo Court. I’m a busy man! I’ve got deals in the works that I have to take care of.

Judge Flynn: Sit down, Mr. Shyster.

Tucker looks over at The Jury and winks.

Tucker: But I’m falling asleep and so is The Jury!

Judge Flynn: Mr. Shyster I am finding you in contempt. I am fining you one thousand dollars. You will pay the clerk at the end of the day. Now sit down.

Tucker: I write it off anyway.

Harley looks appalled. He grabs Shyster’s jacket and hauls him back down to his seat.

Bobby: So, from the time you signed the first Affidavit in Mr. Goodson’s case to today, ShysterCo would not have done anything that would cause you to need to change any of your statements in this Affidavit.

Ben: No, they haven’t. And I didn’t.

Bobby: And Mr. Arnold, ShysterCo would have not caused you to tell anyone anything different than what is in this Affidavit.

Ben: No, they haven't. And I didn't!

Bobby: So the purpose of this Affidavit was to prove to a judge or arbitrator that ShysterCo always paid out what was owed to their people and that they always treated you fairly.

Ben: Yes, I guess so.

Bobby: So this testimony, in the form of an Affidavit, from a man who worked for the company for over three years and who had brought in a lot of big deals, paying a lot of compensation, this testimony would be very important to ShysterCo's cases wouldn't it?

Ben: I guess so.

Bobby: And this Affidavit would do a lot of damage to your colleagues' cases against ShysterCo, when the employee with the most seniority and the biggest deals, testifies in a sworn Affidavit, that ShysterCo always paid their employees what was owed them.

Ben: I guess so.

Bobby: I think you know so. You were a linchpin in all of these cases for Mr. Shyster.

Ben: I'm not quite sure what you mean by that.

Bobby: Did you benefit in anyway from the statements you made in your Affidavits?

Ben: No. That's preposterous. I'd be a liar and a traitor if I said something I didn't mean.

Bobby: Mr. Arnold, based on your testimony to date and based on your Affidavit, you had a wonderful relationship with Tucker Shyster, the President of ShysterCo. And Tucker Shyster is an honorable man.

Ben: Absolutely.

Bobby: Did you ever say anything different to Troy Trueman or Vicki Virtue?

Ben: No.

Bobby: Did you ever complain to them about Mr. Shyster or other senior management at the company?

Ben: No! Never! And they never complained to me!

Mr. Schreck picks up a cassette from his desk and walks over to The Judge.

Bobby: Your Honor, I'd like at this time to introduce Exhibit Five. It is a taped conversation between Troy Trueman and Mr. Ben Arnold. It was recorded in this state and therefore is legal. This was before Troy Trueman and Vicki Virtue, attempted to contact Mr. Arnold regarding their cases against ShysterCo and before I attempted to contact him regarding the proceedings before you today. I have sworn statements from Mr. Trueman and the FBI forensics audio specialist stating that this tape has not been altered and that it is in fact Mr. Trueman and Mr. Arnold's voices.

Tucker leans over and speaks quietly to Harley.

Harley: I object, Your Honor. I suspect this was an illegal wiretap.

Judge Flynn: Mr. Schreck, would you please inform the court as to the source of these tapes.

Bobby: In ShysterCo's internal communication network, there is a requirement that all conversations be taped and quality assurance conducted on a percentage of these. If anyone in the company uses the internal phones or Internet, they are informed that their conversations may be taped and they are aware of this process. It just so happens that when Mr. Trueman and Mr. Arnold were travelling, they were told to use the company's Internet phones and thus were taped. Mr. Trueman simply accessed these tapes for our use here today.

Judge Flynn: I understand then, that this evidence is to be taken from conversations that were recorded by the Defendant's own company. These are legal.

Harley: I object, Your Honor. I wasn't made aware of this evidence. The Prosecutor never shared this with me.

Bobby: Your Honor. This is rebuttal. He opened up the door when he asked Mr. Arnold if he ever lied. This evidence rebuts Mr. Arnold's statements.

Judge Flynn: Keep it on point. You may proceed.



Bobby walks back to his desk. He puts the tape in a tape player and just before he is able to push play, Ben cries out.

Ben: Troy! How could you! I thought you were my friend.

Troy: We were friends. But you changed and I can't stand who you've become. You're a hypocrite. You should have been there for all of us. We would have been there for you. Instead, you sold out.

Troy stands up and sings, Can't Take Anymore.

♪ CAN'T TAKE ANYMORE

Thought you could face the world, now you lost your nerve
All the things you held so close, until the tables turned
And when I tried to warn you, still you took the risk
How did I know we'd drift apart, how did I know it would come to this

Now everything is over, and it never will return
You're just a part of my life, a memory I wanna burn
I could feel it ending, you won't face the truth
I can't live with all your lies, I can't take more of your abuse
No I can't take anymore, Don't apologize to even the score
Democracy and unity, they're not just words to me
No I can't take anymore
Tried to send you a letter, just to put your mind at ease
I could write it up in the sky, I still don't think that you could see
You won't admit that it's over, you won't face the truth
I can't live with all your lies, I can't take more of your abuse
All the things you try to hide, won't wash away
All the lies you say to us, you can't disguise will never fade
So don't look for the answers, or somewhere to place the blame
There's nothing that can save you now
Can't get back what you threw away

(Straight Ahead – Pennywise – 1999 – Epitaph Records)

Ben: I'm sorry Troy.

Troy: You can't get back what you threw away!

Judge Flyn: Order in the court! Order! Order!

Ben looks worried.

Bobby: Your Honor, I would like to play Exhibit Five now.

Judge Flyn: Proceed.

Ben: Troy, I beg all of you guys to get the heck out. You, Vicki, all of you, I beg you. I beg you. I only wish David and Susan and Jacob got out in time.

Troy: Well, I think most people right now Ben, including myself and Vicki, are looking at the options, and looking at recruiters and so forth. I would think everybody is.

Ben: Good. I hope so. Get the heck out of here. The ShysterCo senior management people are death. They're awful, awful. They're the most dishonorable. These guys, Tucker Shyster, Eli Schmuck and Damien Carrington, are the most disreputable people. I have to tell you something. I've seen some scum in this world, in my life, but I've never in my life seen anything like this. Oh God, they make me sick. Troy I want to puke, they make me sick to my stomach, ooooh...

Ben, Tucker and Harley are stunned. Tucker jumps to his feet.

Tucker: I object!

Harley grabs him by his jacket and pulls him back down to his seat.

Judge Flyn: That is your attorney's job, Mr. Shyster. Does your council have an objection at this time?

Harley: No, Your Honor.

Judge Flynn: I suggest you explain to your client that I will not tolerate this in my court.

Harley: We apologize, Your Honor. It will not happen again.

Judge Flynn: I think it is time to take a short recess. The court will reconvene in five minutes.

The Judge gets up to leave. The courtroom clears, leaving Tucker Shyster and his attorney alone.

Harley: Tucker. We're doing fine. We can get this tape thrown out on appeal if we lose.

Tucker: If you lose this case you won't be practicing law, anywhere. I'll destroy your career.

Harley: I'm not worried. Now, I'm going into the hallway to see if I can pick up on the gallery's vibes.

Tucker: You do that. I've got a couple of calls to make.

Harley leaves. Shyster is the only one left in the courtroom. Shyster pulls out his cell phone and makes a call.

Tucker: Bunny. Did we get that contract from IB&S yet? What do you mean, no? I want you to call that twit and get him to sign that contract, right this minute. Tell him if he doesn't, the price goes up ten percent. Tell him... Oh heck, I'll do it myself. What's his number?

Tucker hangs up and makes another call.

Tucker: Stu, Tucker here. What's the hold up? You know I've got a line-up of companies, some of your competitors at that, just dying to buy our services. Get it signed and over to my office by end of business today or you lose your place in the cue.

Tucker laughs.

Tucker: I knew you'd see it my way, Stu. Sure, just send it over to Bunny, my secretary. No, Gerry's not with us anymore. He just up and left. Strangest thing. You liked the guy? So did I. No, no explanation at all! Okay, I'll talk to you later.

Tucker hangs up and makes another call.

Tucker: Bunny. Give me Gerry's number. I'm going to fire him so I don't have to pay him. Bunny, love, we didn't have this conversation. That's a good girl. See you tonight. Right, the ball and chain is out of town at her mother's. You got it.

Tucker hangs up and makes another call.

Tucker: Gerry, Tucker Shyster here. I don't have time for niceties. Man, you know you're at will, don't you? Well, my will says you're on the unemployment line. Your last day is today. Why? Because the client hated your guts. Is that reason enough? I can't have people like you representing my company. It's bad for business.

Tucker hangs up and sings BTO song.

Tucker: Taking care of business...And workin' overtime...

Tucker laughs and puts his cell back in his pocket. He is so full of himself. Everyone comes back into the courtroom. They take their seats. Ben returns to the witness stand. The trial proceeds.

Judge Flyn: Mr. Arnold, let me remind you that you are still under oath. Mr. Schreck, please continue.

Bobby: Thank you, Your Honor.

Bobby: Do you remember having the conversation we just heard with Mr. Trueman?

Ben: No, I don't.

Bobby: Okay Mr. Arnold, I'll move on to another line of questioning. Earlier this year, were you sent a ShysterCo employee opinion survey?

Ben: I can't recall.

Bobby: Do you remember receiving a survey in which you were asked to respond to Tucker Shyster's personal questions to you about how you felt about ShysterCo?

Ben: I can't recall. And I'll tell you why I may not have received it. I was never on email at ShysterCo. So everything I ever got was through, you know, paper, hard copy.

Bobby: Did you receive this survey in a Universal Courier box?

Ben: I can't recall.

Bobby: Your Honor, I would like to introduce Exhibit Six as rebuttal to Mr. Arnold's previous statements regarding ShysterCo management's honesty.

Judge Flyn: Is this directly on point?

Bobby: Yes it is, Your Honor.

Judge Flyn: So noted. Proceed.

Bobby walks over to his table and picks up some pieces of paper. Bobby walks back over to the witness stand and holds out a clip board holding blue and yellow colored paper so that Ben can see them.



Bobby: Mr. Arnold, have you ever seen this survey?

Bobby shows him the survey. Ben refuses to take it from him.

Bobby: Please Mr. Arnold, you can take it and look at it if you like.

Bobby forces Ben to take it. Ben takes it but refuses to look at it. Ben is looking over at Tucker. Ben is very nervous. He drops the paper in the witness stand and fumbles around to pick it up again.

Bobby: Again, Mr. Arnold, have you seen this survey before?

Ben: No.

Bobby: Are you sure?

Ben: Yes, I am sure. It's not familiar to me. I might have seen it before, and just forgot.

Bobby: Read some of the questions to yourself. It might help you remember.

Ben looks it over.

Ben: I don't remember.

Bobby: Your Honor, at this time I'd like to introduce Exhibit Seven as rebuttal. It is a digital recording of a conversation between Mr. Arnold and Mr. Trueman. Mr. Trueman has stipulated to the fact, as has our expert witnesses, that these two voices are in fact Mr. Trueman and Mr. Arnold, and that the tape has not been altered. If it please, Your Honor, I would like to now play the tape.

Judge Flyn: Proceed.

Tucker doesn't look as confident as he was a minute ago. He now has his elbows on the table and is trying to get as close to Ben as he can, trying to make his presence felt. He is succeeding and Ben looks very scared. Bobby places the tape in his cassette player and pushes the play button.

Ben: Troy, I just want everybody to know they are not going to get paid. Now, the only thing that may correct this is, if ShysterCo is in an acquisition play. If someone is looking

to buy this company, then ShysterCo will have to pay-off everyone to make sure there are no lawsuits, no liabilities out there. That could effect the purchase price, big time. Because I thought it was unusual, all the stuff they sent out to us on the survey. Did you get that stuff Troy? Did you respond to the survey?

Troy: What survey?

Ben: There was a survey from Tucker Shyster.

Troy: I didn't get that one. Unless it was a verbal one.

Ben: No, it was a written survey, asking questions like, "How do you view ShysterCo today versus nine months ago?" and all that kind of thing.

Troy: No, I didn't get that.

Ben: Uh, hold on a minute. Let's see if I can find it. Hold on. Here it is Troy, "ShysterCo Employee Opinion Survey".

Troy: Nope, did not get that. Did it come via email?

Ben: No, no, no, no! This was in a Universal Courier box to me. Nope, this is pink and blue pieces of paper. This is called a "ShysterCo Memo", to all employees from Tucker Shyster. "What are You Thinking", is the title of it. .

Bobby presses 'stop' on the player and walks over to the witness stand.

Bobby: So, I ask you again, Mr. Arnold. Have you ever seen this survey before?

Ben: I don't remember.

Bobby: Do you remember having this conversation?

Ben: No.

Bobby: Okay, I'll move on to another topic.

Bobby: Generally, Mr. Arnold, who in a company establishes the 'culture' of an organization?

Ben: Senior management of course.

Bobby: And who would that be at ShysterCo?

Ben: Mr. Tucker Shyster, and to a lesser degree, Mr. Damien Carrington, the Chief Financial Officer of ShysterCo.

Bobby: Mr. Arnold, do you think that ShysterCo is a well-run company?

Ben: Yes! ShysterCo has the best operational, marketing, production and communications processes in place that I've ever seen.

Bobby: I'd like to get back to the survey for a minute. I'll ask you again, Mr. Arnold. Did you receive this survey in a Universal Courier Box?

Ben: I told you. I can't recall.

Bobby: Maybe I can jog your memory, Mr. Arnold. Do you remember a question in the survey, and you can read it yourself, it's right here on page one.

Bobby points out the question

Bobby: Mr. Arnold, do you remember reading this question? "What words would you use to describe the ShysterCo culture?" Do you recall discussing this question and others with Troy Trueman?

Tucker jumps up. Harley pulls him back down into his seat.

Harley: I object! Mr. Arnold has testified he does not remember the survey and did not have the conversation with Mr. Trueman. This is badgering, Your Honor.

Judge Flynn: Are you going to make your point shortly, Mr. Schreck?

Bobby: Yes, Your Honor.

Judge Flynn: Objection overruled. Continue Mr. Schreck.

Harley shakes his head. He looks worried. Tucker is extremely agitated. Tucker is writing something on paper and passing them to Harley. Harley looks annoyed with what Tucker is doing.

Bobby: Thank you, Your Honor. Mr. Arnold, do you recall a question that asked you to describe ShysterCo's culture?

Ben: I can't recall the survey, so I can't recall the questions.

Bobby: Well, let me ask you this. What words would you use to describe the ShysterCo culture?

Ben looks over at Tucker.

Bobby: Mr. Arnold, you do not need Mr. Shyster's approval to answer questions.

Bobby moves between Ben and Tucker, trying to block the view.

Ben: I'm not! I'll answer the question. Okay. I can answer this. We are technologically, as a business, way ahead of any competitor. The middle management that represents each of the departments - technology, operations, training, recruitment, production, finance - are the best I ever worked with. They are just absolutely terrific. The clients that we have think the same. I have large contracts as a result of that capability.

Bobby: Is it true, in your opinion, ShysterCo is not a very well run company?

Ben: No. I just said they were well-run. Aren't you listening?

Bobby: Mr. Arnold, I am allowed to ask the same question more than once and in more than one way. You must answer all of my questions, even if you think you already have. Now, Mr. Arnold, what words would you use to describe the ShysterCo culture as it applies to senior management, like Tucker Shyster, who you yourself said, is responsible for setting the culture?

Ben: Tough negotiators.

Bobby: Mr. Arnold, have you ever described the ShysterCo culture as, ‘dishonest’?

Ben: I’d say, tough.

Bobby: Yes or no, Mr. Arnold. Have you ever used the word ‘dishonest’ to describe the ShysterCo culture?

Ben: No.

Bobby: Thank you Mr. Arnold. Now, Mr. Arnold, do you trust the senior management of ShysterCo?

Ben: Yes, most definitely.

Bobby: So trust is not a concern to you?

Ben: No.

Bobby: Did you ever tell anyone you didn’t trust Tucker Shyster?

Ben: No. Never.

Bobby: Your Honor, at this time I’d like to continue playing Exhibit Seven.

Judge Flyn: Proceed.

Bobby walks back to his table and presses the play button. He then walks back to the witness stand and stands between Ben and Tucker. He does not block the view entirely. Ben tries not to look at Tucker, but catches glimpses of him out of the corner of his eye.

Troy: Have you done the survey yet?

Ben: They don’t want to know what I’m thinking... No, I haven’t done the survey yet, because I, well I’ll just read it to you. The first page is, “Overall how pleased are you, working at ShysterCo?” What am I going to say? Very displeased? I can’t be a hypocrite. I can’t be a liar.

Troy: Of course not. So, you can’t answer it.

Ben: “ShysterCo is a better place to work now that it was nine months ago”. No Friggin way. In fact in many ways, worse.

“ShysterCo as a whole is well organized?” No Friggin way, N F W.

Troy: Hum.

Ben: “My department is well organized?” N F W.

“I believe I am kept well informed regarding what is happening at ShysterCo.” N F W. That’s no Friggin way - I rely on you to tell me. Is that what I’m going to put in here? Troy Trueman tells me?

Troy: Um hum.

Ben: “I have confidence in the senior management at ShysterCo.” I have confidence in their abilities, I don’t trust them, though.

So it says “Why or why not”. I’d say, why not? Because, I don’t trust you. So what am I going to do my friend? Fill it out? What do I do? You tell me.

Let’s see what the next page is. Um. Okay the next page, here are the questions. Oh, this is a good one, Troy. “What words would you use to describe ShysterCo’s culture?” I would put, dishonest.

Troy: That’s the culture all right.

Ben: “What contributes to this perception?” Lack of trust up and down the organization across all groups. That's how I would answer this question.

“What is your greatest concern at this point?” Distrust. I could write a book on that one. What do you want me to say my friend? Would you respond to it? I can’t.

Troy: No, you’re better off not responding. Because you’d be a hypocrite, like you said. A lying hypocrite.

Ben: Right. I would be a hypocrite. And if I had to go to Court, they would pull this out and I’d be ruined!

Bobby pauses to let it sink in. The gallery chuckles. Tucker is giving the ‘slit throat’ sign to Ben. Tucker is now flashing Ben the pictures he’s been drawing at the table. Ben is the only one in the courtroom that sees them. The audience can see them. The first one is a picture of a gun pointed at a head. The second is a hangman’s noose. The third is a guillotine. Harley notices what Tucker is doing and grabs the papers, crumples them up, and throws them in the garbage can beside the table.

Harley: Your Honor, at this time, I’d like to request a five-minute recess.

Judge Flynn: Granted. You may all stand and stretch. I expect you back in your seats in five minutes.

Ben is distraught. He is feeling ashamed. As the courtroom starts to clear, he starts to sing.

♪ WATCH ME AS I FALL

I am a puppet on a string
I am the worst thing worst thing you've ever seen
I am impossible to believe
I'm pulled by gravity, shocked by my depravity
I'm irrational, I'm illogical, hypocritical, a greedy, heartless liberal
I'm an alien, dressed like Gideon, I'm a malcontent
A thorough modern idiot, watch me as I fall
I am humble, I am vain
What motivates me, something I can't explain

I am outrageous, and insane
I'm fueled by gasoline, alcohol and nicotine
I'm an honest hypocrite, imploding modern idiot
I am a slave to my abuse, convicted caught with no excuse
I'm pathetic, apathetic, disillusioned, disconnected
I am lost, I am free, I'm impossible to believe
A walking chemical, statistically impossible
A thorough modern idiot, watch me as I fall

(Straight Ahead – Pennywise – 1999 – Epitaph Records)

Harley stands up and gives his head a nod, signaling to Ben to meet him outside the courtroom. Harley leaves and Ben stands up to follow. The courtroom is empty except for Ben, Tucker and Bobby. As Ben tries to walk out of the courtroom, Tucker grabs him by the arm, pulls him over and whispers something in his ear. Ben looks shocked. Tucker doesn't think Bobby sees him. As Tucker is speaking with Ben, Bobby leaves the courtroom. Shortly after, Ben races out of the room and into the hallway. You can see and hear Ben retching in the hallway. Tucker laughs. The lights go out. There is a noise that sounds like a table falling over.



Intermission

Act Two

The lights come up. The people all return to the courtroom. The Federal Prosecutor's table is turned over and Bobby's papers and exhibits are strewn all over the place. A couple of the exhibits have been destroyed under the weight of the table. Ben takes a seat in the gallery. It looks like he is trying to hide.

Bobby enters and sees the mess. Calmly he picks up the table and heaves his second legal briefcase onto the top. By this time the water pitcher was empty and it and the glass did not break on their fall. Bobby picks up the pitcher and glass. He leaves the papers and exhibits on the floor. He'll deal with them after the case has been heard. He pulls out duplicates of all his exhibits and places them on the table.

Tucker watches in horror.

Bobby suspects Tucker was responsible but has no proof. Judge Flynn enters.

Judge Flynn: Mr. Schreck. What happened to your exhibits?

Bobby: I'm not sure, Your Honor. I returned from our recess and most of my case was lying on the ground. I've already got re-organized however and I'm all set to proceed.

Judge Flynn: Do you need more time?

Bobby: No, Your Honor. I fortunately had two copies of everything. I'm ready.

Bobby is now standing at the witness stand, waiting for Ben so he can resume the questioning.

Judge Flynn: I don't see Mr. Arnold. We are ready to resume. Where is Mr. Arnold?

Ben sheepishly stands up from his short-lived sanctuary and approaches the witness stand.

Judge Flynn: Mr. Arnold. Would you please take the witness stand. May I remind you that you are still under oath.

Ben walks up to the stand and takes his seat. He lets out a heavy sigh. He is pale.

Bobby: Mr. Arnold, are you alright?

Ben: Yes, fine.

Bobby: Do you have the flu?

Ben: No, I don't. I have ulcers. They seem to be acting up.

Bobby: Are you sure you're alright?

Ben: Yes, I am.

Bobby: Mr. Arnold, did Mr. Shyster speak to you during the recess?

Ben: No!

Bobby: Did he grab you by the arm as you passed by?

Ben: No. He just accidentally bumped me.

Bobby: Did he say anything to you?

Ben: He said he was sorry for bumping into me.

Bobby: Mr. Arnold, I would like to remind you that you are still under oath.

Ben: Yes, I know.

Bobby: Okay, I'll resume my questioning. Mr. Arnold, given the tape we just heard of you and Mr. Trueman speaking about ShysterCo and the ShysterCo survey, do you wish to change your testimony?

Ben: No.

Bobby: So far Mr. Arnold, we've established, given your testimony here today, that ShysterCo senior management is honest and trustworthy. Is that correct?

Ben: Yes.

Bobby: But we've also established, given the evidence of the tapes, that ShysterCo management is dishonest and untrustworthy.

Ben: I don't recall saying those things on the tapes.

Bobby: What is the truth? Are they trustworthy or untrustworthy?

Ben: Trustworthy.

Bobby: And are they honest or dishonest?

Ben: Honest.

Bobby: Okay, now let's talk about your employment agreement and compensation, Mr. Arnold. I refer you back to Exhibit Four, which is the Affidavit.

Bobby returns to his table and finds Exhibit Four. He walks back to the witness stand and hands it to Ben.

Ben: Uh-huh.

Bobby: Now, I've read from the Affidavit already today, and you stated that the sections I read, were truthful.

Ben: Yes, I did.

Bobby: Would you agree that the entire Affidavit is truthful?

Ben is distracted. Tucker has made new flashcards. They have writing on them. He is flashing Ben again. The card reads, 'Your dead'. It is spelled wrong. No one else can see, except the audience. Ben stutters when he speaks.

Ben: Y...Yes. It is.

Bobby: Mr. Arnold, we know that you signed documents prior to today, which did not allow you to say anything defamatory about ShysterCo. We have already entered this no-speak document as Exhibit Three.

Ben: Yes, correct.

Bobby: And this document is so restrictive, you are actually not supposed to speak at all about ShysterCo. Is that true?

Ben: Yes, it is.

Bobby: And Mr. Arnold, at one time, as we discussed, the Federal Prosecutor wanted you to be a witness for the Prosecution, against Tucker Shyster.

Ben: So you said.

Bobby: I'll refresh your memory. He wanted you to testify about your experiences with ShysterCo and the fact that you had not been paid your compensation.

Ben: Oh, I've been paid them.

Bobby: At the time I tried to contact you to testify, had you been paid?

Ben doesn't answer immediately. Tucker flashes him again. This time the paper says, 'I'll kill your dog'. Ben stutters again.

Ben: I...I've always been paid.

Bobby: So, Mr. Arnold, when were you asked to testify on behalf of ShysterCo?

Ben: I don't remember.

Bobby: Was it after I sent you the registered letter?

Ben: I don't remember.

Bobby: And did anything happen between the letter I sent you and the time you were asked to testify on behalf of ShysterCo today?

Ben: I don't know what you're talking about.

Bobby: Were you paid out everything you were owed by the company?

Ben: No, I always got paid on time.

Bobby: Were you asked to sign the no-speak documents?

Ben: No. I don't remember.

Bobby: So, you are testifying that ShysterCo, did nothing special to incentivized or

encourage you to testify on their behalf... like a raise and a promotion that allowed you to purchase a new home in a very exclusive neighborhood.

Ben: No, none of that. They're a great company. I never had any problems with them. As a matter of fact, I helped them recruit other employees. Friends at that.

Bobby: Yes, you said that already. I'd like to discuss this later. Right now, I'd like to ask you about the documents you were asked to sign by ShysterCo. Were you ever coerced or forced to sign other documents while you worked at ShysterCo?

Ben: I signed whatever documents they asked me to sign, because after I read them, I signed them. They were true.

Bobby: Isn't it true, Mr. Arnold, that you believe Tucker Shyster, Eli Schmuck and Damien Carrington are, and please excuse this language, "a bunch of Friggin liars"?

Tucker flashes, 'I know where you live'. Tucker is not as careful as he should be and the Judge catches a glimpse of his message.

Ben: They never lied to me. No.

Judge Flynn: Mr. Shyster, would you please show me what you just flashed at Mr. Arnold.

Harley turns around quickly and looks at Tucker. Harley is shocked.

Tucker: What?

Judge Flynn: I want to see what you've been doing over there. What's on those sheets of paper?

Tucker: Oh, I've been doodling. I'm a Yankee doodler dandy.

The gallery bursts into laughter. Tucker is proud of himself.

Judge Flynn: Mr. Shyster, show me what you've been doodling. Right this instant!

Harley: Your Honor, I don't see what the relevance of this is. He is just doodling. There's no law against doodling. He's just expressing his right to freedom of expression.

Judge Flynn: I'll be the judge of that. I'm losing my patience. Clerk, will you please bring me whatever paper, Mr. Shyster has in front of him.

Harley puts his head in his hands and closes his eyes. He rubs his forehead. The Clerk walks over and gathers up the papers. He looks shocked at what he sees. He walks them over to The Judge. The Judge looks them over. She is shocked.

Judge Flynn: Would both the defense and prosecuting attorneys please approach the bench.

Bobby and Harley walk up to the bench. Judge Flynn shows Bobby the paper. There are big words written out in color felt pen. 'Your dead. I'll kill your dog. I know where you live.'

Judge Flynn: Mr. Schreck, it appears, that Mr. Shyster has been quite busy today. I would suggest, that his little cue cards here may have intimidated the witness. I think The Jury needs to see these. I am providing these to you to enter into evidence.

Harley: I object. These are not evidentiary. They are not relevant to this case.

Judge Flynn: I disagree. These are relevant. Your client has been attempting to intimidate the witness. I will be filing additional charges at the end of this trial. Now, I am asking the clerk to show these to The Jury. Clerk, would you please take these drawings of Mr. Shyster's and pass them to The Jury. Jury, you may take as long as you like to look these over.

The Jury looks over the drawings and the messages and amused and appalled. One comments about how he spelled you're incorrectly. Other members of The Jury giggle. Tucker jumps up out of his chair. His papers and pencils go flying off the table.

Tucker: You idiots can't pass judgement on me. You're lucky if you can pass gas.

Judge Flynn: Clerk, please confiscate Mr. Shyster's crayons and paper. And Mr. Shyster, that will cost you two thousand this time. Next time and you could end up in jail.

Tucker takes his seat and Bobby goes back to his position in front of the witness stand.

Judge Flynn: Mr. Schreck. You may proceed.

Bobby: Thank you, Your Honor. Now, Mr. Arnold, did you have a written contract with ShysterCo?

Ben: Yes.

Bobby: Did ShysterCo honor that employment agreement and compensation plan?

Ben: Yes, and I've made significant compensation and that's why I bought the new house.

Bobby: You were never coerced to say that you were paid in full and on time, when you actually were not.

Ben: No, never.

Bobby: And you never signed a document saying you were paid full compensation and on time when you actually weren't.

Ben: No, Sir.

Bobby walks up to his table and picks up a tape. He walks back over to The Judge and speaks.

Bobby: Your Honor, I'd like to introduce this tape as Exhibit Eight. And stipulate to its authenticity as with the previous tapes. It is a conversation between Mr. Arnold and Mr. Trueman.

Judge Flynn: So noted. I am assuming that you are going to play the tape now, Mr. Schreck?

Bobby: Yes, I am Your Honor. You're one step ahead of me.

Judge Flynn: Well, this evidence is following a pretty simple pattern here.

Bobby: Yes, I believe so, Your Honor.

Ben looks horrified as Bobby walks back to his table, places the tape in the player and presses 'play'.



Ben: I told you, “These people are Friggin liars. Please understand now for the fiftieth time. I had an employment agreement, Gaul darn it! A written one! Signed!They stole from me!

Troy: Right.

Ben: They don't give a crap. They didn't honor it. Troy, I told you. They have destroyed me. They destroyed me. They stole from me.

Troy: Right.

Ben: Okay, and I had a signed employment agreement!

Troy: Well, I don't know how they are able to do it, Ben.

Ben: They have. And they have ripped me off so badly. The only reason I'm still here. The only reason, is, I want my Friggin money! I'm trapped. I'm stuck here. Because Shyster forced me to sign papers. Please Troy, you have to understand, every year they force me to sign a paper.

Troy: Um hum.

Ben: “I paid you everything I gotta pay you. We owe you nothing.” That would be one statement.

Troy: I got the same letter last month from Shyster himself. He wanted me to sign it. He said he wouldn't pay me my salary until I did. I think he was planning to terminate me as soon as I signed it.

Ben: What did it say?

Troy: Same as yours, that I was paid everything I was owed.

Ben: Did you sign it?

Troy: Heck no! I haven't been paid a nickel of compensation and right now I think they owe me well over \$200,000! This Shyster letter goes to show you that they're trying to curtail their culpability. I mean by Shyster's letter saying, guess what, by signing this letter you agree to waive all rights to any past compensation.

Ben: You got it.

Troy: To any compensation. But, the fact that I did not sign it and I am in receipt of it, it shows that they felt that they were culpable for payment of compensation.

Ben: That's how you take it.

Troy: That's how an attorney would it, Ben.

Ben: Okay. You need to know, for three years he's sent me that every December. And I signed it, every December, because I knew they wouldn't pay me my salary if I didn't. You have to understand Troy, I was coerced with a gun to my head to sign these papers. I had to pay off my son and daughter's university expenses. Harvard and Tufts aren't cheap you know! And you know my youngest is still in school. If I didn't sign it, Shyster would fire me and I'd never get any of my compensation, or that darn stock he promised me. And Troy, I'm talking about a lot of money.

Troy: Of course, I know you are. I know you are. In the millions, right? And here I'm complaining about my \$200,000.

Ben: I decided to push the issue with Shyster. I mean, I want my money. I've been living off my savings from CSI, waiting to get paid my ShysterCo compensation. I just couldn't take any more of their excuses. One thing after another. They're great at that.

Troy: What did Shyster say?

Ben: He said he'd work things out. He made me that darn stock offer. He said he'd pay me in stock instead of cash. Shyster said I'd have to sign a darn Affidavit, swearing to the fact that they paid me and everyone else what they owed. I didn't care. I signed the darn document. I had no choice. Then he screwed me over before the ink was even dry. He changed the vesting period from three years to six.

Troy: So that's why you screwed us.

Ben: I didn't even know you back then. I didn't know you were having problems.

Troy: But you knew Goodson and the rest of them were. And then you signed the same darn Affidavit in my case and Vicki's.

Tucker pushes Harley's glass. Smash... Harley's water glass falls from the table to the floor. Bobby shuts off the tape recorder and starts to fiddle with it.

Harley: I'm so sorry, Your Honor. It was an accident. I'll get it.

Harley starts to stand up.

Judge Flynn: Sit down, the Clerk will take care of this. Mr. Schreck you may proceed when the clerk is finished.

Bobby: Thank you, Your Honor.

The Clerk cleans up the mess and puts the glass in the garbage can beside the defendant's table.

Bobby: I'll start the tape again.

Bobby pushes the play button. Tucker and Harley are both visibly upset.

Ben: Shyster told me to "Take it or leave it." That's why I'm still here. I'm waiting for my stock to vest so I can get the heck out of here. And they didn't give it to me at \$5 bucks, they gave it to me at \$10 bucks, and now the darn stock's trading at \$5 bucks. You do the math.

Troy: That's not good. Shyster can manipulate the heck out of that stock price... all by himself. He owns so darn much of it.

Ben: I know, but I had no choice! I already signed a legal document that said I'd been paid everything. I had to take it or risk getting screwed even worse than the others. I didn't want to go through what David Goodson did, Jacob Sheffield did, that lady Susan Ulster did before them and what you and Vicki are going through now. I mean I could go on and on.

Troy: He's not a friend Ben.

Ben: Oh Man, he's dangerous. They're all dangerous. I wouldn't ever be able to believe a Friggin word Shyster, or Schmuck or Carrington says.

Bobby turns off the tape. Harley looks shocked. He shakes his head and rests it in his hands again. He doesn't look up at the witness.

The kids jump up and sing.

♪ CAN'T BELIEVE IT

Wait! Can't Believe it

Another victim, another life, another corporate casualty

The suits are schmoosing, lying and looting

Profit plagues society

In the world you see it every day on your TV on your front page

You can try but you can't wish it away

We said, wait can't believe it

High and loaded on Wall street

Money flowing through their veins

No respect for human life

A world that slowly goes insane

You see it everyday

On your TV on front page

It's the endless corporate tragedy
In your dark thoughts and wildest dreams can you imagine
A worse society and when we think we can pretend
We turn on our TV again and all the screwed up things we see
We can't believe how this can be.

(Straight Ahead – Pennywise – 1999 – Epitaph Records)

Arnold is visibly shaken. Shyster is screaming at the kids to shut up. The Judge doesn't know who to be mad at, the kids or Shyster.

Judge Flynn: This is the most boisterous gallery I've ever seen. Kids, I know you feel strongly about what is happening here, but I must insist you keep it quiet. Mr. Schreck, please proceed.

Bobby: Thank you, Your Honor. I'd like to start the tape again.

Judge Flynn: Proceed.

Bobby pushes the play button.

Troy: Yeah, I figure ShysterCo has quite a bit of lawsuits against them right now. Jacob, Susan and Goodson are done. Vicki and I will probably be suing, too.

Ben: How do they get away with this Troy, if you don't mind me asking? Doesn't this set a pattern to people?

Troy: Sure it does. Sure it does.

Ben: It can't be that the people filing the lawsuits are all wrong?

Troy: Well, that's exactly it Ben!

Ben: What?

Troy: That's exactly it. How could they all be wrong? Where there's smoke, there's fire, isn't there?

Ben: Way to go! That's a good one Troy. (Troy and Ben are laughing loudly) You're darn right. I'm in that fire. They have burned up Ben Arnold for three years. I'm still in it. Anyhow, I'm still alive. I know my wife's about had it with me, and I don't blame her. I would too. See our first 18, years I had a career, a professional career with Computer Systems International, or CSI as we called it. And now I feel like a bum. I've spent almost all of my savings!

Troy: It's a heck of a way to live, Ben.

Ben: I feel like a failure. I feel like what I did for 18 years added up to nothing. It's like it never existed. And they can fire us or not pay us our compensation any time they want, for no reason. Like today, today at noon time and you have no recourse and they just stop paying you your salary and compensation, like they did to David and Susan and Jacob. We're all 'at will' employees.

Troy: More like 'at their mercy'!

Ben: Right. And then as you know, they have the arbitration crap. And we all know that favors the company and not us. So darn easy to drag out the process so long that none of the employees has the resources to fight Shyster.

Troy: Heck of a way we live Ben.

Ben: Tucker Shyster has burned me, in my heart and soul.

Bobby shuts off the tape. Ben doesn't react.

Bobby: Mr. Arnold. I do have a few more questions. Mr. Arnold, you stated earlier, that you've always been happy and pleased to recruit friends and previous colleagues to join ShysterCo?

Ben: Certainly. I did recommend to a few colleagues to come and work for ShysterCo.

Bobby: Were you present when Troy Trueman was interviewed to go to work for ShysterCo?

Ben: No, Sir.

Bobby: Do you know a gentleman by the name of Albert Solloway?

Ben: Know of, yes. He interviewed with ShysterCo.

Bobby: Did you talk to him about that interview with ShysterCo?

Ben: Yes, Albert called me and asked my opinion.

Bobby: And did you encourage him to join?

Ben: Most definitely.

Bobby: Who is Rickey Smithers?

Ben: Rickey worked with me at CSI.

Bobby: Did Rickey Smithers get an offer?

Ben: Yes.

Bobby: Did he accept the offer?

Ben: No.

Bobby: Do you know why?

Ben: What I recall, is that he felt in his gut that he did not want to make the decision to come to ShysterCo, and I told him, "Go with your gut."

Bobby: At this time, I'd like to introduce and play Exhibit Nine.

Judge Flyn: Proceed.

Bobby: Thank you, Your Honor.

Bobby puts the tape into the player and pushes 'play'.

Ben: Troy, I remember the lunch at the Red Lion, when I first met you.

Troy: Yeah.

Ben: What you didn't know of course, when that lunch was over, I was sick to my tummy for you. Because now, understand, everything I've shared with you now, I knew that day. I knew right then and there.

Troy: Well, it's like you said Ben, you talked to people who potentially were coming in to ShysterCo and you basically said, "You're not going to get paid, don't even think about it. You'd be a fool"

Ben: Right, don't even think about it. You'd be a fool. Guys like, Albert Solloway. This guy was top notch, Man. I told him, "If you come over here Albert, you're a fool." Rickey Smithers. He actually went into the interview with Tucker Shyster (laugh). Rickey Smithers goes back with me to the CSI days. Good guy. But it just so happens, I'm in my office and he walks in and goes,

"Hey Ben, have you got a few minutes, I'd like to talk to you?"

I go, "Sure, sure." So I go, "Well what are you thinking?"

He said, "My gut tells me not to trust him." (laughs)

Troy: (Also laughing)

Ben: Troy, I just friggin roared for ten minutes. I go, "Nothing more needs to be said."

He said, "Well what do you think?"

I said, "I would go with your gut."

I told him I said, "I'd go with your gut. Your gut's telling you, you don't trust him. Go with your gut." And of course Shyster didn't know this. Smithers decided not to come in.

I just wish that I said something to you before you joined.

Troy: And Vicki.

Ben: Yes, and poor Vicki. She's really suffering. Didn't you tell me she miscarried? That Shyster doesn't care who he hurts. He's the greediest jerk I've ever met. I wish I'd told you not to join. I wish I told Vicki not to join.

Troy: Her life has been totally disrupted. And David Goodson. That poor guy. He couldn't afford an operation for his sick kid. I don't know if you know this or not, but his son died.

Ben: No, I did not know that. I knew he was very, very ill.

Troy: Yes, that's right. When Shyster wouldn't pay Goodson what he was owed, he went into huge debt to pay off the hospital bills... because... as you know... ShysterCo only insures the senior managers. Goodson couldn't afford more operations and his son died.

Ben: So, it's like Shyster murdered him, isn't it.

Troy: That's the way I see. I'm sure a court of law wouldn't. It seems like nothing can touch Shyster. He's so slimy, nothing sticks. He just keeps ripping people off, wrecking people's lives, and building up his own personal empire at other's expense. This guy, like I think you said before Ben, he's death! Literally!

Bobby shuts the tape off.

Bobby: Mr. Arnold, you testified earlier that you didn't know Vicki Virtue's situation.

Ben: I didn't.

Bobby: We just heard you saying you did.

Ben: I didn't say I knew her situation. I knew she was having some problems. I don't know the details.

Bobby: Then why didn't you return Vicki's calls?

Ben: I told you before. I was so upset with how she tried to contact me and I told you, I wouldn't be able to help her anyway. ShysterCo always treated me right.

Bobby: Did Mr. Trueman tell you about her situation?

Ben: Not really. We didn't talk about Vicki. It wasn't my business. You have to understand I've never met Vicki Virtue.

Bobby: If you did know her and her situation, would there be any reason for you to say you didn't?

Ben looks at Tucker

Ben: No, I had nothing to say to these people. I had to take care of my own career, my own family. These people were death.

Bobby: So, Mr. Arnold, you knew that you would be jeopardizing your career if you helped David Goodson, Vicki Virtue and your good friend, Troy Trueman.

Ben: It just wasn't any of my business.

Bobby: You know a lot of inside information about ShysterCo, don't you Mr. Arnold?

Ben: I guess so.

Bobby: Have you been able to use your insider knowledge of how ShysterCo treated it's employees, along with the no-speak agreement that you signed with ShysterCo, to help ShysterCo, keep its losses down in these previous and pending cases and in this criminal action?

Ben: No, I signed a no-speak because I had nothing bad to say. If I did, I wouldn't have signed it.

Bobby: So the fact that you signed a no-speak document, the fact that your testimony has been totally refuted by these taped conversations we heard here today, and the fact that

your bank account has received a rather substantial infusion of funds... and you were able to purchase the new mansion... I mean house.

The gallery and jury all go OOOOOOH...

Harley: I object, Your Honor. Mr. Schreck has introduced no evidence to support this outrageous statement.

Bobby: I was just getting to that, Your Honor.

Judge Flyn: I hope so. Objection overruled. Please continue.

Bobby: So, Mr. Arnold, you have not used your situation to profit for yourself.

Ben: No, I would not do that.

Bobby: So you never told Troy Trueman that you were a linchpin to all the cases and that ShysterCo better realize that and treat you right?

Ben: Oh, my God!

Bobby: Your Honor, at this time I would like to play my final Exhibit, Exhibit Ten.

Judge Flyn: So, noted. Proceed.

Ben hangs his head in shame.

Ben: Troy, I have a number here on my caller ID. Tell me if you know it. 888-555-8111. The party hung up.

Troy: It's Vicki. I spoke to her this morning and that's her number.

Troy: She hasn't been paid compensation since she started. She's been trying to make it work. They figured she'd just go a way. But she didn't. They owe her a lot of money. It's one stall tactic after another.

Ben: Oh, they are great at that.

Troy: Yep. And apparently they said to her that she's stalling. But she's been sending emails back and forth, which bolsters her case in her opinion.

Ben: I went to an attorney, you know. Oh yeah. I went to an attorney because I felt I was going to get screwed.

Troy: Really.

Ben: The first question out of his mouth Troy was, "Do you have a paper trail?"

Troy: Well, that's what Vicki has.

Ben: All I have is a verbal trail through Shyster. All his promises were verbal.

Troy: Which is dangerous. Which is bad.

Ben: And they have a huge paper trail with all those darn documents I signed saying I got paid everything.

Troy: Well, you see Vicki has a paper trail that supports her position. They never got her to sign any of those documents, that you did. She only signed the non-compete.

Ben: That's great!

Troy: Emails back and forth to Tucker Shyster that were never returned. So in any event, what Vicki mentioned is that they disputed her claim, whatever her financial number was. They said to her, one sentence answer, we don't agree with it. And her response was, "Okay, if you don't agree with it, let me know what you agree to." Nothing came back.

Ben: Does she have an attorney?

Troy: He's the same guy that handled Susan Ulster, Jacob Sheffield and David Goodson, and I think everyone is calling him for help now.

Ben: (laughs) Tell me your teasing!

Troy: I'm not teasing.

Ben: Oh, in other words if I do this I should go to him.

Troy: Oh yeah. I'm talking to him, too.

Ben: I can tell you now Man. If all of us went to the same guy. Wow!

Troy: He is very, very good. Vicki says he could be even better if you...

Ben: What?

Troy: If you hadn't signed that Affidavit. They've used it in all three cases you know. It was pretty powerful testimony.

Ben: Hey, I had no choice.

Troy: Anyway, Vicki wanted me to pass his name on to you.

Ben: Really?

Troy: She figures you should get some legal advice.

Ben: Oh, okay. Nobody called me though. I did get a rumor of why the other don't though.

Troy: Why?

Ben: They think I'm tight with Shyster.

Troy: Well, yeah, that's probably good enough reason.

Ben: Oh, no kidding. I may be tight but I don't trust him, I never did.

Troy: Well, you mentioned that. Besides, there are some advantages to being tight with Shyster.

Ben: Yeah, I guess so. I do hear a lot.

Troy: Like what? Anything interesting?

Ben: Tucker Shyster said to me that he was going to drag things on so long that they'll make sure they'll never have to pay anyone who sues him.

Troy: Really.

Ben: Oh, yeah. I also overheard Shyster saying that ShysterCo lied to Tall Street on numerous occasions. I heard Shyster talking to the lawyer. They called it spoofing the street.

Troy: No kidding.

Ben: No kidding. (Laughs) That Tucker Shyster had better treat me right. I know enough to really do damage. Maybe I should think about using this information. Maybe I should tell Shyster I'll blow the whistle.

Troy: Isn't that blackmail?

Ben: Oh, it's okay for them to screw me? You know when you really think about it. I mean really think about it, I'm a linchpin to all the cases against ShysterCo.

Troy: It sure sounds like it, Ben.

Ben: Right, so I'm in a position of strength. Shyster better realize it and treat me right!

Troy: If you can live with yourself, Ben. I guess you're right.

Bobby turns off the tape recorder. He walks over to the witness stand.

Bobby: Mr. Arnold. Can you explain why you have lied to us today?

Ben: You've taken these conversations out of context.

Bobby: Sir, I have provided the entire conversations, uncut and unedited so that the full context was intact. And they have all been entered as rebuttal to statements you made under oath here today.

Ben: I can't explain why they sound so bad. Sometimes you just find yourself saying things that you don't mean.

Bobby: Like what you said in your Affidavits?

Ben: Uhhh.

Bobby: Mr. Arnold I think you have said enough today. Your Honor, I am finished with this witness.

Terrance jumps up.

Terrance: Dad! How could you do this to your friends? How could you lie like this!

Ben: Terrance!

Terrance: I heard every single lie. I hate you!

Ben: Terrance! You just don't know what kind of pressure I was under.

Terrance: I'll never be like you! You're as evil as Shyster!

Riley: Terrance! Give your dad a chance. Let him try to do the right thing. Help him go straight!

Terrance: Tell the truth. Take control of your own life.

Students: Yeah Mr. Arnold, it's your life, not Shyster's. Take control. You've got the power to choose!

The kids all sing.

♪ STRAIGHT AHEAD

All the things you want, all the things you need
You got the power to choose, you got the right to be
All the things you loathe, all the things you hate
Is what you will become, until you will go straight
All the things denied, the stuff you can't believe
You don't blame yourself, you blame society
All the things in life, that you've been waiting for
Wait outside your door
All your problems won't go away
We guess this is the price you pay
Your decisions you will soon regret
Throw away your life
Go straight ahead, its your freakin' life
Go straight ahead, its your freakin' right
We see you everyday, wasting your time away
You got no respect, got nothing good to say
All the things you loathe, all the things you hate
See what you will become, unless you will go straight
All the things in life, all that you wanna be
But you don't even try, you want it all for free
All the things in life, that you've been waiting for
Wait outside your door

(Straight Ahead – Pennywise – 1999 – Epitaph Records)

Judge Flynn: I couldn't have said it better myself, Young People. Does the Defense wish to re-examine the witness?

Harley: Yes, I do, Your Honor.

Bobby takes his seat. He looks extremely confident. Harley stands up and slowly and purposefully walks over to the witness stand. He does not look at the witness but he does look at The Jury. Harley does not even acknowledge the presence of the witness. He begins to question the witness without looking at him.

Harley: Mr. Arnold. Could you please tell the court who I am.

Ben: You are Mr. Shyster's attorney.

Harley: Who am I, in relation to you, Mr. Arnold?

Ben: You are my son.

Bobby is visibly shocked and so is The Jury.

Harley: Mr. Arnold, could you please tell the court, my full name.

Ben: Of course. Your full name is Henry Harley Arnold.

Harley: Thank you, Mr. Arnold. Could you please tell the court what our family tradition is with regard to naming the first born son, which I am.

Bobby: I object, Your Honor. The Defense is testifying.

Judge Flyn: Overruled.

Harley: Am I your first born son, Mr. Arnold?

Ben: Yes, you are.

Harley: And what is the Arnold family tradition with regard to naming the first born son?

Ben: For over two hundred years, the first born son in our family has been named Benedict.

Harley: Could you tell the court why you broke with tradition and did not name me Benedict.

Ben: It has always been difficult living down a name like Benedict Arnold. No matter what you do in life, people look at your actions with suspicion. People expect the worst of you.

Harley: Is that what you've experienced in your life, Mr. Arnold?

Ben: Yes. Ever since kids were old enough to understand that Benedict Arnold was a traitor, I've been labeled the same.

Harley: Please tell the court why you chose to name me, Henry Harley.

Ben: Although Henry Harley Arnold is not a direct relative of our branch of the Arnold family, he is an American hero. I wanted you... my son, to carry the name of an heroic Arnold. He was actually the man responsible for establishing the United States Air Force!

Harley: So you named me after a brave, honest, respected and in some circles, very famous American hero.

Ben: Yes, I did and you have made me proud, Son.

Break. Harley pauses for a second. He looks at each of The Jurors. He turns around and walks over to the witness stand and looks directly at Ben. By this time, Ben is on the verge of tears.

Harley: Mr. Arnold, is there anything that you would like to share with the court at this time?

Ben: Your Honor, I'd like to make a statement.

Judge Flynn: Mr. Schreck, are you willing to let Mr. Arnold make a statement?

Bobby: Yes, he may, Your Honor.

Ben spoke, crying as he did. Harley stood in front of him. It looks like Ben was confessing to Harley.

Ben: I've made a mess of my life. I used to be a man of principal. A man who was respected by his family, his colleagues, his community.

Now I appear before you as a greedy, self-serving liar without morals. I alone, let Tucker Shyster use me. I became as evil and as guilty as he was, for all the wrong doings at the company. I turned a blind eye. I didn't come to the support of my colleagues. I took the money, signed the Affidavits and never looked back. I'm telling you here and now, that I lied in the Affidavits. I lied in my testimony here today. I am a bald face liar.

I benefited from these lies. I got paid every nickel that ShysterCo owed me. I sold my soul, sold out my friends. I can blame no one else for my actions. I am solely responsible for allowing Tucker Shyster to manipulate me.

I want to start over if you let me. I want to tell the truth. I'll tell you the truth right now. Everything I said in those tapes was the truth.

I want you all to know, that you need to find Tucker Shyster guilty of suborning perjury. You have to find these no-speak documents illegal. You have to make an example of him. You should make an example of me. I apologize to all of you decent people. I apologize to my family and especially to my son, Harley, for not telling him what an evil man, Tucker Shyster actually is. If I'd known you were going to take that letter to him and use it to get a job with him, I'd never have shown it to you in the first place. It's all my fault.

And I want to apologize to my son Terrance for not helping Mr. Trueman and Ms. Virtue and all the other people, because I was greedy and because I was dumb enough to sign that no-speak.

I can't expect anyone to forgive me, but I can ask for another chance. A chance to prove that I can be a good person. A person that people would be proud to have as a friend and colleague. And most importantly, a man that his children are proud to have as their father. I can become that person again. I can stay true to myself and to you!

Ben breaks out into song.

♪ BADGE OF PRIDE

All the bad stuff that I see, so much I can't believe
Grown man just tryin' to be true, to myself impossibly
I may not ever get rich, might wind up diggin' a ditch
Won't cry no I won't complain, I won't back down and I'll never quit

It is my badge of pride – hardcore 'til the day I die
Just tryin' to survive, I won't back down or apologize
Say what you wanna say, I'm not listening anyway
I'll believe what I wanna believe
Stay true to myself that's how it's gotta be
All the methods that I use, all the things I use and abuse
It all leaves me confused
I've been torn up, beat down and bruised
But somehow I was saved and I'm standing here today
Now I'll do things my own way cause I'm never going back again
Now I'll do things my own way cause I'm never going back again.

(Straight Ahead – Pennywise – 1999 – Epitaph Records)

Terrance jumps up and cheers! The crowd breaks out into cheers and applause. Tucker is outraged. Harley looks pleased with the results. He nods at his father, approvingly.

Harley: Your Honor, I am quite finished with this witness. I rest my case.

Judge Flyn: Mr. Arnold, you may now take your seat.

Ben stands up and steps out of the witness box. He walks over to the defendant's table. He is looking for some sort of embrace or recognition from Harley. Harley turns his back to him. Ben takes a seat in the gallery.

Judge Flyn: Mr. Shreck, are you prepared to make your closing argument?

Bobby: I am, Your Honor.

Judge Flyn: Proceed.

Bobby: Thank you, Your Honor. Ladies and Gentlemen of The Jury, Your Honor, I really don't know if I could close better than Mr. Arnold just did. He has finally had the resolve to redeem himself and to come clean.

I ask that The Jury find the 'no speaks' are in violation of the First Amendment and can be misused to suborn perjury, as was evident here today. Secondly, I ask that The Jury find Mr. Shyster guilty of causing Mr. Arnold to lie in his Affidavit, and in his testimony here today, and therefore is guilty himself of suborning perjury.

You have no choice but to find him guilty of suborning perjury and to find the no-speak, unconstitutional.

Bobby takes his seat.



Judge Flyn: Mr. Arnold, you may deliver your closing remarks at this time.

Harley: Thank you, Your Honor. Ladies and Gentleman of The Jury. I find that Mr. Benedict Arnold, my father, a man that I have loved and respected all of my life, has deceived us. Benedict Arnold has lied to us today and embraced whatever the truth needed to be to suit his purpose.

Benedict Arnold began today, testifying for the defense. He told what he thought was Tucker Shyster's truth. In the tape recorded evidence that the Federal Prosecutor introduced as rebuttal, he told his friends the truth he thought they wanted to hear. In Benedict Arnold's final statement, he told you, The Jury, the truth he thought you wanted to hear. You can see just how weak and malleable Mr. Benedict Arnold is... just like his namesake. He will say anything and sell-out to the highest bidder. Benedict Arnold is a treasonous man and should be judged as such.

I am reminded of a famous quote, "Treason doth never prosper: what's the reason? For if it prosper, none dare call it treason."

Well, I dare call it treason and he should not be allowed to prosper. It is Mr. Arnold who should be on trial here, not my client. My client is an innocent victim of Mr. Benedict Arnold's self-serving, greedy and un-American actions. Mr. Shyster cannot be judged based on the testimony you heard here today. Not on the testimony of a treasonous liar. A man who will make and break allegiances as they suit his needs, with no concern or consideration of the consequences. And there were consequences, for his colleagues and his employer and yes, for his own family.

It is clear, that Benedict Arnold lies for his own reasons, to further his own agenda. You cannot transfer blame for Mr. Arnold's actions to my client. There is no direct link between my client's actions and Mr. Arnold's lies. This is a labyrinth of truths, half-truths, untruths all leading to one person, Mr. Benedict Arnold and not to my client, Mr. Tucker Shyster.

You must therefore come back with a verdict of not-guilty on the charge of subornation of perjury against my client, Mr. Tucker Shyster and you must come back with a decision that 'no speaks' are indeed constitutional. Otherwise, liars like Benedict Arnold will go unchecked and destroy great men like Mr. Tucker Shyster and our American Way of life...

Your Honor, Ladies and Gentlemen of The Jury. I rest my case.

Bobby looks shocked and worried.

Judge Flynn: I am prepared to give instructions to The Jury now. Ladies and Gentlemen of The Jury, you have heard many conflicting statements here today. I must make sure that before you leave this room to deliberate, that you consider two questions and nothing more.

Firstly, you must decide if the no-speak agreement that was signed by Mr. Arnold, affected any of the statements that he made under oath. If you decide that the no-speak agreement in fact caused Mr. Arnold to lie, then I will find these agreements suborned perjury and I will enter a ruling to the Supreme Court to make them unconstitutional and illegal.

Secondly you must decide if Mr. Shyster had any influence over Mr. Arnold's statements, whether verbal or in writing, that Mr. Arnold made under oath and presented as evidence in this court here today. If you find that Mr. Shyster caused Mr. Arnold to lie in his Affidavits or in his testimony here today, then he must be found guilty of subornation of perjury and he will be guilty of a criminal offense, punishable by incarceration in a state prison.

Now, I ask you to leave the courtroom and return when you have your decision. Clerk, please escort The Jurors to the deliberation room.

The Jury gets up and follows the clerk out of the courtroom. There is a break. The lights go off. When they are turned back on, it is 'one hour later'. The courtroom is again full. Everyone is as they were before the lights went out. The Jury has returned to the courtroom after its deliberation.

Judge Flynn: Will the defendant please rise.

Harley and Tucker stand up. Bobby stands as well.

Judge Flynn: Madame Foreperson, have you reached your decision?

Foreman: Yes, we have, Your Honor.

Judge Flynn: On the charge that the no-speak agreement is unconstitutional. How did you find?

Foreman: We find the no-speak agreement does not suborn perjury.

Ben and the students are shocked. Bobby shakes his head in disbelief. Tucker and Harley stand there cool and calm. Tucker is grinning ear to ear.

Judge Flynn: Thank you. And on the charge against Mr. Tucker Shyster, that he himself suborned perjury, how did you find?

Foreman: We, The Jury, unanimously find Mr. Tucker Shyster, not guilty of suborning perjury.

Judge Flynn: I thank The Jury for your hard work.

Harley and Tucker embrace each other. They are celebratory.

Bobby is disgusted with the verdict. He is amazed at the outcome. Bobby, Troy and Vicki console each other.

Ben hangs his head in shame.

The kids break out into song.

♪ THE WORLD

Greed from your closed mind
Nothing you think is gonna change
Your actions speak so loud
You've got to try a different way
We live together
We're worlds apart down on the streets
Because we're too proud
No one will ever admit defeat
The world is a smoking gun that is loaded, and soon it's gonna blow you away
Up till now nobody has noticed, but we're going to have our say
Where do we draw the line
Nobody seems to have clue
For profit's we're at each other's throats
Cause we don't share a global point of view
So what's the problem
Can't see beyond the colour of money
A vicious circle
A human race no one can win
It's just a state of mind
It's not reality
It's all psychosomatic static inhumanity
Profit's a savage mental sickness
That plagues the human race
And it's going to blow up in your face
The world is a smoking gun that is loaded, and soon it's gonna blow you away
Up till now nobody has noticed, but we're going to have our say

(Land of the Free – Pennywise – 2001 – Epitaph Records)

There is a buzz in the courtroom.

Judge Flynn: Order! Order! Order in the court! This trial is not over! I am setting aside The Jury's decision! I don't know how they came to a 'not guilty' conclusion. But given the evidence here today, there is no way that this decision came without a cost... to the defendant. Mr. Shyster, on the charge of subornation of perjury, I find you guilty. Sentencing to take place in one week.

The judge breaks into song with the kids.

♪ W.T.O.

We just can't understand and we don't know how anyone can
Cause with every passing day it gets worse in every way
It's time that we make a stand
We sit here and wonder why how many more people got to suffer
Before we're gonna learn how many got to burn
Until we all realize
See it everyday it never goes away
Never slowing always growing never going away
This is the day you'll see our way
We've had enough some things are gonna change
The future's bright people unite
Better believe you're in for a fight
Behind smiles and pageantry
Lies a selfish and sadistic history
Insidious design deceitful and sublime
Feeding on fear and misery
The world's got a bad disease
And we think we got a great new remedy
A new vision, ethics and morals will prevail
A new world society
We're not gonna be ignored
Believe us this means war
Something you can trust
You shouldn't fight with us
We're not gonna take it anymore

(Land of the Free – Pennywise – 2001 – Epitaph Records)

Then, from nowhere, Goodson appears. He is brandishing a gun as he runs down the center isle of the courtroom, directly towards Tucker. He doesn't know the judge has overturned The Jury's decision.

Troy: It's Goodson! He's got a gun!

Vicki: My Goodness! Is he going to...

Troy: Don't do it Richard! He's not worth it!

Goodson: I have no choice.

Troy: The Judge found him Guilty!

It's too late. Goodson points the gun before the guards can subdue him. Harley hurls himself in front of Tucker. The gun discharges accidentally. Tucker has already run out of harms way. The bullet hits the table in front of Harley. Harley jumps backward and stumbles over the garbage can. The can topples. Harley falls, striking his head on the edge of the table and falling on the shards of glass. No one notices.

All eyes are on Goodson and the guards. They quickly escort Goodson out of the

courtroom. Tucker Shyster is handcuffed and led away.

Tucker: I'm innocent! I did what every other businessman in this country does. It's not illegal! It's the American Way. You'll all pay for this! None of you will ever work again! Ever! We have the power!

The kids and entire gallery sing.

♪ STILL CAN BE GREAT

Every time you try to change something always goes wrong
And by the time you figure it out everything you wanted was gone
Do you know there is a way to be everything you always wanted to be
Can I Say if you start today you begin to make your own reality
Don't say it's not worth it I know you can change
It may never be perfect there's no one to blame
When you feel yourself going down pick yourself up off the ground
It may never be perfect it still can be great
So you think you've lost your chance the world just keeps passing you by
But you can find what you're looking for only if you're willing to try

(Straight Ahead – Pennywise – 1999 – Epitaph Records)

The entire courtroom sings and then directs the last song at the audience. They encourage the audience to join in on the chorus... It's Up To You..

♪ IT'S UP TO YOU

We see things happening they fall before our eyes
Pretend we're blind like we could never see the heartache
That's not ours and fills our head can we just laugh away
The sights that tear our soul and make the earth sick
No we could never be so cold to look away
Is it so wrong to want to make a difference?
We'd like to think there's no excuse
Is it a crime to want things better for ourselves?
How you wanna live is up to you
Wish we could be like you indifferent to it all like life's a joke
Sarcastic cynical like everything's o.k.
But it just won't work
In life you have to choose to stay at home and hide
Or stand up and fight if caring's our offense
Then we proudly stand accused so how about you

(Land of the Free – Pennywise – 2001 – Epitaph Records)

Narrator: Still, no one has noticed Harley.

Ben has remained seated. He is crying. He thinks that Harley has left with Tucker. Ben

sits in his seat with his head in his hands, feeling sorry for himself. Harley bleeds out... unconscious and unnoticed... Another victim of greed.

There is a price to pay for treasonous actions against the good citizens of the United States... Sometimes however... the guilty escape paying that price...

The curtain falls.

The end

We Hope You Enjoy Our Next Book

The Eyes Have It