



The West Wing

Separation of Powers

Episode Seven

THE WEST WING

"Separation of Powers"

Written by
Paul Redford

Directed by
Alex Graves

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Episode Seven

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THE WEST WING

"Separation of Powers"

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THE WEST WING

"Separation of Powers"

CAST LIST

PRESIDENT JOSIAH BARTLET
LEO MCGARRY
JOSH LYMAN
TOBY ZIEGLER
C.J. CREGG
CHARLIE YOUNG
DONNA MOSS
ABIGAIL BARTLET
WILL BAILEY

MARK
MARGARET
ANGELA BLAKE
JOE QUINCY
VP ROBERT RUSSELL
ZOEY

*

HAFFLEY
ROYCE

DONALD
LISA
STEVE
CHIEF JUSTICE ROY ASHLAND
HELEN
SHARLENE
HR ASSISTANT

*

DIZZY
OMB DIRECTOR
DIANE MATHERS *

THE WEST WING

"Separation of Powers"

SET LIST

INTERIORS

CHIEF JUSTICE'S OFFICE

WHITE HOUSE

Corridors

*

Josh's Office

Leo's Office

Oval Office

*

*

Roosevelt Room

Mural Room

C.J.'s Office

Josh's Bullpen

Lobby

Fiderer's Office

Communications Bullpen *

Press Briefing Room *

Outside Press Briefing *

Mess *

Outside Mess *

HOSPITAL

Corridor

Ashland's Room

*

BARTLET FARM HOUSE

Library

Dining Room

Living Room

EXTERIORS

HOSPITAL STEPS/PARKING LOT - NIGHT

NEW HAMPSHIRE FARM ROAD - MORNING

BARTLET FARM HOUSE - MORNING

BARTLET FARM HOUSE/BACK PORCH -
NIGHT

WHITE HOUSE ENTRANCE - NIGHT

"Separation of Powers"

TEASER

FADE IN:

1 INT. CHIEF JUSTICE ROY ASHLAND'S OFFICE - DAY 1

We DRIFT DOWN through dark wood and high ceilings, antiques, Oriental rugs. We're listening to a quiet discussion.

DONALD

Oh come on, they're systematically targeting --

LISA

You're saying there's no compelling government interest?

FIND an exquisite conference table covered with files, much used legal pads, the remains of take out lunch.

DONALD

I'm saying there's gotta be a less discriminatory way to pursue it than frisking every Tom, Dick and Hamid with a boarding pass.

The three young clerks talk quietly as they eat, trying not to disturb the ELDERLY MAN at the head of the table.

STEVE

Three french fries say Tom's not an Arab name.

DONALD

It's Korematsu all over again.

LISA

And there's a reason Korematsu's never been overturned.

Shock of white hair, translucent skin, his once elegant suit hanging on his diminished frame, ROY ASHLAND. The old man doesn't speak, quietly studies his sandwich between bites.

DONALD

You're defending Japanese internment?
Next you're gonna tell me Dred Scott got lost looking for I-95.

(CONTINUED)

STEVE

It's a loaded gun.

LISA

Not this again.

STEVE

The Korematsu case's a loaded gun, just waiting for some trigger-happy, martial law loving Solicitor General to --

DONALD

He's right, it's dangerous precedent.

(then)

You gonna finish your chips?

STEVE

Salt and vinegar. I wanna live to 30.

DONALD

'Cause that's the problem with potato chips, not enough sodium.

LISA

So the Court shouldn't consider the potential for sabotage a compelling governmental interest?

Ashland doesn't seem to even notice all the conversation around him. Just stares at his sandwich as he eats.

LISA (CONT'D)

It was after Pearl Harbor, you could argue it was for their own safety --

DONALD

Let's put you in a stockade then, it's a jungle out there.

ASHLAND

Matt?

They look up, surprised. Ashland is staring at Lisa.

ASHLAND (CONT'D)

We've got to get to Langdell.

LISA

...Matt, sir?

He stands unsteadily, where's he going?

(CONTINUED)

ASHLAND

I have to do the subcite before class and finish my con law reading.

LISA

I'm sorry, sir. I don't--

A loud BUZZER goes off somewhere out in the hall. He looks around, puzzled. His clerks stare at him. A matronly secretary, HELEN, politely knocks and enters.

HELEN

They're ready Mister Chief Justice.

Ashland tries to pull on the robe draped over his chair, as he starts for the door. One foot dragging a bit behind him. One arm unable to find the second sleeve in the robe.

HELEN (CONT'D)

Do you need help with that, sir?

He doesn't answer, all of his energies focused on walking. She tries to reach in as he passes, tries to help him with the robe. He doesn't seem to notice.

We STAY BACK WITH the clerks, watching him. It's shocking, he's clearly not really there and they don't have the slightest idea what to do. Helen looks back to the Clerks. When did this start? From their POV --

Ashland is disappearing out the door, a frail, ancient figure shuffling toward the Court until he suddenly -

COLLAPSES

An unruly sack of potatoes in black falling awkwardly to the floor. Helen SCREAMS, the young clerks rush to his aid as --

STEVE

Dammit, somebody call an ambulance!

CUT TO:

INT. WEST WING HALLWAY - DAY

TOBY and C.J. walk, Toby's reading from a notepad.

TOBY

"Chief Justice Roy Ashland need not be enlarged in death beyond what he was in life, an--"

(CONTINUED)

C.J.

Someone hovering between life and death?

TOBY

"An idealist, not an icon; a man, not a monument; a believer in the irreducible power of the law to shape --"

C.J.

Okay, but I got to be careful about saying "man."

TOBY

Why, cause-- ? Oh come on.

C.J.

You'd be surprised. I get letters.

TOBY

Fine "human being" then. Or do the other mammals complain?

They make their way into--

3 INT. COMMUNICATIONS BULLPEN - CONTINUOUS (WAS TOBY'S OFFICE) 3 *

To find WILL already there.

WILL

Hey.

TOBY

Who said you could come in here?

WILL

It's all right, I'm over the flu.

TOBY

You had the flu?

C.J.

Human being is a little generic.

TOBY

Fine, let's just say, thank god he had a law degree, who knows if he believed in anything else. Fly fishing, the I Ching, pyromania.

WILL

Did Ashland die?

(CONTINUED)

C.J.

No, not yet.

WILL

Isn't it a little early to be writing his eulogy?

TOBY

He's eighty-four.

WILL

My grandfather lived to be ninety.

TOBY

My grandfather lived to be ninety-six but the last twenty years he thought the Hapsburgs still ruled Hungary.

(back to C.J.)

What are you gonna say on the budget negotiations?

C.J.

That they're on-going, they're productive, and we expect a deal by tomorrow night.

*

WILL

Zoey's doing a Diane Mathers interview?

*

*

C.J.

I argued against it.

*

*

WILL

She just wants to get Zoey crying on air.

*

*

C.J.

Yeah.

*

*

WILL

Are we talking about possible replacements for Ashland yet?

*

TOBY

A minute ago you were accusing me of dancing on the man's grave.

WILL

The guy's Methusela on Medicare, he's had a couple of strokes and lived the better part of the last year in Iambic Pentameter. So the Vice President would like to know if you're kicking around names to replace him yet.

(CONTINUED)

TOBY

Grandin, Keith and Toland, and no, we're not talking about them.

WILL

So if he's got a few additional names not to talk about? Where would he offer not to --

(off TOBY's look)

Never mind, I think I can guess.

C.J.

Counsel's Office.

WILL

I'm leaving now.

C.J.

He had another researcher quit.

WILL

Wow, what is that, like--

C.J.

The third, since you left.

WILL

Let me guess, she was turned off by the vow of poverty.

TOBY

Are you still here?

WILL

Flowers say "I'm sorry".

TOBY

Leave.

WILL goes. C.J. lingers.

C.J.

You seem happy.

TOBY

Excuse me?

C.J.

Happy. It's a sensation your fellow mammals occasionally experience.

TOBY

I've heard of it.

(CONTINUED)

C.J.

You're not happy?

TOBY

Haffley's treating the discretionary budget like a chew toy. We're about to cave on tax cuts for billionnaires and who the hell knows what else Angela Blake is giving away in there.

*
*

(then)

But you know what? We're going to get to appoint a Chief Justice. Breathe new life into the Constitution. You know how rare that is? The last five guys didn't get to do it. We're gonna shape the future of jurisprudence, the laws that sustain our whole society.

(then)

Or at least shove somebody in there to strike down these God-awful excuses for laws the Republicans are passing.

Will comes back in the door.

WILL

Hey, sorry but there's--

TOBY

Enough already, Buffalo Bob's not gonna pick the next Chief Justice.

WILL

Neither's the President.

(then)

Ashland regained consciousness. Seems it was just exhaustion and his doctors are saying he'll make a full recovery.

Off Toby's face we --

C.J.

Still happy?

SMASH CUT TO:

MAIN TITLES

END OF TEASER

ACT ONE

FADE IN:

4 INT. JOSH'S OFFICE - MORNING 4

JOSH is watching C.J.'s morning press briefing.

MARK (ON TV)

The Speaker called the current budget crisis "a breakdown in the system."

C.J. (ON TV)

First off, I wouldn't characterize this as a crisis or a breakdown. And while we're at it, here's some other things it's not: a showdown, a stand-off, a stalemate, or a textbook example of partisan gridlock.

Josh rubs both sides of his nose, trying to provide some relief to congested sinuses. Makes an odd noise.

JOSH

Donna?

MARK (ON TV)

The President really believes a compromise can be reached by tomorrow midnight?

DONNA pokes her head in.

JOSH

Do we have any of those pills left from that Naval doctor?

DONNA

Admiral Feelgood?

JOSH

The cold and sinus stuff.

DONNA

The ones that made you sing all of "Bye Bye Miss American Pie"?

JOSH

It was Harry Chapin.

(then)

The green and yellow capsule things.

(CONTINUED)

DONNA -

Bet you looked cute on that gurney when
the Airmen had to carry you off of Air
Force One.

JOSH

C.J.'s makin' that up.

DONNA

I've got some Echinacea --

JOSH

No, nothing natural. I need the
industrial strength, full throttle, roto-
rooter stuff.

She starts back to her desk to look.

DONNA (OS)

Bartram from the *Times* called. *

JOSH

About what?

DONNA (OS)

Budget stalemate.

JOSH

I don't know anything.

DONNA (OS)

That's what I told him.

(coming back in)

I mean, not exactly.

She hands him a box of cold meds. Most of the pills have
already been popped out of the aluminium foil packaging.

DONNA (CONT'D)

I said you're busy with, you know,
things, and can't do press calls.

JOSH

Shoulda said I was in the Oval. Did it
occur to you to say I was in the Oval?

DONNA

I said you were working on the
President's trip to Japan.

(the pills)

You're only supposed to take one.

He ignores her. Knocks back two.

(CONTINUED)

DONNA (CONT'D)
Stay away from heavy machinery...

JOSH
Fortunately Pa and I brought in the last of the winter wheat yesterday so I don't have to operate the combine.

DONNA
What happens if we don't get a budget deal?

JOSH
We get another continuing resolution.

DONNA
'Kay, here's what I don't get, every year we take these budget extensions, like the dog ate our homework.

JOSH
Republican Majority, but you're close.

DONNA
How come people aren't outraged? The rest of the country can't take endless amounts of time to finish their work.

JOSH
You're forgetting the beauty of the federal budget process.

DONNA
What's that?

JOSH
No one understands it.

It's killing him not to be there. She knows it, starts out.

DONNA
Yeah... You have USTR in ten.

JOSH
Hey Donna? This G-8 Japan trip, it's big stuff. Non-tariff barriers, collusive commercial practices, Ex-Im waivers.
(a beat...then the box)
I'm really only supposed to take one of these things?

DONNA

I'm gonna start calling around, see if
can find you a guitar.

And she exits. Josh looks back at the TV where --

MARK (ON TV)

Speaker Haffley also said, quote, "The
longer this country goes without a
budget, the more it appears as if this
President is still not back in office."

CUT TO:

4A INT. BRIEFING ROOM - SAME TIME

4A

C.J.'s at the podium. Wrapping up.

C.J.

I'd remind you that he's the President,
not "this" President, much as the Speaker
would like to forget that fact.

MARK

C.J. --

C.J.

The President believes that all parties,
including the Speaker, genuinely want
what's best for the country, which is a
workable budget, however overdue.

(then)

Thanks everybody...

The PRESS CORPS says "Thanks, C.J./see ya, C.J." as she
gathers up her briefing books and exits into --

4B INT. HALLWAY OUTSIDE THE BRIEFING ROOM - CONTINUOUS

4B

Is met by a few aides and a waiting CHARLIE.

C.J.

Think I talked enough about what Jeff
Haffley said?

CHARLIE

The Speaker's getting in front of a lot
of microphones.

C.J.

I should start billing him for my PR
services by the hour.

(CONTINUED)

CHARLIE

I just got a call from a Mel Garber, said
he's a segment producer for ABC.

C.J. stops, very concerned. Dammit.

C.J.

Did you take the call?

CHARLIE

I didn't know who he was.

C.J.

He works for Diane Mathers.

CHARLIE

Yeah, I figured that out. He wanted to
know about my statement to the Secret
Service the night of Zoey's kidnapping.

C.J.

The ecstasy?

(Charlie nods)

Did you talk to him about it?

CHARLIE

Of course not. I took the guy's name,
politely, and hung up, politely.

(C.J. looks off)

What was I supposed to do?

C.J.

It's okay, you did the right thing.

CHARLIE

What should I do now?

C.J.

Nothing. I've got it from here. Thanks,
Charlie.

C.J. hurries away. Off Charlie, concerned we --

CUT TO:

5 INT. HALLWAY - MORNING

5

Toby and Leo head for Leo's Office.

TOBY

He's not returning the President's calls?

(CONTINUED)

LEO

He's in intensive care, I don't think they have a lot of phones in there.

TOBY

Intensive care? CNN said it was exhaustion.

LEO

Yeah.

TOBY

So how do we know he's not--

LEO

We don't.

Will falls in with them.

WILL

How're the budget negotiations going?

LEO

They were in there until midnight. Back this morning at six.

WILL

And?

LEO

Apparently they're closer on maritime subsidies.

TOBY

She's in over her head.

Leo looks over at Toby, doesn't want to discuss it.

LEO

It was already a mess. Angela's gonna make the best deal she can and try to get us out of there in one piece.

TOBY

If the Chief Justice won't take the President's calls, maybe somebody needs to go over there.

LEO

What, just show up with a bunch of balloons and some peanut brittle?

They turn into --

6 INT. LEO'S OFFICE - MORNING

6

TOBY

We gotta get him off the bench.

WILL

There's this thing called the
Constitution, nagging little document,
I'll grant you that--

LEO

And what's this about you breaking
somebody's coffee mug?

TOBY

What?

LEO

Personnel says another one of your
researchers quit, that you broke her mug.

MARGARET

It was a ceramic hippo.

Toby and Leo stare at Margaret, she takes the hint, goes.

TOBY

It got in the way of a misfiled copy of
the Congressional Record I was--

LEO

Re-filing with your throwing arm?

TOBY

Can we get back to the Chief Justice?

LEO

No. What is this, the fourth researcher
this month?

WILL

...Third.

MARGARET

He's ready for you.

Toby, Will and Leo start for --

LEO

Well stop breaking things, I don't need
the victims of Hippo-gate filing class
action suits.

7 INT. OVAL OFFICE - CONTINUOUS

7

C.J. and Josh are just entering from Fiderer's. Bartlet is reading a newspaper behind his desk. *

BARTLET

It's going to be a brisk 42 tomorrow.
Time to break out that Irish fisherman's
sweater that C.J. says makes me look like
an Irish fisherman.

Josh goes to sit on the sofa by C.J.

C.J.

Oh no...

JOSH

I'm past the infectious stage.

C.J.'s having none of it. He goes to sit next to Toby, Toby stares at him. Christ. So he goes for a chair.

C.J.

Excuse me sir, if I may. This Diane Mathers interview -- *

BARTLET *

You still have a problem? *

C.J. *

Yes, I do. I've been making a few calls.
Zoey's never done anything like this --- *

Bartlet comes out from behind his desk to join them. *

BARTLET *

Abbey thinks it'll be fine. *

C.J. *

Yes sir, but -- *

BARTLET *

I think so too. *

He doesn't want to discuss it. Looks around, annoyed. *

BARTLET (CONT'D)

Where's Angela, Leo?

LEO

They were here most of the night, came back early this morning.

(CONTINUED)

BARTLET
She knew this was at ten?

LEO
She'll be here in a minute.

BARTLET
Okay... What else?

TOBY
Sir, the Chief Justice still isn't
returning calls.

BARTLET
Yeah, I tried him a couple of times.
They're saying it was exhaustion?

TOBY
Yes sir. But we can't get anyone to
confirm it. His doctors are referring us
back to the Justice.

BARTLET
Roy was a great friend, a great man.

Bartlet is genuine in his concern, they're friends.

TOBY
If his medical condition prevents him
from performing his duties as --

BARTLET
He's the best judge of his capacities.

TOBY
He hasn't been himself the last few
months, opinions written in verse--

BARTLET
We'll respect his wishes. It's his
decision.

Toby glances to Leo, a little help here? Josh suddenly lets
out an odd, nasal grunt. Everyone looks at him.

JOSH
Sorry, sorry, I... I took these sinus
things... I think I just lost the
hearing in my left ear.

C.J. suddenly sneezes.

(CONTINUED)

LEO
Oh for--

C.J.
S'all right, I'm not getting it.

JOSH
I'm actually getting over it.

WILL
I'm completely over it.

ANGELA BLAKE enters quickly. The room goes quiet.

ANGELA
Sorry to be late, sir.

Bartlet sneaks a look to Leo. Everyone watches as she takes her seat. There's a tense expectancy. She's the star now.

BARTLET
So where are we?

She looks around. Smiles, professionally.

ANGELA
Very close. Fifty billion.

People exchange looks. Okay, what's the bad news?

ANGELA (CONT'D)
But the Speaker will only give us the college tuition tax deduction if we reduce capital gains taxes by fifty per cent and accept a 10% corporate rate cut in our stimulus plan.

There's a stunned silence. Everyone looks around, what?

ANGELA (CONT'D)
Mr. President, I know this is painful, but if we offer to drop deductible tuition I think we can get them to drop cap gains and leave our stimulus.

TOBY
Excuse me? What are we talking about?

ANGELA
The proposed deduction for--

TOBY
Since when was tuition on the table?

(CONTINUED)

C.J.

It was a major campaign promise.

TOBY

It was one of the centerpieces of our re-
elect.

WILL

There was always the question of how to
pay for it--

Toby shoots Will a look. Appeals to Leo and Bartlet.

TOBY

We're really discussing this?

ANGELA

If we don't do something to stop everyone
from adding on their favorite tax cut,
we'll be looking at a deficit of at least
three-fifty.

TOBY

Josh? You just going to sit there?

Josh takes a long moment, then:

JOSH

You gotta trust the person in the room.

Toby stares at him in disgust.

BARTLET

I've got a Congress that wants to explode
the deficit while I'm pounding Japan and
China about artificially devaluing their
currency? Can we do this, Angela?

ANGELA

Yes sir.

BARTLET

Without the deficit topping two hundred
billion?

(she nods)

Then everything else is on the table.

Thanks everyone, that's it.

Everyone gets up, goes. Nobody's happy. Bartlet heads back
behind his desk, C.J. and Leo linger.

*
*

(CONTINUED)

BARTLET (CONT'D)

Two-hundred-billion deficit and Haffley
wants tax cuts. Take away a few zeros
and he'd pass for a mob accountant.

LEO

Yeah.

C.J.

I'm sorry, Mr. President, but I don't
think Zoey should do this interview.

BARTLET

The Diane Mathers thing again?

C.J.

Charlie got a phone call from one of
Mathers' producers. They've got
Charlie's statement to the Secret Service
about Zoey saying she was considering
taking Ecstasy and I think they may have
Jean Paul telling his side of the story.

LEO

Can you confirm that?

C.J.

Mathers flew a crew out to Jean Paul's
place in Varenne two days ago.

BARTLET

...She didn't take it willingly. He
spiked her drink.

C.J.

Yes, sir.

She let's it hang there. Leo looks to Bartlet. Dammit,
Bartlet looks off.

BARTLET

Abbey thinks Zoey can handle it.

C.J.

Diane Waters is very good at her job.
(beat)

Sir, if you won't let me cancel it at
least let me go up there and make sure
she's prepared. Run some interference.

Bartlet looks to Leo, nods.

(CONTINUED)

LEO
Take the earliest flight up tomorrow.

C.J.
Thank you, Mr. President.

C.J. turns and goes. Bartlet watches her.

LEO
Zoey will be fine.

BARTLET
Will she, Leo? Are you certain?
(then)
'Cause I'm not.

Leo waits a respectful beat.

LEO
If you'd like sir, you could travel up
with C.J. We could check with advance.

BARTLET
And Abbey. Who's gonna check with her?

There's an edge to it, something unsaid. Leo lets it drop.

LEO
On the Chief Justice...

BARTLET
Hmm?

LEO
The Chief, do you think we should--

BARTLET
Yeah. It's time.

LEO
Thank you, sir.

Leo starts to leave, Bartlet calls after him.

BARTLET
Leo...? Do it delicately.

CUT TO:

8 INT. HALLWAY - OUTSIDE THE OVAL OFFICE

8

ANGELA
Josh, got a second?

(CONTINUED)

CONTINUED:

Angela catches up to Josh.

ANGELA (CONT'D)

I need to get out a counteroffer by this afternoon. The guys at OMB say you have all the current budget docs, Treasury breakdowns, revenue forecasts.

JOSH

We started a couple of months ago.

ANGELA

Be great if I could get it and borrow a body to help me slog through it.

Christ, is she kidding?

JOSH

I've got Governors coming in on emissions standards, the Japan trip --

ANGELA

PAD's at OMB say there's somebody named Donna, knows the docs inside out.

He stops. Incredulous, will the indignities never end?

ANGELA (CONT'D)

I'd owe you a hell of a swordfish steak at Kinkead's.

JOSH

Donna Moss, okay. Sure.

ANGELA

You're a prince.

She smiles and goes. Off Josh we --

CUT TO:

INT. LEO'S OFFICE - DAY

Leo's at his desk, reviewing and signing some documents for the waiting Margaret, Toby knocks on the open door, enters.

TOBY

You're looking for me?

MARGARET

Labor-H folks are waiting in the Roosevelt Room.

(CONTINUED)

She goes. Leo looks for another set of briefing papers.

TOBY

Deductible tuition? What's next? We could save a few bucks if we shuttered the East Wing, turn the South Lawn into the mother of all garage sales.

LEO

We're on our third CR.

TOBY

It's process, Leo, two months from now no one'll give a damn about continuing resolutions--

LEO

You wanted more responsibility.

TOBY

(a beat/then)
What about it?

LEO

The Chief Justice.
(and)
The President knows it's time.

Toby was pushing, but what's he supposed to do about it?

TOBY

It's not so simple.

LEO

That's why I'm giving it to you.

TOBY

We can't force him to resign.

LEO

Yeah, no. We can't.

Leo goes, off Toby left standing there we --

FADE OUT.

END ACT ONE

ACT TWO

FADE IN:

10 INT. WEST WING HALLWAY - DAY

10

JOE QUINCY comes up out of the basement stairs, heading for a meeting. Toby falls in beside him.

TOBY

Hey Joe.

JOE

Toby.

(a beat/then)

How've you been?

TOBY

Good. You?

JOE

Fine...

What's Toby want? It's not like he talks to Joe regularly, or even acknowledges that Joe's alive.

TOBY

You used to clerk for the Chief Justice.
That's interesting.

JOE

Is it? I don't know. I mean, if you
find it interesting.

TOBY

It's just I've never heard you mention
it. The guys around here with two bit
appellate clerkships staple it to their
foreheads.

Joe watches him. Knows, won't bite.

JOE

I can't do it, Toby. Sorry.

TOBY

You haven't even heard what--

JOE

You want me to do the approach. About
getting him to resign.

(CONTINUED)

TOBY

I didn't say that.

JOE

I can do the math, you've got a limited amount of time to pick the next guy and get him confirmed before the midterms politicize everything. But I work for you, there's a question of propriety.

TOBY

I see.

JOE

Do you? The White House can't be seen as pressuring a Supreme Court Justice to change his breakfast order, let alone resign. Separation of Powers.

TOBY

I see.

JOE

You say that, but in a way that makes me wonder if you really do.

TOBY

The President sets the direction of the Court, I've read the Constitution too.

JOE

He sets it when there's a vacancy.

TOBY

You don't have to ask him to resign, only to sit down with the President.

JOE

You're talking about a guy who's stood up to six administrations, twenty-two Congresses and at one time or another had half the country ready to lynch him. You think a former clerk can pry him loose.

(starts to go)

I've got a meeting at the OEOB.

Joe leaves. Off Toby--

CUT TO:

13 INT. JOSH'S OFFICE - DAY

13

Josh sits at his desk, working.

DONNA
What am I, chattel?

He looks up to find Donna in the doorway.

DONNA (CONT'D)
There's a request for everything we've
got on the budget from Angela Blake's
office.

JOSH
Yeah, I authorized it.

DONNA
You did?

JOSH
Yeah.

DONNA
You know they've also asked me to go with
the files, a living index if you will.
For Angela Blake.

JOSH
We can call her Angela now.

DONNA
You authorize that too?

JOSH
Sure.
(then)
Did Hamurashi ever get us specifics--

DONNA
On the trade bill? Right here.

Donna points to a piece of paper in Josh's in box. As he reads, she goes to the shelves, begins reluctantly pulling binders down to take.

JOSH
The Japanese Diet has banned touring
bikes on their highways.

DONNA
...really...

(CONTINUED)

JOSH

Know who's the number one manufacturer of touring class motorcycles? Us. President should ride into the G-8 summit on a big old Harley.

DONNA

Are you okay?

JOSH

I'm fine. Dandy. In fact...
(putting down the paper)
That's our new watchword round here. From now on, anyone asks, you tell 'em we're doin' DANDY.

DONNA

Okay, those cold things should wear off in another couple hours.

Donna stops on her way out with the binders.

DONNA (CONT'D)

So... I'll see you later.

He only nods, keeps working. So she goes. Off Josh we --

CUT TO:

14 OMITTED (INCORPORATED INTO SCENE 15) 14 *

15 INT. WHITE HOUSE MESS - AFTERNOON (WAS RUSSELL'S OFFICE) 15 *

C.J. is on the TV in the corner, her afternoon briefing. *

C.J. (ON TV) *

They met again early this morning and they'll be resuming negotiations this afternoon. *

We FLOAT DOWN through the tables on our way to -- *

C.J. (ON TV) (CONT'D) *

We are prepared to continue into the night if necessary to show Congress how serious the President is about reaching a budget agreement to keep government-- *

VICE PRESIDENT RUSSELL and Will sitting at a table.

WILL

It's an economy in need of stimulus, everyone agrees on that.

(MORE)

(CONTINUED)

WILL (CONT'D)

But the President won't explode the deficit, that'd just crowd out private borrowing. And now that the Republicans are holding all fourteen appropriations bills hostage to tax cuts for the wealthy--

RUSSELL

How'd we let that happen?

WILL

Haffley's picking off the moderates one by one. He's being very aggressive.

RUSSELL

You think the Speaker's the problem?

WILL

He really wants to deliver on his promise to cut the capital gains tax.

RUSSELL

Haffley doesn't give a damn about cap gains -- from his district? If he can win over the Wall Street guys in his Conference, he owns 218 votes, he could pass a resolution banning Polka dancing. I gotta get going.

He stands, pulls on his jacket, starts out. Will following.

WILL

You really believe he's willing to risk looking so partisan?

RUSSELL

He's against taxes nobody likes that pay for programs nobody understands, who cares what *New York Magazine* has to say about him.

They exit into:

15A INT. WEST WING HALLWAY - AFTERNOON (INCORPORATES SC. 17) 15A

WILL

You seem to have a real insight into the Speaker's thinking, sir.

RUSSELL

Ten years Will, sharing the same House spittoon.

(the note)

(MORE)

(CONTINUED)

RUSSELL (CONT'D)

President wants to know if I'm available for a meeting tomorrow night in the Oval Office. Just the Speaker, the Majority Leader, the President and me. Think it's the O.K. Corral?

WILL

No, more moment of truth. You'll just be rubber-stamping whatever deal Angela Blake and the budget team manage to hammer out with the Republicans.

As they hit the stairs we --

CUT TO:

16 INT. ROOSEVELT ROOM - AFTERNOON 16

Assistants put out fresh legal pads and sharpened pencils at each chair. Bring in coffee and pitchers of water. Angela and Donna are going over Josh's binders, others staffers loiter about, waiting for the meeting to begin.

ANGELA

They came up with it in a bar?

DONNA

It was that or the hops deduction.

(nothing from Angela)

There was this guy named Matt Kelly. He was making fifty-five thousand a year, his daughter got into Notre Dame.

ANGELA

So--

DONNA

So the Move-It-To-Bermuda Corporation gets a deduction when they buy off their CEO for a hundred million. Why not pass a break for guys like Matt?

(beat)

You don't think so?

ANGELA

If his daughter had needed braces, would Josh and Toby have come up with a plan for universal orthodontia?

She closes the binder. Opens another. After a beat:

DONNA

Not a chance, huh?

(CONTINUED)

ANGELA

We can still get tax-deductible tuition, we can get a lot of things. Gotta get them to give it, that's all.

(beat)

How do you think we're doing?

DONNA

Me? I'm not--

ANGELA

You're an American citizen, you pay taxes, consume government services.

Donna's a little shocked, isn't used to being asked her opinion in such a straightforward manner. Finally:

DONNA

I think our side's done a bad job explaining why what we're fighting for is important, why it's not about abstract programs and endless acronyms, but real things that affect real people, like affording college.

ANGELA

You talk to Josh about that?

Donna looks away, maybe they shouldn't go there, as the CONGRESSIONAL NEGOTIATING TEAM comes through the doors.

ANGELA (CONT'D)

Here we go.

Angela stands. Donna prepares to go.

ANGELA (CONT'D)

Find yourself a seat. You might enjoy this.

Donna hesitates, doesn't know if she should. But Angela signals her to take a chair in the back row as --

ANGELA (CONT'D)

Okay Congressman, help me close this ten billion dollar gap and I see a blue ribbon commission with your name on it.

Donna self-consciously finds a seat in the back as we --

CUT TO:

18 INT. HALLWAY - LATE AFTERNOON

18

Joe Quincy pushes back out of his earlier meeting, heading again for the lobby. After a moment, he notices Toby has fallen in beside him a second time.

JOE

Toby.

(no answer)

We both going to the ONDCP briefing?

TOBY

No, we're going in here.

He more or less body checks Joe through a door and into--

19 INT. MURAL ROOM - CONTINUOUS

19

Sofas, antiques, all that paint. They're alone.

JOE

I'm flattered, of course, but people are gonna talk.

TOBY

I'm curious, it wouldn't be for the obvious reason would it?

JOE

What's the obvious reason?

TOBY

You're a conservative. Maybe you'd love to see him stay on the bench, a liberal icon reduced to a quivering mass of octogenarian confusion. Hanging on till he can be replaced by a paleo-Republican.

JOE

You don't know what the hell you're talking about.

TOBY

The Constitution's a living document, you want to stick to it like it's a boilerplate lease.

JOE

And you want to treat it like improv comedy. You want me to be honest? I have too much respect for the guy.

Toby just keeps staring at him.

(CONTINUED)

JOE (CONT'D)

He hires a conservative clerk every year, to argue with. And in arguing with him, he helped me sharpen my beliefs, in strict construction, in framer's intent, maybe so, yeah. But one thing we always agreed on was an independent court.

TOBY

So?

JOE

So he should decide when to go, not some party pollster.

TOBY

He has memory lapses, drifts off during oral arguments --

JOE

He has his good days and bad.

TOBY

The Associate Justices are already postponing decisions, holding over important cases, going behind his back to assign opinions.

JOE

You don't know that.

TOBY

Yeah, I do.

Joe looks at him for a long moment, shit --

JOE

Mendoza...

TOBY

It's not a secret society. Justice Mendoza idolizes the Chief, he just doesn't want to see him humiliated.

JOE

Then get Mendoza to do it.

TOBY

Mendoza says you're Ashland's second son. 'Skins games, lunch at A.V., Thanksgiving at the house on Foxhall Road.

(then)

There's no one else left, Joe.

(MORE)

(CONTINUED)

TOBY (CONT'D)

Irene's been gone ten years, his son shot
down over Hanoi. Just his clerks.
Clerks like you.

It's painful for Joe. He looks off, shakes his head --

JOE

God. You guys...

TOBY

Tomorrow morning there's gonna be fifty
editorials calling on him to resign. The
mood swings, the sleeping on the bench,
it's a pundit's smorgasbord.

JOE

(quietly)

You can't do anything.

TOBY

No. But we can start releasing names of
possible replacements, let it be known
we're thinking about it. How humiliated
do you want him to be?

(beat)

Let's go over there together, right now,
you and me.

JOE

To the hospital?

TOBY

He'll see you. You tell me he's okay,
I'll call off the vultures.

Joe takes a beat. Christ, he really doesn't want to do this.

JOE

Separation of powers, Toby.

TOBY

Whatever you say, Joe.

CUT TO:

20 INT. C.J.'S OFFICE - LATE AFTERNOON

20

C.J.'s yelling instructions out to the outer office while she
moves around, packing her briefcase.

(CONTINUED)

C.J.

The NEC Chair can brief in my place on budget negotiations, and I need HHS public affairs, DPC, Toby and Will to walk him through talking points --

Charlie steps into the open doorway. C.J.'s still calling out orders. Charlie looks back to the Outer Office, it's empty.

C.J. (CONT'D)

Any key developments on the Hill, I have to phone AP and the Post...

(see Charlie)

...Hey, Charlie... 'Cause I'm still playing catch-up for leaking that exclusive on DoD Approps to the Times...

Charlie looks around again, who's she talking to?

C.J. (CONT'D)

...Carol...

CHARLIE

She's not out here.

C.J.

I was just talking to --

C.J. steps past him to look. The office is empty.

CHARLIE

She must have left.

(then)

I didn't know if I'd see you again before you left. Can you give this to Zoey?

He hands her a CD, she examines it.

C.J.

I love Macy Gray.

CHARLIE

Zoey's in a solo-whispery-female-acoustic kinda rut right now. I'm trying to get her to listen to something with drums.

C.J.

How about some John Philip Sousa?

C.J. heads back for her packing.

(CONTINUED)

CHARLIE

Drums, but not so much with the batons.
(then)
She's gonna be fine, you know.

C.J.

So everyone keeps saying.

CHARLIE

My mom used to watch Diane Mathers all
the time, when she had that talk show.
She seems nice, sympathetic, sincere.

C.J.

Oh yeah, sincerity -- if you can fake
that, you got it made.

(looking up)

This is the woman who gets dictators to
cry, to talk about their love of puppies
and mama's cooking. Confess that they
built the concentration camps 'cause they
couldn't get a date for the prom.

CHARLIE

Zoey's smarter than you think.

C.J.

...The President hasn't changed his mind
about coming?

CHARLIE

...No.

C.J.

I thought he would in the end.

(Charlie doesn't answer)

She knows she doesn't have to do this
interview if she doesn't want to, right?
If it's because she thinks her father--

CHARLIE

No, this is all her.

(beat)

I don't think she wants to meet new
people, new friends, for the rest of her
life, and always be waiting for them to
ask. So she talks about it this once and
then gets on with it.

C.J.

(the CD)

I'll see that she gets this.

(CONTINUED)

Charlie goes. Off C.J. as she stuffs the CD into her bag we -- *

CUT TO:

21 INT. HOSPITAL CORRIDOR - EARLY EVENING

21

Toby and Joe step off the elevators, walk side by side in silence down the halls of a modern medical center. Bright light, pastel paint, carpet. They round a corner--

And find Lisa, the Justice's clerk, in a small waiting area.

JOE

Hey, Lisa. You catch the night shift?

She looks over at Toby. Is Joe now friend or foe?

LISA

Six to midnight. Steve's coming in to handle the overnight.

JOE

This is Toby Ziegler. Toby, Lisa Zimmer, one of the Justice's clerks.

LISA

Sure, I've seen you on Crossfire.

(then)

I hope you won't be offended Mr. Ziegler, but we're keeping it to family only. You know, friends, colleagues.

TOBY

I just came along to keep Joe company.

(to Joe)

I saw a coffee cart down in the lobby. You want anything?

JOE

No, I'm good.

TOBY

Lisa?

(she shakes "no")

I'll be downstairs when you're done.

Toby gives Joe a final steady look, goes. After a moment --

JOE

So...?

(CONTINUED)

21 CONTINUED:

21

LISA

I don't know what they've told you, but he always bounces back.

Joe nods, starts for the door.

LISA (CONT'D)

Joe? ...He always does.

Joe doesn't know what that means exactly, enters--

22 INT. HOSPITAL ROOM - DUSK

22

A large VIP suite. Furniture that is meant to be homey but comes off as Embassy Suites utilitarian. Flowers and get well greetings perched on every flat space. Gift baskets full of fruit that won't be eaten and cheese that's going to quickly get too ripe crowd the windowsill and bureau.

The lights are low, the sun sets outside the window, but the Matisse prints can't hide the real purpose of the room as --

JOE

...Sir...? Mr. Chief Justice...

Across the way Ashland lies asleep in a hospital bed under a tangle of nasal canula oxygen tubing, IVs and monitor leads.

Joe moves carefully towards the bed. Shocked by what he sees, he expected it to be worse than was reported, but not this. Ashland's hair is wispy and uncombed. The bed sheets bear the stains of pulled IVs and Betadine. He's asleep atop the sheets. Hospital gown askew, adult sized diaper pulled up tightly around his waist. His legs slack and skeletal.

Joe stands there beside his mentor for a long moment. Listening to the gentle rhythm of the monitors. Suddenly overcome with emotion.

He reaches down, pulls the sheet and thin blanket up over the Chief's legs. Leans in and carefully places the askew oxygen tubing back behind Ashland's ears.

Sits beside him. Brushes away a few stray tears with the back of his hand AS WE SLOWLY --

FADE OUT.

END ACT TWO

ACT THREE

FADE IN:

23 OMITTED (INCORPORATED INTO SCENE 24) 23 *

24 EXT. HOSPITAL STEPS/PARKING LOT - NIGHT 24

Toby waits outside the main entrance. Joe bursts through the doors, on his way to the parking lot, sees Toby, keeps walking. Toby falls in next to him. It's a fast clip. *

 TOBY
Joe. ...Joe? *

 JOE
I gave him the President's regards. *

 TOBY
And what did he say?
 (beat)
How is he?
 (beat)
Was he coherent?

Joe stops, turns on Toby.

 JOE
You know why I didn't want it spread
around that I clerked for him?
 (then)
'Cause I knew someday, somebody like you
would come to me, ask me to do something
like this.

 TOBY
So he's alright?

 JOE
You guys, you think it's all a game,
blocking appellate nominees over budget
items, holding out preposterous litmus
tests, treating the Court like it's
Tammany Hall gone national.

 TOBY
And your side does it better? Pushing
neo-conservatives in swaddling clothes,
hoping they don't grow a conscience, let
alone a meager understanding of
jurisprudence? *

(CONTINUED)

JOE

Maybe we could all do it better. But there's a thing called judicial independence, lifetime appointment. He's still alive so he gets to decide when it's time. That's what the framers intended.

TOBY

The framers never envisioned an empty chair. Two hundred years ago he'd already be dead of consumption, or his wooden teeth would have rotted out.

JOE

He's earned the right to make his own decision. That's more important than your need to play beat the clock.

TOBY

What did he say?

Joe looks off, doesn't answer.

TOBY (CONT'D)

Does he even still have a pulse?

Joe hardens, looks back to Toby.

JOE

He's fine, Toby. He was up, he was joking around. He'll be back in chambers in a couple days.

Joe goes, heading for his car. Off Toby we--

CUT TO:

25 EXT. NEW HAMPSHIRE FARM ROAD - MORNING (SHOT AS DC7-1) 25

A black rental compact drives past fences and fields. C.J. at the wheel, several junior PRESS AIDES are with her.

CUT TO:

26 EXT. BARTLET FARM HOUSE - MORNING (SHOT AS DC7-2) 26

A production truck is parked in the driveway; Technicians run cables to the house. On the porch, Abbey and Zoey watch C.J.'s car drive up alone.

*

(CONTINUED)

26 CONTINUED:

26

Abbey turns and goes back into the house as we --

CUT TO:

27 INT. JOSH'S BULLPEN - MORNING

27

Josh arrives carrying his briefcase, a coat. Passes Donna's empty desk. Goes into--

28 INT. JOSH'S OFFICE - CONTINUOUS

28

Hangs up his coat. Grabs a tissue from the box on his desk, blows his nose. When he looks up, Margaret is in the door.

MARGARET

Hey, how you feeling?

JOSH

Good.

She hands him a sheaf of papers and a report.

MARGARET

The President's Osaka remarks on opening Japan's microchip market and complaining about autos and flat glass.

JOSH

Flat glass. EXCELLENT.

(off her look)

It's a new thing I'm doing. Kind of a positive attitude thing.

MARGARET

Just thought I'd check to see if you needed anything. Donna's still helping Angela.

JOSH

Still?

MARGARET

Yeah, I guess the negotiations went pretty late, after two. They're due to resume in, 'bout twenty minutes.

JOSH

Donna's in the budget negotiations?

MARGARET

I guess.

Josh needs a second.

(CONTINUED)

JOSH
Well... OUTSTANDING.

CUT TO:

29 INT. BARTLET FARM LIBRARY/DINING ROOM - DAY

29 *

Zoey sits at the table, has on headphones listening to a Discman. Abbey and C.J. talk softly in the doorway, watching the TV crew move lights and equipment into place. *

C.J.
With all due respect, ma'am -- *

ABBEY
Lily has done a wonderful job making all the arrangements. *

C.J.
Lily is wonderful for Easter Egg rolls, but anything having to do with news management, especially in national, network prime time news -- *

ABBEY
It's not a news interview. That's the point. We said yes because Diane's a soft interviewer. She's promised to allow Zoey to tell her story. Away from Jed, away from the White House. *

C.J.
She sent a crew to interview Jean Paul. *

Abbey takes a moment, Christ. Then, finally: *

ABBEY
I'm not so naive as to think we aren't running a risk here. But Zoey's life is already fodder for the tabloids, the zone of privacy that I -- that we tried so hard to create -- is gone. This is her best chance to set the record straight, tell the truth about what happened. And I think she's up to it. *

ZOEY
Shouldn't we get started, C.J.? *

Zoey's come up behind them. They didn't know she was there. *

C.J.
I'm sorry? *

(CONTINUED)

ZOEY

Dad sent you up here to prep me right?
Make sure I don't screw up?

Abbey and C.J. share a look. Did she overhear them talking?

ZOEY (CONT'D)

So let's go.

CUT TO:

30 INT. WHITE HOUSE MESS - DAY (FORMERLY TOBY'S OFFICE) 30

Toby's at a table, nursing a coffee, reading a briefing memo.

JOE

How's it going?

Toby looks up, finds Joe standing there.

TOBY

I think I'm coming down with something.

JOE

I'm sorry.

TOBY

You say that -- But in a way that makes
me wonder if you really are.

A beat, then finally:

JOE

The first time I ever got called into his
office he challenged an idea in my Law
Review note about asymmetry in American
Indian law. He'd read my Law Review
note...

(beat)

All I could think was, this is the guy.
He's why a cop reads a criminal his
rights, why a mixed race couple can get
married in the State of Texas. I spent
three nights as a One-L, trying to pick
apart his opinion in Baines v. US Steel?
Couldn't do it.

(beat)

You still feel that around your guy?

(CONTINUED)

TOBY

I was in a room with Ashland once. When I was a student at City College, he was giving a speech on the history of voting rights. We were hanging from the rafters.

(beat)

I had a friend tell me when you go out West, don't miss the Grand Canyon -- it's one of the few things in life when you actually see it, it doesn't disappoint. Roy Ashland was another.

Joe doesn't say anything for a moment, watching Toby. *

JOE

He was unconscious last night, at the hospital. He never came out of it, never said a word.

Toby considers him for a long moment, then finally:

TOBY

I don't want him gone, Joe. I need nine Roy Ashland's on the Court. I just wish he was forty years younger. *

CUT TO: *

30A INT. HALLWAY OUTSIDE THE MESS - DAY

30A *

An HR ASSISTANT pins an offering letter up onto an employee bulletin board, keep going. But we stay with the Assistant, see the White House seal on the letter, the words: *

"RESEARCH ASSISTANT - DEPARTMENT OF COMMUNICATIONS" *

An old WW hand, SHARLENE, is making her way past with a group of other assistants, all carrying coffees. Calls ahead -- *

SHARLENE *

OEOB? *

HR ASSISTANT *

No, West Wing. *

Really, no shit. The women make their way to the board, crowd around excitedly. But then -- *

SHARLENE *

Isn't that-- ? *

(CONTINUED)

HR ASSISTANT

Yeah.

SHARLENE

They offering combat pay?

The women quickly disperse, nobody wants that job. But one woman lingers, steps up to the board. Young, sexy in a wrong side of the tracks sort of way. Her name's DIZZY, short for DESIREE. Calls to her disappearing friends.

DIZZY

What's wrong with Toby Ziegler?

CUT TO:

31 INT. BARTLET FARM LIBRARY/DINING ROOM - DAY 31

Zoey sits at the dining table, C.J. across from her. Abbey at the far end of the table.

C.J.

Diane likes to keep it warm, casual. But she'll try and zing you with some indirect attribution, like "People say," or "there's a rumor that..."

ABBEY

For example?

C.J.

There's a rumor that you're seeing a therapist.

Zoey looks to Abbey.

ABBEY

You don't have to answer that.

C.J.

If you don't answer, she'll just wait. Like an infinitely forgiving, infinitely compassionate cross between the Virgin Mary and a Schnauzer.

ABBEY

It's nobody's business if --

ZOEY

Mom? I want to answer.
(then)

(CONTINUED)

ZOEY (CONT'D)

Yes. I'm seeing a therapist.

*
*

C.J.

...Okay...

ZOEY

I couldn't have dealt with this all by myself. I've had lots of support from friends and family but I also needed help. I've gotten some and...it's, you know, been good.

C.J.

(offering)

"The help's helped".

ZOEY

Great. I'll use that. Thanks.

C.J. makes eye contact with Abbey. Continues as Diane:

*

C.J.

Zoey, can we take a moment to talk about that terrible night at the club with Jean Paul and the drugs...?

*
*
*

Off Abbey who's dying inside for her daughter we --

*

CUT TO:

32 INT. LOBBY/HALLWAY - AFTERNOON

32

Josh is crossing the lobby, looks up to see --

Men filing out of the Roosevelt Room. Men in grey and navy blue. The members of the Congressional Negotiating team. And they don't look happy.

Josh continues down the to find the Treasury Secretary and a group of OMB staffers also leaving. Also not happy. He hesitates, doesn't belong here anymore, looks into --

33 INT. ROOSEVELT ROOM - DAY

33

Pizza boxes and coffee cups litter the tables. It could be the remains of a dorm party -- or a war. Angela, Leo, the OMB DIRECTOR, aides and Donna, stand around looking lost.

JOSH

What's going on?

(CONTINUED)

LEO

We had a bit of a breakdown. If
breakdown is the word.

ANGELA

Works for me.

Josh isn't certain of his place here, proceeds carefully.

JOSH

What happened?

OMB DIRECTOR

They don't want a deal is what happened.
The capital gains cut--

ANGELA

They came back and said it was not
negotiable. They were even trying to
make it bigger.

JOSH

So now what?

ANGELA

Another continuing resolution, till
Christmas this time.

JOSH

You're kidding? You let it drag on that
long they'll try to de-fund the Yule log.

ANGELA

It gets better. They're not willing to
continue funding at the current level,
they want a 1% cut on everything but
defense and homeland security.

OMB DIRECTOR

The Speaker says he's got 218 votes for
it right now, wouldn't even talk
earmarks.

Josh has heard enough, turns to Angela.

JOSH

How could this happen?

LEO

Josh--

(CONTINUED)

JOSH

No, Leo, how is this acceptable? James Madison lost, Haffley's not the Prime Minister. You take this to the President, you know what he'll say?

LEO

He'll say yes.

JOSH

How can you--

LEO

To keep the lights on? To make sure a couple million government employees keep getting paid? It's two more months. And then we'll still need a real budget, and we'll still need to cut spending -- why not start now.

JOSH

This isn't governing, it's duck-and-cover.

LEO

He'll say that too.

Leo goes out, followed by the OMB Director. The other AIDES begin gathering debris. Donna collects files. Josh looks across the table at Angela.

JOSH

At least be--

ANGELA

What?

JOSH

I don't know. Embarrassed.

Donna lets some binders drop with a THUMP.

DONNA

It wasn't her.

JOSH

What?

DONNA

You know the hand she was dealt.

JOSH

You saying it was me?

(CONTINUED)

DONNA

No, I'm saying we may have won in a landslide, but we didn't take Congress with us. And now it looks like we're not taking the country with us. And the other guys know it...

(at a loss)

I've got to get back to work.

Donna goes, pushing her cart full of binders out the door. Josh looks after her, back to Angela.

JOSH

It's nice when you make new friends.

ANGELA

You know all this time she's been fighting for you. For you and your plan to send everyone to college.

JOSH

It's not a bad plan.

ANGELA

No, and they didn't think so either. I even think they wanted to go along with it, run ads they voted for it. But we'd have had to squeeze Medicaid, the EITC... Poor people paying for college kids and Wall Street. I don't think Jed Bartlet would sign off on that.

(beat)

I got you till Christmas.

She exits. Off Josh we --

CUT TO:

34 INT. HOSPITAL CORRIDOR - AFTERNOON

34

The elevator DINGS and the doors open. Joe gets out. Walks down the busy hallway. Rounds the corner--

To find the small waiting area empty. Makes his way to the partially opened door. KNOCKS, pushes carefully into --

35 INT. HOSPITAL ROOM - AFTERNOON

35

The flowers and get well greetings. The gift baskets.

JOE

Mr. Chief Justice?

(CONTINUED)

Ashland now sits up in his hospital bed, eyes closed, still on nasal canula, IVs and monitor leads. But his hair has been combed, the sheets changed. Joe moves to his bedside.

JOE (CONT'D)

...Sir...?

Ashland opens his eyes, stares up at Joe, any recognition?

ASHLAND

Mr. Quincy... Back to argue Mimoud v. Transportation Security.

Ashland's voice is anything but steady...still, Joe smiles.

JOE

Well, a suspect class, strict scrutiny--

Ashland smiles back, reaches out with a shaky hand to touch Joe's arm.

ASHLAND

You work for the President now. It'd be ex parte.

JOE

I'm glad to see you doing better, sir.

Ashland nods, he's glad too. Then:

ASHLAND

This just a social visit?

JOE

No sir, it's not.

Ashland nods again, looks off.

ASHLAND

The President sent you?

JOE

Yes sir, he did.

The Chief doesn't answer right away. Finally:

ASHLAND

I think it's time we called each other by our first names Joe, don't you?

(CONTINUED)

JOE

Yes, sir. Mister Chief Justice.

The Chief smiles again, off the two of them in the room we --

FADE OUT.

END ACT THREE

ACT FOUR

FADE IN:

36 INT. LEO'S OFFICE - EARLY EVENING

36

Leo works at his desk. Toby appears in the doorway.

 TOBY
Now what?

 LEO
Another continuing resolution to take us
through the holidays.

 TOBY
So we won't have a budget until we're up
against the State of the Union?

He knows how Toby feels about that, doesn't bother to answer.

 LEO
Anything on Ashland?

 TOBY
He's coming over to see the President.

 LEO
When?

 TOBY
Now.

 LEO
You're kidding.

 TOBY
I just got off the phone with Joe Quincy.

Margaret discreetly pops her head in.

 MARGARET
President's ready.

 LEO
Well that's great.

 TOBY
Yeah.

Leo heads for the Oval office connecting door.

(CONTINUED)

TOBY (CONT'D)

Leo?

(Leo stops)

We gave away college tuition for nothing?

LEO

Good work on the Chief Justice.

Leo pushes his way through the door into --

37 INT. THE OVAL OFFICE - EARLY EVENING

37

Finds Bartlet sitting behind his desk in the gathering darkness, staring out the window.

LEO

Good evening, Mr. President.

BARTLET

They taping Zoey's interview in a few minutes.

LEO

Yes, sir.

BARTLET

She's doing it alone.

LEO

C.J.'s with her.

BARTLET

(after a beat)

One percent is 635 million per month.

LEO

I have to assume you're correct.

BARTLET

That's 1.27 billion through Christmas.

LEO

Yeah.

BARTLET

So when we start negotiating again we'll have moved over a billion dollars in their direction and they won't have moved an inch towards us.

(CONTINUED)

LEO

I could argue that by continuing to negotiate through Christmas, it'll be harder for the Speaker to be seen cutting social programs.

BARTLET

Food stamps, things like that.

LEO

Yes, sir.

BARTLET

If we stretch it out till Lincoln's birthday, maybe we can get Haffley to free the slaves.

LEO

Yeah.

Bartlet's at his lowest ebb.

BARTLET

"Fortunatus et ille deos qui novit agrestis."

(then)

Virgil. Means he wishes to God he were back at the farm. When do we see Royce and Haffley, sign this thing?

LEO

Eight o'clock. Only sir?

BARTLET

Yes?

LEO

You have another meeting before that.

BARTLET

Yes?

LEO

The Chief Justice wants to see you.

CUT TO:

38 INT. BARTLET FARM LIVING ROOM - NIGHT

38

Under blazing lights, the polished, practiced DIANE MATHERS is interviewing Zoey. Abbey and C.J. watch from the doorway. *

(CONTINUED)

ZOEY

I don't think anyone should try and get through something like this alone.

DIANE

And has it helped?

ZOEY

Yes. The help's helped. A lot.

DIANE

I think we can all see that.

ZOEY

Good. I'm glad.

DIANE

Zoey, I know this will be difficult, but what happened that night at the club with Jean Paul and the Ecstasy? He says --

ZOEY

I know what he says.

DIANE

You sound angry.

ZOEY

I am angry. The only reason he spiked my drink, the reason he had to, is because I told him I didn't want to take it. I'm not pretending to be super virtuous or anything. But what happened to me happened against my will, like the terrible things that happen to a lot of girls against their will.

(then)

The only thing I can do, the only thing any of us can do, is tell the truth about what happened to us. And try to find a way to live with the shame and self-doubt that comes from having trusted and cared for someone who then betrayed you.

Abbey can't watch anymore, crosses out to the porch. After a moment, C.J. follows.

39 EXT. BACK PORCH - CONTINUOUS

39

Through the window we see the interview continuing. Abbey is at the railing brushing away tears --

(CONTINUED)

ABBEY
How much longer?

C.J.
She'll be wrapping up, that was her big gun.

ABBEY
Thank you. She did well. You did an excellent job.

C.J.
You too.

ABBEY
It's what she needed, time up here.

C.J.
I meant, you've raised a remarkable young woman.

ABBEY
She was always Jed's little girl.
(then)
You have one and you take your bows. The second one knocks you off your high horse, and the third humbles you entirely. They are who they are. We take too much credit.

Behind them, Mathers stands, crosses to Zoey, hugs her. During the following, the sound man shakes Zoey's hand, others offer their congratulations.

C.J.
I think that's it.

Abbey looks inside, Zoey is standing now, chatting casually with Mathers as technicians turn off lights, gather cable.

ABBEY
The day she graduated I remember thinking, well Old Mother Bartlet, what now, she's the last one. Oh, that day.
(then)
But now, she's graduating again. And it's still the same question.

They both watch Zoey inside, assured, now an adult.

C.J.
What's she going to do?

ABBEY

I don't think she knows. She's been talking about maybe teaching. Grade school or even Kindergarten.

C.J.

I'm sure she'd be wonderful.

C.J. considers...then tentatively--

C.J. (CONT'D)

Mrs. Bartlet, may I say, we miss you.

ABBEY

That's very kind. Please don't take offense when I say, I don't miss you.

C.J.

It's been very busy. The budget, Japan in a few weeks, and the Chief Justice.

ABBEY

We get newspapers up here, C.J. You don't have to apologize for him not coming. I asked him not to.

(then)

She worships her father. But she couldn't tell the truth if he was here. She never wants to disappoint him.

Zoey comes bounding out onto the porch.

ZOEY

Okay, this is where you get to say how great I did.

ABBEY

You were fantastic.

C.J.

Wonderful. Really.

ABBEY

I was very proud.

ZOEY

Can we go call Dad, tell him how it went?

ABBEY

Absolutely.

(CONTINUED)

Abbey puts her arm around Zoey, pulls her close as they go into the house. Just before they disappear, Abbey looks back at C.J. and off C.J. we --

CUT TO:

40 INT. WEST WING LOBBY - EVENING

40

Toby waits near the doors, straightening his tie. Joe beside him, both watching the doors until --

Chief Justice Roy Ashland arrives in a wheelchair pushed by his law clerk Lisa. Ashland wears a suit, his hair is combed. But he's sunken. Is making the trip only out of sheer will.

Toby watches as Joe moves to them, takes over the handles of the wheelchair, pushes Ashland down the hallway toward the Oval. Staffers stop to watch him pass, awed, respectful.

Toby lags behind as they make their way into --

41 INT. FIDERER'S OFFICE - EVENING

41

Charlie comes out from behind the desk. Leo is there.

CHARLIE

He's just getting off the phone with his daughter. I'll let him know you're here, sir.

He disappears inside the office. There's a long moment while they wait. Ashland stares straight ahead.

CHARLIE (CONT'D)

Please.

Opens the door wide for him. Joe starts to push the chair.

ASHLAND

No. ...I can walk.

Ashland stands with difficulty, shuffles into the Oval. Leo nods respectfully as he passes.

LEO

Mr. Chief Justice.

As Ashland makes his way past the door, Charlie closes it discreetly. Joe, Toby and Leo look amongst themselves. Know they've just witnessed an exceptional act of courage. Toby turns quietly to Joe.

(CONTINUED)

TOBY
Thank you.

JOE
I didn't do it for you.

CUT TO:

42 INT. OVAL OFFICE - NIGHT

42

Bartlet sits across from Ashland.

ASHLAND
My God, Jed. You look terrible.

BARTLET
Yes, well, there's something going
around.
(then)
I'm glad to see you doing so well, sir.

ASHLAND
Are you?

BARTLET
Yes, I am.

ASHLAND
Then why send Joe Quincy to do your dirty
work?

BARTLET
We were having a little problem. You
wouldn't talk to us.

The Chief takes a moment, is very tired.

ASHLAND
Can you do it?

BARTLET
I don't want to. But if it's time, if
your condition warrants.

ASHLAND
Who would you get to replace me?

BARTLET
I'd hope to consult with you.

ASHLAND
...Holmes.

(CONTINUED)

BARTLET

Holmes?

ASHLAND

Oliver Wendell. Marshall. John or Thurgood, either one.

(he's serious)

I want Brandeis, Blackmun, Douglas. But you can't get them, can you?

(beat)

Because it's all compromises now, the ones who have no record of scholarship, no body of opinions, nothing you could hold them to, that's who they'll confirm. Raging mediocrities.

BARTLET

That's what they said about Warren.

ASHLAND

You got another Earl Warren? *

BARTLET

We won't know until we try.

Ashland looks off, unsure, struggling with himself.

BARTLET (CONT'D)

The other eight are preparing to take it away from you. Holding over cases, the major decisions. How long can the country wait?

ASHLAND

Who's gonna speak for the indigent, the Hispanic, the Negro? Those left out or locked out or left behind.

(gaining strength now)

My clerks are preparing a brief. There's an Arab-American man, Mimoud -- Grabbed out of line at an airport. What's next? Tribunals, identity cards, bar codes tattooed on our forearms?

BARTLET

Then give me a name.

ASHLAND

Daniel Robinov, New York State Supreme Court. Susan Bengalli, Ninth Circuit.

Bartlet looks off, Christ. There isn't a chance in hell.

(CONTINUED)

ASHLAND (CONT'D)

They won't confirm them, will they?
Look at the VP they gave you.

(and)

I have good days and bad, but on my worst
day I'm better than the amped-up
ambulance chasers you could get confirmed
by this Senate. You can't do it, Jed.
You're not strong enough, the Speaker is
running the table and I can't take the
chance.

Off Bartlet, knowing he's right we --

CUT TO:

43 EXT. WHITE HOUSE ENTRANCE - NIGHT

43

A line of glistening town cars inch up the wet Portico.
Guards open doors. Shoes step to wet pavement as House
SPEAKER HAFFLEY climbs out, MAJORITY LEADER ROYCE, followed by
several aides. They move quickly, menacingly, inside as we --

*
*
*

CUT TO:

44 INT. JOSH'S OFFICE - NIGHT

44

The door is open. Josh is at his desk, Donna steps in.

DONNA

They're here.

CUT TO:

45 INT. LOBBY - A FEW SECONDS LATER

45

Haffley and his crew appear, moving quickly. Heading for the
Roosevelt Room. After a moment --

Josh and Donna step out to watch their passing.

Then Toby. As Haffley disappears around the corner all three
begin to move down the hall. They round the corner, into--

46 INT. CORRIDOR OUTSIDE THE ROOSEVELT ROOM - CONTINUOUS

46

Where they run into Will, standing outside. Everyone shares a
look, then look to the gathering group.

JOSH

They all here?

(CONTINUED)

WILL

Yeah.

Off Josh, shut out. Watching the meeting, his meeting taking place without him --

CUT TO:

47 INT. ROOSEVELT ROOM - NIGHT

47

Chairs have been re-arranged, but no one sits. Haffley, Senate Majority Leader ROYCE, Russell, the OMB Director -- each accompanied by at least one assistant.

Russell finds the Speaker, grabs his hand.

RUSSELL

Mr. Speaker. Who'da thought, huh?

HAFFLEY

Mr. Vice President.

Leo steps in with Angela.

LEO

President's finishing up a meeting, he'll be right in.

ROYCE

Any word on the Chief Justice?

LEO

That's the meeting.

Royce is alarmed, to say the least.

ROYCE

He's in the White House?

LEO

Came straight from his adjustable bed. Man's a force a nature.

Royce is about to ask another question but an Agent swings open a door and --

The President enters, and quietly begins shaking hands, beginning with Haffley, then Royce and finally Russell.

BARTLET

Jeff... Robert.

(CONTINUED)

Everyone starts for their places. Angela places a notebook in front of her's and Leo's. As they all settle in:

ROYCE

I want to thank you, Mr. President, on behalf of my colleagues. None of us think this is a perfect deal. No one likes to see the sausage made, including the guys making it. But it's an expression of willingness by both sides to keep all avenues open to an eventual resolution.

BARTLET

Yes, thanks, Robert. And thanks for saying it this time -- I think I had to give that speech last time around.

They all laugh. Everyone's seated now. Republicans on one side of the table, Democrats on the other.

BARTLET (CONT'D)

Or maybe the time before. This will be our third CR, our third time coming up short. We gotta do better, the people aren't paying us to duck the hard choices.

Murmurs of "Yes sir/right, Mr. President."

BARTLET (CONT'D)

Want to run through the details, Angela?

ANGELA

An act of Congress, a continuing resolution to extend no later than January third, midnight, to include a reduction by one per cent--

HAFFLEY

Excuse me, Mr. President? I'm sorry, there's been a change.

The Dems all look up. What?

HAFFLEY (CONT'D)

I know we talked about a 1% cut. It's going to have to be three.

Jesus Christ. After a moment:

(CONTINUED)

ANGELA

Mr. Speaker, nothing like this was even mentioned, much less--

BARTLET

Hold on.

Angela shuts up. But Bartlet is silent, stares at Haffley.

HAFFLEY

I'm sorry we couldn't give more notice. But we just came from our Conference and I had significant opposition to only one percent.

BARTLET

Only one percent.

HAFFLEY

Yes sir.

BARTLET

We had a deal at one percent.

HAFFLEY

But now my Members have to go back to their districts for the holidays, explain why we kept the gravy train running with a rising deficit and an economy crying out for tax relief. It's an economic situation that calls for action, not status quo spending.

(beat)

Three per cent may sound painful, but it's only for two months. It'll show we're serious.

Angela and Leo exchange looks, but Bartlet is zeroed in on Haffley. Cold, hard. Quietly:

BARTLET

What's next?

HAFFLEY

Sir?

BARTLET

In a two months? Five percent? Fifty? How many rounds do we go, Jeff? I'm just asking.

(CONTINUED)

HAFFLEY

There is no next, sir. Not to get too technical, but this government runs out of money at midnight, and my guys have gone home. This is it.

BARTLET

No.

Uh-oh. Leo sneaks a look to Bartlet. What's he doing?

HAFFLEY

There is no altering this offer, Mr. President.

BARTLET

I said no.

That's not what Haffley was expecting. He takes a moment, regroups as Angela looks to Leo, what is Bartlet doing?

HAFFLEY

Let's be clear, sir. We cannot, we will not vote to keep on footing the bill. You will be held responsible for shutting down the Federal government.

Bartlet stands. Takes a moment. Finally:

BARTLET

Then shut it down.

And we INSTANTLY --

SLAM TO BLACK.

THE END