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# DENIAL

**A Drama in Two Acts**

by

**PETER SAGAL**



**Dramatic Publishing**

Woodstock, Illinois • London, England • Melbourne, Australia

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(DENIAL)

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ISBN 0-87129-930-5

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“DENIAL was originally produced by The Long Wharf Theatre, Arvin Brown, Artistic Director, and M. Edgar Rosenblum, Executive Director.”

For Jeff Hatcher and KC Davis,  
colleagues and friends.

“For, as thou urgest justice, be assured  
Thou shalt have justice more than thou desir’st.”

— The Merchant of Venice, IV. i

## Production History

*DENIAL* was written with the support of a Jerome Fellowship from the Playwrights Center, Minneapolis. It was presented as a staged reading as part of South Coast Repertory's "New-SCRipts" series, March 13, 1995. It received its world premiere at the Long Wharf Theater, New Haven, Conn., November 1995, under the direction of Arvin Brown. Set design was by Marjorie Bradley Kellogg, costume design by David Murin, lighting design by Richard Nelson, sound design by Jim van Bergen, production stage manager was Anne Keefe and casting director, Deborah Brown. The cast was as follows:

Stephanie . . . . . STARLA BENFORD  
Professor Bernard Cooper . . . . . MAX WRIGHT  
Abigail Gersten . . . . . BONNIE FRANKLIN  
Adam Ryberg . . . . . GEOFFREY P. CANTOR  
Noah Gomrowitz . . . . . ALAN MANDELL  
Nathan . . . . . SOL FRIEDER

## Acknowledgments

Many people and institutions contributed to the writing and development of this play. Among them are:

The Playwrights Center of Minneapolis, Minn., and its current and past staffs; Mead Hunter, Raul Stagg, Stanley Soble and The Audrey Skirball-Kenis Theater of Los Angeles; Jerry Patch, John Glore, and the South Coast Repertory; Bonnie Morris, Michael Robins, Kent Stephens, and the staff of the Illusion Theater, Minneapolis; Arvin Brown, Edgar Rosenbloom, Anne Keefe, and the staff of the Long Wharf Theater, New Haven, Conn.; each of the many actors who've read or performed the play at its various workshops and productions, especially the cast of the premiere at Long Wharf; Brian Nelson, José Rivera, Heather Dundas, Alan Mandell, Elyse Kroll, and Jason Fogelson; Roger Sagal, Jess Bravin and Jerry DeWees for legal advice; Elizabeth Albrecht Sagal; and Rose Scholnick for the Yiddish and much else.

# DENIAL

A Play in Two Acts  
For 2 Women and 4 Men

CHARACTERS  
(in order of appearance)

ABIGAIL GERSTEN . . . . . a lawyer, Jewish, 40s  
STEFANIE . . . . . a legal secretary, Black, 20s  
BERNARD COOPER . . . . . an academic, WASP, 40s  
ADAM RYBERG . . . . . a prosecutor, Jewish, 20s  
NOAH GOMROWITZ . . . . . an eminence, Jewish, 80s  
NATHAN . . . . . a retiree, Jewish, 80s

PLACE: A law office in southern California.

TIME: The present.

Set requirements: One set with additional playing area.  
Running time: Approximately two hours with intermission.

See author's notes on producing the play at end of playbook.



# ACT ONE

## Prologue

*(A wooden railing. ABBY GERSTEN approaches; addresses the audience.)*

ABBY. Everybody comfortable in their seats? It's show time. You know what's going to happen; you've all seen this before. I'm going to try to convince you that my client is innocent. That the big bad old prosecutor over there, he lied to you, he's trying to sucker you, and you shouldn't believe him. But there's a problem. They say that my client has promoted obscenity. That he is hateful. And you know what? He is. If I found a child of mine reading that...*periodical* of his, I'd want to go down to my client's house, climb over the gate, and beat him to death with a rolled-up copy. You, too, I bet. So why should you let this man go unpunished? Why should you let him go on spreading his manure? Why can't we act on what we feel towards him? Because today it falls to us, to be the law. The judge will tell you what the law says. Let me tell you what it *knows*. It knows that we hate. It understands that some days we're right to hate. But also—also—that we can't act on it. Because there is darkness in all of us. Something that hates, something that could cause people to hate us, maybe, if they knew about it. Which means that you have to rise up today and protect something precious.

Not my client, forget about him. Today you have to rise up and protect the law. Because someday it might protect you. Everybody I know—me included—we live our lives, we do what we must, but we wonder—if the moment came, if I had to make a stand, if I had to make a choice between what was easy and what was right, what would I do? Well. Here we are. (*Lights fade.*)

### SCENE ONE

AT RISE: *The anteroom of a lawyer's office. BERNARD COOPER sits in a chair, waiting. Behind a desk, STEFANIE, wearing a phone headset. On top of the desk: two or three large bouquets, with envelopes attached.*

STEFANIE (*on the phone*). You know Abby, no rest for the wicked. Can I take a message? Okay, "Congratulations," anything else? Right, three exclamation points, I'm dotting them now. Bye. (*She hits buttons on the phone.*) Abigail Gersten's office. Oh, hey, Mr. B. They were here this morning, yes, I know Abby wanted to call and thank you... Oh, sure, she took 'em right in. I'll sure let her know you called, okay? Bye. (*She hangs up the phone. Looks at COOPER.*) Mr. Cooper, was it?

COOPER. Professor. But, Mister is fine, if you prefer.

STEFANIE. The appointment was when? Because I sure don't have it in my book, and— (*The phone rings. STEFANIE punches a button.*) Abigail Gersten's office. Oh, hi, Ron, how are you? Yeah, the woman sure throws some heat, don't she. Oh, no, I watched it from the comfort of home—thank God for *Court TV*. Yeah, she's

here, but she's all tied up; I'll make sure to—uh-huh. Yeah. Describe him. Hang on. I'll put you through. (*Punches a button.*) Abby? It's Ron. Says it's urgent. Believe him. (*Punches another button.*)

COOPER. Was that by any chance Mr. Fallows? Of the American Civil Liberties Union?

STEFANIE. Yes, it was.

COOPER. There you are. I believe he is making the appointment for me.

STEFANIE. Oh.

COOPER. It's perhaps a little unusual to arrive for an appointment before it's actually made.

STEFANIE. Not in pro bono, no. (*The phone rings. STEFANIE punches a button.*) Let 'em congratulate the voice mail.

COOPER. Forgive me. I insist on punctuality. A touch of grease to the gears of society? And yet, one doesn't want to lecture, so I try to set a quiet example. Let others take what lesson they will.

STEFANIE. That's very civil. I wish more people were like you.

COOPER. So do I, miss, so do I. May I ask...um, I'm afraid you have the advantage of me...

STEFANIE. Excuse me?

COOPER. You know my name, but I don't know yours.

STEFANIE. Oh. I'm Stefanie.

COOPER. Well, hello, Stefanie. Are you a lawyer as well?

STEFANIE. Just a secretary.

COOPER. Not "just."

STEFANIE. I am studying for my degree.

COOPER. There you are! My instincts are infallible. And do you enjoy working for Ms. Gersten?

STEFANIE. Oh, yeah. You'll like Ms. Gersten, too. Smart woman. Kind of bowls you over sometimes. Maybe you saw her on the—

COOPER. From the East Coast, yes?

STEFANIE. And she never lets you forget it. "Weather, this isn't weather..." you know the thing. Like there's something wrong with it being sunny all the time.

COOPER. Why don't they just go back where they came from?

STEFANIE. Right. I keep saying, okay, you like the cold, you like the snow, they got plenty in New York to go around, but here she is.

COOPER. I think they enjoy being contrary. Part of the culture out there.

STEFANIE. Well, when you get to know Abby, you'll see she's happiest when she's got an issue.

COOPER. And they talk so fast! Sometimes I think I should tape-record them, and then replay them at a comprehensible pace...

STEFANIE. It's like they're all afraid someone's going to come along and stop them from talking, so they have to get it out now. I'm like, Abby, slow down, this is California, people come here to *relax*.

COOPER. And they wave their arms so, have you noticed that? Everything is punctuated with a gesture. The hands up by the ears... you're afraid they'll lose control...

STEFANIE. It's colorful.

COOPER. And potentially life-threatening. You ask a question and then duck. (*He smiles. STEFANIE smiles back.*)

STEFANIE. Well. Different strokes, you know. I like visiting New York, everything's so jazzed up, it's like everybody's ten minutes late for something.

COOPER. You enjoy it? I find that kind of bustle just a little wearying. One of them, perhaps, but a whole city full? Not for me.

STEFANIE. I know a lot of people who feel that way.

COOPER. The noise. The dirt. They really don't mind dirt, you know. I can't understand that.

STEFANIE. It's not that they ... don't mind, it's that ...

COOPER. And all that talk about money! Money, money, money, they grub after it like pigs in slop, it's just, well, it's *tiring*. Don't you agree? *(Pause. STEFANIE looks down at the phone.)*

STEFANIE. Um ... she's off, now.

COOPER. She is? Excellent. Would you mind letting her know that I'm here?

*(ABBY comes out of the office. She looks at COOPER.)*

ABBY. You must be Mr. Cooper.

COOPER. I must be.

ABBY. You know that I'm Jewish?

COOPER. Of course. I insisted on it. *(Lights fade.)*

## SCENE TWO

AT RISE: *Abby's office. Very large windows, stretching across the U wall. ABBY sits across from COOPER.*

ABBY. Conspiracy to deprive others of their civil rights. Conspiracy to destroy federal property. Conspiracy to subvert the lawful government. Impressive. The last per-

son the government treated this way was John Wilkes Booth.

COOPER. Did he win his case?

ABBY. I thought you fancied yourself a historian.

COOPER. Amateur only. Professionally, I teach engineering. My field is timber stress analysis.

ABBY. Excuse me?

COOPER. In layman's terms, how much stress a piece of wood can stand. We apply pressure to various kinds of timber, thicknesses, plies, dimensions. We wait for it to splinter. Fascinating.

ABBY. Sounds it. On the twelfth of this month, federal agents served you with a warrant—

COOPER. "Served." One imagines a silver tray.

ABBY. —for all your mailing lists and phone records, targeting donors and subscribers to your newsletter.

COOPER. "The Journal of Independent Inquiry."

ABBY. Whatever.

COOPER. It's done on computer, now; glossy paper, stitched bindings, it's very nice.

ABBY. *Whatever*. The warrant describes a "confidential informant" that can link you to neo-Nazi and racist organizations.

COOPER. So they say. I was shocked.

ABBY. Yes. So, this is the issue. By seizing these lists, the government is violating your right to free association and free speech under the First Amendment, as well as your rights against unlawful search and seizure under the Fourth. We'd have to start, then, by filing a motion to quash the warrant and return the lists.

COOPER. What about damages?

ABBY. I'm not interested in enriching you, Mr. Cooper. If that's what you want, then—

COOPER. But they broke my door.

ABBY. What?

COOPER. They broke my door down. Didn't even knock. And they knocked a mirror off my bureau; it should have been attached to the wall somehow, but I never managed it. There you are, an expert on wood and I am reduced to stupefaction by a hammer.

ABBY. We could probably get something for your door.

COOPER. Am I to understand that you are taking the case?

ABBY. No, you are not. Now tell me about these mailing lists. Who's on them?

COOPER. Interested parties, other researchers, a few libraries, we're proud of that.

ABBY. Criminal organizations?

COOPER. There's the B'nai B'rith.

ABBY. I was thinking more along the lines of the Ku Klux Klan, actually. The Order. The Posse Comitatus?

COOPER. Not ringing any bells.

ABBY. National Socialist Party of America. National Socialist Bund. White Knights of Teutonic America?

COOPER. I'd have to look at the lists. And of course, now, I can't.

ABBY. You didn't keep copies?

COOPER. They took the copies, they took everything. That's why I'm in a bit of a bind.

ABBY. Well. It doesn't matter. They're saying you incite people to violent acts. That's ridiculous.

COOPER. My thoughts exactly.

ABBY. You can't be held responsible for other people's illegal behavior, just because you have unpopular ideas.

COOPER. I agree.

ABBY. Shutting down free expression is far more dangerous to the country than anything you might do.

COOPER. Exactly! These, in fact, are the very ideas they find so dangerous. I argue against censorship. I agitate for open debate.

ABBY. Mr. Cooper—

COOPER. I argue that we should not be *afraid* of the *truth*.

ABBY. Mr. Cooper. What you do is deny the Holocaust ever happened. (*Pause.*)

COOPER. In a manner of speaking, but—

ABBY. Not in a manner of speaking: in fact, and at length. You say it didn't happen. You attack anyone who says it did, meaning everyone who is not totally illiterate or one of your friends. It's why you're in so much trouble. I don't see what purpose is served by evading it.

COOPER. I do not evade. Nor do I deny. I confront.

ABBY. Do *not* start.

COOPER. I am not starting anything, you did, you misconstrued my work and I must respond. I do not "deny the Holocaust." You can only "deny" something that is proven fact, which is pre-judging the whole affair, isn't it? And the term "Holocaust" itself is so laden with politics, we in the movement prefer the more neutral term "extermination story."

ABBY. I am not interested in word games.

COOPER. No, language is a means of control, surely you know *that*. For example, consider the term "death camp," it's completely fictional, invented by propagandists. For the sake of illustration, take Auschwitz ...

ABBY. Look at that door!

COOPER. Ms. Gersten?

ABBY. The door. How far away do you think it is?

COOPER. I don't—

ABBY. You're an engineer, figure it out. How far is that door from the desk.

COOPER. I would say, a rough estimate, twelve feet.

ABBY. Good enough. Let's say, "for the sake of illustration," that for every concentration camp you mention in my presence, you move one step closer to that door.

COOPER. Auschwitz has three separate sub-camps. Does it count as one or three?

ABBY. I just counted it as four, more.

COOPER. That leaves me with seven. Is this just for today, or—

ABBY. From now on. Let me be very, very clear about something. Even if I do take your case, you will not be my client.

COOPER. No?

ABBY. No. My client will be the First Amendment. I am interested in defending it, through you. I do not approve of what you do, to put it politely, but we can't afford to wait until attractive people are persecuted.

COOPER. That was *very* polite.

ABBY. If I help you, you will do what I tell you to do, in court and out of it. And you will not say a *word* about concentration camps, the Holocaust, and the international Jewish conspiracy to fluoridate the water. Okay?

COOPER. You're telling me not to speak.

ABBY. Exactly.

COOPER. Much like the government. (*Pause.*)

ABBY. Let me put it this way. We might be willing to defend your right to say what you want to whomever wants to hear it. But I do not, and neither will the court.

So I would appreciate it if you would keep your very legal ideas to yourself. Is that, finally, understood?

COOPER. "Bless them that persecute you, bless, and curse not." Romans 12.

ABBY. You're a religious man?

COOPER. Not especially, no.

ABBY. But you agree, then, to keep your ideas to yourself?

COOPER. If that's your personal preference, of course I will respect it.

ABBY. Thank you.

COOPER. I have never sought to impose my ideas on anyone.

ABBY. Be sure to mention that in court.

COOPER. Unlike other certain parties I could name.

ABBY. You could name them. But you won't.

COOPER. No. Of course not. *(Pause.)*

ABBY. I'll let you know. *(Lights fade.)*

### SCENE THREE

AT RISE: *ABBY records into a microphone.*

ABBY. Stefanie, could you pull up these cases for me: *Brandenburg vs. Ohio, Rosenfield vs. New Jersey, Brown vs. Oklahoma, and Lewis vs. New Orleans I and II.* All U.S. Supreme Court. And some coffee, please. And a sandwich. And aspirin. And some air freshener.

*(ADAM RYBERG enters the room. He wears a small yarmulke.)*

RYBERG. Hi, I'm sorry, but there was no one out there ...

ABBY. Oh. Right. It's on the desk, I think. *(Pause.)*

RYBERG. What is?

ABBY. Rapid Rabbit Runners?

RYBERG. I'm afraid I can't help you with any of this.

ABBY. You're not the courier?

RYBERG. No, ma'am. I'm your two o'clock appointment.

ABBY. Oh. *Oh.* You're with the government?

RYBERG. Yes, ma'am.

ABBY. The *grown-up* government?

RYBERG. The very one. Adam Ryberg. U.S. Attorney's office.

ABBY. Wow. Sorry. It's just that I expected someone...  
uh...

RYBERG. I've got a law degree and everything. Ink's still wet, though.

ABBY. My apologies. I'm Abby Gersten, please, have a—

RYBERG. Oh, I know. Of course I know. Your summation the other day—I mean, I watched the whole trial, I had to tape it, but still: “Today it falls to you: to be the law.” It was like, what, a movie. I heard music swelling.

ABBY. I didn't.

RYBERG. I've sat and watched that tape six times—I mean, I can practically litigate along—but I *still* can't figure out how you got that guy off.

ABBY. I appealed to their common sense.

RYBERG. Common sense called for a public stoning.

ABBY. No. Anger, maybe. But the jury wanted to be something better than angry. People like to think that when the moment comes, when they have to choose between doing what's right, and what's easy, they'll choose the right.