



THE COURTROOM

A REENACTMENT OF ONE
WOMAN'S DEPORTATION
PROCEEDINGS

TRANSCRIPTS ARRANGED BY
ARIAN MOAYED



DRAMATISTS
PLAY SERVICE
INC.



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THE COURTROOM was originally created by Waterwell (Lee Sunday Evans, Artistic Director; Adam J. Frank, Managing Director; Heather Lanza, Director of Education) and had its world premiere in New York, New York, on January 23, 2019. It was directed by Lee Sunday Evans, the props design was by Ryan Courtney, the costume design was by Junghyun Georgia Lee, and the stage manager was Katie Young. The cast was as follows:

ELIZABETH KEATHLEY Kristin Villanueva
JOHN KEATHLEY Happy Anderson
RICHARD HANUS Linda Powell
GREGORY GUCKENBERGER Michael Braun
IMMIGRATION JUDGE CRAIG ZERBE Ruthie Ann Miles
CHIEF JUDGE FRANK EASTERBROOK Kathleen Chalfant
JUDGE MICHAEL STEPHEN KANNE Michael Bryan French
JUDGE KENNETH RIPPLE Mick Hilgers
MARGARET O'DONNELL Hanna Cheek

In the New York production, the naturalization ceremony was performed by United States magistrate judge Sanket J. Bulsara, former immigration judge Jeffrey S. Chase, former immigration judge Elizabeth Lamb, the Honorable Mimi Tsankov in her capacity as an officer with the National Association of Immigration Judges, and the Honorable Denny Chin, U.S. Court of Appeals for the Second Circuit.

The world premiere of THE COURTROOM was made possible by the lead support of Angelina Fiordellisi, given in memory of Stefano and Caterina Fiordellisi.

CHARACTERS

ELIZABETH KEATHLEY

Immigrant from the Philippines, married to John Keathley

JOHN KEATHLEY

Married to Elizabeth Keathley

RICHARD HANUS

Lawyer for Elizabeth Keathley

GREGORY GUCKENBERGER

Lawyer, Department of Homeland Security in Immigration Court

IMMIGRATION JUDGE CRAIG ZERBE

Chicago Immigration Court

CHIEF JUDGE FRANK H. EASTERBROOK

U.S. Court of Appeals for the Seventh Circuit

JUDGE MICHAEL STEPHEN KANNE

U.S. Court of Appeals for the Seventh Circuit

JUDGE KENNETH RIPPLE

U.S. Court of Appeals for the Seventh Circuit

MARGARET O'DONNELL

Lawyer, Department of Justice

BAILIFF

(can be doubled with Guckenberger)

CLERK

(optional)

NOTES ON CASTING

The character of Elizabeth Keathley must be played by an Asian or Asian-American actress. We found it very important to specifically cast an actress who is Filipino, and encourage productions to do so whenever possible. In performance, Elizabeth Keathley must speak with a thick Filipino accent.

We consider the four central legal roles to be:

Richard Hanus (Defense Lawyer)
Gregory Guckenberger (DHS Lawyer)
Judge Craig Zerbe (Immigration Judge)
Judge Frank Easterbrook (Chief Circuit Judge)

We strongly encourage you to cast three out of these four roles as women, so there is a clear aspect of the casting that is working against the reality of who those people were in real life. The tension between the pronouns in the transcripts and the gender of the actors creates a subtle but visceral experience for the audience that the text is a court transcript that has not been altered. The disparity also communicates that the audience is seeing a reenactment of a real event that the production acknowledges has already taken place.

We also encourage casting actors of color in these central roles, along with all other roles in the play.

In New York we cast one extra who played a clerk in immigration court but had no speaking lines, and we have indicated in the script when the clerk appeared. The role is not required, but we found it to be an effective way to communicate the environment of immigration courtrooms.

Casting a Real Judge for the Citizenship Ceremony

We encourage you to reach out to the immigration legal community in your area to make contact with real judges who may be interested in conducting the naturalization ceremony at the end of this piece. Numerous judges told us that conducting these ceremonies is one of their favorite parts of their job, and they were often enthusiastic about participating in our performances whenever possible given their demanding schedules.

NOTES ON THE SCRIPT

All of the spoken text in this script is taken from real court transcripts, which were edited but not amended, except for very minor corrections made for clarity. With very few exceptions, we kept intact the mistakes in language, grammar, syntax, and punctuation that are in the court transcripts, to stay as true to the real life events as possible.

Of course, some of these mistakes might be errors introduced during the transcribing of the audio recordings of the trial, but either way we felt that they reflect the real-life experience of speaking extemporaneously, without a script.

Throughout the script, you will see *Then.* written between lines of spoken text. This is an indication of subtle rhythmic breaks in the text that we found helpful in the original production—similar to the way “beat” is often used in scripts. The original transcripts were not broken up this way, so use or dismiss it as is useful to you.

Please see page 53 for production notes on staging “a reenactment.”

A timeline of Elizabeth Keathley’s case is provided after the play text, along with a glossary of key legal terms.

Cue scripts that were used in the original production (see Production Notes on page 53) will be provided by Dramatists Play Service upon receipt of and payment for a performance license. It is recommended but not required that these be used in subsequent productions.

THE COURTROOM: A Reenactment of One Woman's Deportation Proceedings

ACT ONE IMMIGRATION COURT

Judge Zerbe is seated at the bench. Immigration courtrooms do not have stenographers. Instead an old laptop near the judge is used to create an audio recording of the proceedings, which will be transcribed as the official record. Gregory Guckenberger is seated at the plaintiff's table. Next to him is an overflowing mail cart with his case files for the day and other office supplies, along with a water bottle or travel coffee mug, etc. Richard Hanus, Elizabeth Keathley, and John Keathley enter the courtroom and sit at the defendant's table.

JUDGE ZERBE. Okay, let's go on the record.

Judge Zerbe hits a button on the laptop to begin the audio recording. Then:

This is a hearing taking place on November 17, 2008, in Chicago. Immigration Judge Craig Zerbe presiding. The respondent in this case is Elizabeth Keathley, case number A 097 688 233.

Then:

All right, ma'am, if you—you'd step forward.

Elizabeth Keathley takes a few steps towards the stand.

Just come up here to testify.

She does not move.

I want you to come up here.

Elizabeth walks the last few steps to the witness stand and sits down.

Thank you. Raise your right hand.

She does.

“Do you solemnly swear the testimony you give in these proceedings and the statements in your applications will be the truth, the whole truth, and nothing but the truth, so help you God?”

There is a pause, she does not answer.

Please say, “I do.”

ELIZABETH. I do.

JUDGE ZERBE. Thank you. You can lower your hand. Could you—
You can lower your hand, ma’am.

Elizabeth sits.

Ma’am, could you tell me your name please?

ELIZABETH. My name is Elizabeth Keathley.

JUDGE ZERBE. Keathley, all right. And Richard Hanus is representing you today.

Then:

Gregory Guckenberger is representing Department of Homeland Security. Now we’re here to consider a number of elements. First, the charges. The charges are in dispute as far as I can recall from the last hearing. (*To Hanus.*) Have you changed your position on the charges at all, Mr. Hanus.

HANUS. No, Judge.

JUDGE ZERBE. And I also think you want to apply for, and you contend the respondent is eligible for, adjustment of status. You still want to go ahead with that?

HANUS. Yes, correct.

JUDGE ZERBE. I note that the respondent said that she spoke English at the last hearing, but you said you want an interpreter, I think, didn’t you?

HANUS. Yes, Your Honor.

JUDGE ZERBE. Mr. Hanus, you wanted to speak, in fact even before you started, you wanted to speak to that, so go ahead.

HANUS. I just wanted—I made a request and I spoke with one of the staff about having an interpreter. Now, she understands English. I just wanted to have as a standby someone who speaks the Visayan because / the English—

JUDGE ZERBE. What is Visayan?

HANUS. Visayan the dialect of Tagalog / and—

JUDGE ZERBE. Okay, Tagalog?

HANUS. Right.

JUDGE ZERBE. Okay, Mrs. Keathley. So you want a Tagalog interpreter?

ELIZABETH. I think I just...

HANUS. You don't need one?

ELIZABETH. Yeah.

HANUS. You don't need an interpreter, okay. (*To Judge Zerbe.*) I was only concerned that if there was something she, by chance, didn't understand—

Then:

Because she speaks good English, but in situations like this where there's—

Then:

I was being overly maybe protective. And if my client feels that she doesn't need an interpreter, then I will defer to my client.

JUDGE ZERBE. Do you feel you don't need an interpreter, ma'am?

ELIZABETH. No, just because I prefer to speak, because I don't know Tagalog because I don't really know how to speak Tagalog / or something.

HANUS. So the judge is asking if we have a Visayan interpreter, which is what I requested.

ELIZABETH. Yes.

HANUS. Would you be comfortable?

ELIZABETH. Yeah. (*To Judge Zerbe.*) Yes, Your Honor.

JUDGE ZERBE. Well I could check whether they have a Visayan interpreter. I think it's likely they'll have a Tagalog. How about, do

you want a Tagalog interpreter? Do you need, first of all do you need any interpreter?

ELIZABETH. No.

JUDGE ZERBE. You don't?

ELIZABETH. No, I don't.

JUDGE ZERBE. I mean you're in the best position to make that choice. If you say you don't speak English well, I'll check and see if we can get a Tagalog interpreter for you.

Then:

The Visayan, I think that's a dialect of Tagalog so that there might be somebody who speaks that dialect? But I'd say that the chances are very good that we can get a Tagalog interpreter for you.

HANUS. Would that be somebody appearing on a speakerphone / or—

JUDGE ZERBE. Yes. So would you like to see if there's a Visayan interpreter available or did you want to just go without one?

ELIZABETH. Just go without one.

JUDGE ZERBE. All right we can proceed forward.

Then:

I think we're ready to start with the respondent's testimony. I've read through your brief very quickly, Mr. Hanus, so I know what you're contending. I'll leave it at that.

Then:

Mr. Guckenberger, I don't have a brief from you, so let me ask you: Are you contending that there is no defense so far? I mean what Counsel is saying is that these procedures are inadequate by the Illinois voting commission and, secondly, she didn't do this knowingly. She didn't intentionally, knowingly, and / willfully vote.

HANUS. And one of the things, I'm sorry to / interrupt you—

JUDGE ZERBE. Certainly.

HANUS. The thing is—Even if it was an intention or not was involved—There is a common-law doctrine as a defense, and if this case was ever brought forward to charge her, called “entrapment

by estoppel.” That’s when an individual takes action according to the government official’s guidance. The basic action that she took was actually at the guidance and suggestion of the government officials. Anyway, sorry to interrupt you, Judge. I just wanted to elucidate or highlight some of the points that are in / my brief.

GUCKENBERGER. Mr. Hanus JUDGE ZERBE. All right. is contesting apparently his client did not complete the voter registration application, and the block that is marked off “I am a citizen of the / United States.”

JUDGE ZERBE. Okay, well I hear what you’re saying and I’m sure that you are going to, later on, have an opportunity to talk about it later. You don’t have to feel like this is your only chance to rebut one another. (*To Hanus.*) I think Mr. Guckenberger should go first, Mr. Hanus, just because he has to prove by clear and convincing evidence the charges established. And you can go next. Is there any dispute on that?

HANUS. No.

JUDGE ZERBE. Okay, all right. Mr. Guckenberger, you may proceed then?

GUCKENBERGER. Ma’am, could you please state for the record your full name and can you spell it for the record?

ELIZABETH. My name is Elizabeth Keathley. E-L-I-Z-A-B-E-T-H K-E-A-T-H-L-E-Y.

GUCKENBERGER. And ma’am, what is your current address?

ELIZABETH. 1606 Pasture Lane, Bloomington, Illinois.

GUCKENBERGER. And where were you born?

ELIZABETH. The Philippines.

GUCKENBERGER. On what date?

ELIZABETH. October 28, 1978.

GUCKENBERGER. Okay and what is your citizenship?

ELIZABETH. Philippines.

GUCKENBERGER. Do you have citizenship in any other country?

ELIZABETH. No.

THE COURTROOM: A Reenactment of Deportation Proceedings

text arranged by Arian Moayed

4 men, 5 women (flexible casting)

Elizabeth Keathley, a Filipina immigrant, entered the United States on a K-3 visa to live with her husband, a U.S. citizen. When applying for her driver's license at an Illinois DMV, Keathley inadvertently said "yes" to the form question of registering to vote, and subsequently received a voter registration card in the mail. With this voter card, Keathley voted in a midterm congressional election, violating U.S. election law. When the mistake was discovered at her citizenship hearings, the Department of Homeland Security ordered her deportation. Elizabeth Keathley's case went from Chicago Immigration Court all the way to the U.S. Court of Appeals for the Seventh Circuit. Created from verbatim transcripts, THE COURTROOM is an uncanny examination of the U.S. immigration system and one woman at its mercy.

"...this is theater as civic meditation. ...[THE COURTROOM] enlist[s] the spectators as witnesses, exhorting the Americans in the room to consider what our nation is doing in our name and how, if we oppose that, we intend to stop it. ...As the piece follows her from one courtroom...to another...what is most palpable is the suspense—how deeply invested the audience becomes in the future of this gentle woman."

—The New York Times

Also by Arian Moayed
HAMLET (Ridgely)

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