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REMEMBRANCE OF THINGS PAST  
(With apologies to Shakespeare and Proust) \*

a novel

by

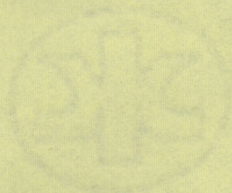
Robert Traver

\* Authors note: Material in parenthesis to appear only on  
the title page.

"When to the sessions of sweet silent thought  
I summon up remembrance of things past,  
I sigh the lack of many a thing I sought,  
And with old woes new wail my dear time's waste."

*opening the*  
First quatrain of Sonnet XXX  
by William Shakespeare

To Paul C. Young, American pioneer  
in a neglected field of Psychology.



Memorial Board  
EST. 1877

## Chapter 1

All jails stink, and the Upper Peninsula of Michigan's Iron Cliffs county jail, if no worse than <sup>many</sup> ~~most~~ and possibly better than <sup>most</sup> ~~many~~, still stank of that stale rancid odor that seems inevitably to cling to all places where ~~crowded~~ men are held captive at close quarters. As I opened the heavy outside jail door the old familiar smell smote me like a blow from a mallet; I had forgotten how bad it could be.

<sup>Once inside</sup>  
I stood waiting for the attendant, reflecting that jails possessed but one of the magic ingredients of the famous <sup>old</sup> phrase revived by Sir Winston; blood, sweat and tears (actually what the old British lion <sup>had</sup> told Parliament was: "I have nothing to offer but blood, toil, tears and sweat); with jails there was a difference: they stank of urine, sweat and disinfectant.

## Chapter 1

All jails stink, and the Upper Peninsula of Michigan's Iron Cliffs county jail, if no worse than many and possibly better than most, still stank of that stale rancid odor that seems inevitably to cling to all places where caged men are held captive at close quarters. As I opened the heavy outside jail door the old familiar smell smote me like a blow from a mallet; I had forgotten how bad it could be.

Once inside I stood waiting for the attendant, reflecting that jails possessed but one of the magic ingredients of that ancient phrase about the wages of war revived by Sir Winston: blood, sweat and tears (actually what the old British lion had told Parliament was: "I have nothing to offer but blood, toil, tears and sweat"); with jails there was a difference: they stank of urine, sweat and disinfectant.

Nothing had changed since my days as district attorney.

The same cracked green-shaded light still shone down on the turnkey's desk, casting a pallid glow on the familiar men-wanted signs on the bulletin board over the row of visitors' chairs. The same inverted-Christmas-tree-shaped eye-chart with its diminishing-sized type. The same ~~arrayed~~<sup>impressive</sup> battery of large dangling keys. The same slow gurgle and belch from the same old dented coffee maker on its stand in the corner. I gratefully drank in its smell, speculating that perhaps the formula needed revision: that jails stank mostly of urine, sweat, disinfectant--and coffee. All that had really changed was the cast of characters in the cages beyond. I heard the noisy flushing of a toilet and a door opened and the young turnkey emerged complacently patting his fly.

"Hi there, Mr. Biegler," he greeted me amiably, squatting  
at his desk and pushing aside a folded newspaper turned to a  
partially-worked crossword puzzle. He was ~~young~~ blond, husky  
and crew-cut and I did not know him. "What can I do for you  
this lovely <sup>summer Saturday</sup> ~~June~~ night?"

"I'm Paul Biegler the lawyer from Chippewa," I said.

"But I <sup>see</sup> guess you know that already. I've come to see Randall  
Kirk."

"Of course I know Paul Biegler," he said. "You used to  
be our county prosecuting attorney a few sheriffs back. I'm  
Gary Kallio, the new night turnkey under Sheriff Wallenstein.  
So you want to see our prisoner, Randall Kirk?"

"That's right."

He glanced up at the wall clock behind him--over the  
rows of dangling keys--and the hands read <sup>half after ten.</sup> straight-up  
~~midnight.~~ "Hm..." he said. "Kinda late."

"I know," I said. "~~I~~<sup>≡</sup> was out fishing today when the  
case broke. Car radio's gone haywire. Less'n hour ago  
back at my office found <sup>a note that</sup> ~~out~~ Kirk's mother's been phoning  
me all day. So I phoned her back and she wants me to be  
her son's lawyer. Also wanted me to see him tonight and  
phone back. Explained to her it was <sup>getting</sup> ~~rather~~ late but that  
I'd give it the college try. What do you say?"

"Hm," the young turnkey repeated. "So you're Kirk's  
lawyer then?"



"Don't know yet. Naturally a lawyer's gotta talk to  
his man first. Maybe he's panting to plead guilty. And  
*maybe* even if I decide to take him on *he won't want me.* ~~there's always the question~~  
~~of whether he will want me.~~ Free country and all that, you  
know."

"You're far too modest," the young turnkey said,  
smiling. "Your fame as a courtroom bearcat precedes you."

X "Aw gee tanks," I said, smiling, admiring this young  
man's cool. "Do I get to see Kirk tonight?"

Young Kallio blinked and again glanced back at the clock. I had plainly thrown him a curve. "Never had this happen before," he went on. "Sorta hate to wake the Sheriff <sup>"Sheriff sacked out early tonight and I</sup> ~~so late to ask him.~~ <sup>Other boys tell me he</sup> Gets real sore." Then his eyes gleamed with sudden inspiration. <sup>Summer</sup> "Visiting hours are over at nine," he ran on. "See, says so right there on that card on the bulletin board."

A rule is a rule is a rule, I thought. But weren't even the best of rules made to be broken? "I don't want to visit anybody," I said softly. "Simply want to see and talk a little with a poor ~~jailed~~ bastard ~~facing~~ a charge <sup>with</sup> of first degree murder. Then maybe phone his worried mother. What do you say, Mr. Kallio?" It was my turn to look at the clock. "Or would you prefer <sup>that I</sup> ~~me~~ to disturb the beauty sleep of your touchy Sheriff?"

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Gary Kallio blinked thoughtfully at the far wall. Then he grinned and half rose and reached up for the key to the main cellblocks. "Okay, okay," he said. "I'll go see if your man's awake and wants to see you. He's up on the third floor ~~above~~ where we keep the felony boys so it'll take a *while* <sup>"</sup> ~~little time.~~" He gestured at a door next to that of the toilet. "Wanna wait in the conference room?"

"No thanks, I'll just stay out here and mind the store."

Branch banks must be easier to open, I thought, as the young turnkey, crouching <sup>*and intent as*</sup> ~~like~~ a safe-blower, unlocked and slowly pulled open the first creaking all-metal door, revealing a second barred door to the cellblocks--and also unloosing a sudden blast of stench and snoring men--which he also unlocked and pushed forward. He then turned and spoke in a lowered voice, almost a whisper. "You'll square me with the Sheriff if I get in a jam over this?" he said.

"Of course," I said, smiling, "but the only jam I can see is if you hadn't let me see him."

He took a few steps toward me, glancing left and right, his voice still lower. "Don't wanna talk out of school, Mr. B, but if you accept this case I'm afraid you'll be taking on a tough one."

"All murder cases are tough," I said, speculating what it was this friendly young man was trying to tell me.

"Especially if it turns out that one's client happens also to be guilty."

"Don't know anything about that, but the Sheriff told me tonight when I came on"—he was whispering now—"that he and the state police have got this one sewn up tighter than a bull's <sup>er</sup>—" he hesitated and smiled.

"'Landing gear' is good this season," I whispered back.

"Thanks for the tip, Kallio. Meanwhile I'll hold the fort."

I stood blinking thoughtfully as the young turnkey pulled shut the first door and locked it, and then the second, and presently I heard his muffled steps clinging the metal-shod stairs to get <sup>to</sup> my prospective client. Then I poured myself a cup of scalding coffee and composed myself at his desk.

Chapter 2

I resisted the temptation to finish off the young  
jailer's crossword puzzle—<sup>get</sup> without it ~~what~~ ~~in hell~~ would the poor  
bored devil <sup>do without it</sup> ~~get~~ <sup>long</sup> through the night?—and instead turned ~~his~~ <sup>the</sup>  
newspaper to the front-page story of the case that had  
brought me to this reeking jail on a lovely June night.  
My law partner Parnell McCarthy had earlier left a copy  
of the same county-wide paper on my desk at our office,  
along with my phone calls, but in my haste I had only  
scanned it. I now reread it carefully and confirmed an  
earlier impression that the young reporter of the Daily  
Mining Gazette, Miles Gleason, had outdone himself; it  
had probably been his finest hour.

"MINING HEIRESS FOUND SLAIN IN LUXURIOUS ISLAND  
SUMMER HOME," the lurid headline proclaimed. "Socialite  
Bachelor Jailed for Strangulation Murder" it said underneath.

The news account itself, date-lined from Chippewa, was  
brutally brief:

X \* "Mrs. Jason (Constance) Spurrier, 32, prominent society matron and heiress to a mining fortune, was found dead on the floor of her bedroom early this morning in her luxurious island summer home known as Treasure Island located on exclusive Yellow Dog Lake several miles north of here. The semi-nude body of the dead woman was found by a maid, Ingrid Berquist, 22, of Chippewa, when she went to the bedroom to inform her mistress of a telephone call. Miss Berquist immediately summoned the police."

X "The state police and the Iron Cliffs county sheriff's department joined in the investigation, following which State Police Detective-Sergeant Harlow Maxim said that it appeared that the dead woman had been strangled and that ~~the~~ police were still investigating the possibility that she might have been molested." <sup>also</sup> (Ah, there it was, I thought, that great ambiguous newspaper euphemism that embraced everything from pinching babies to clawhammer rape.) <sup>g</sup> "He further announced that Randall Kirk, 28, a frequent summer visitor in the area, had been arrested for the killing of Mrs. Spurrier and was being held without bail on an open charge of first degree murder. Another police spokesman, who declined to be identified,

X  
X  
X

said that certain evidence found at the scene had implicated Mr. Kirk, adding that Mr. Kirk had already signed a voluntary police statement still further implicating himself." x

"The dead woman is the former Constance Farrow, only child of the late Mr. and Mrs. Borden Farrow, a pioneer iron-mining family in the Lake Superior area. She is survived by her husband, Jason Spurrier, and by a son from a former marriage, Marius Blair, age 11, presently attending school in the east. Funeral arrangements are incomplete pending conclusion of the official autopsy and the return of the surviving husband from an eastern trip."

There it was; that was all. I turned the newspaper back to the jailer's crossword puzzle and leaned back in his chair and studied the eye-testing chart on the far wall. Despite the prevalence of newspaper clichés in the article and further despite the inhibiting effect of <sup>certain</sup> recent U. S. Supreme Court decisions frowning on policemen airing much less trying their pending criminal cases in the public press, the young Gazette reporter had done an adroit job. x



Under the guise of a dead-pan report of an apparently routine brutal murder he had not only managed to convey an impression of sybaritic high <sup>jinks</sup> ~~jinx~~ in high places; he had also opened up a number of delightfully tittillating questions. For one thing, what had the lovely Connie Spurrier been doing in her bedroom with a strange man while in the semi-nude? And how had the personable young Randy Kirk got himself there? And if a \* tryst hadn't been arranged how had he known that Connie's husband would conveniently be out of town? What was the true story of this enigmatic affair? Read all about it, folks, in the future issues of the Daily Mining Gazette...

\* I fell to thinking of the dead woman, Constance Spurrier, and was surprised at my feeling of loss and sadness and, yes, resentment over her death. Not that I had ever known her intimately or even fairly well. For one thing I was nearly ten years older than she and had mostly been away at college or law school when she had started "taking up with boys"—to use my dead mother's artfully reproving phrase. Moreover I had never run much with the summer resort and country club set among whom young Connie had been raised—trout fishing is a demanding form of selfishness, in my case aided by poverty—and so had lacked

that handy propinquity which is rumored to be a helpful  
chemical weapon in the eternal sparring between man and maid.

X \* Then why did I feel so <sup>sad</sup> ~~badly~~ over her death?

Squinting, I could almost see her again, first as a  
spindly-legged flashing-eyed youngster home for the summer  
from boarding school careening around town in some expensive  
car or other, already with a reputation among the beagling  
local hotbloods for being "fast"; or, still later, after her  
first marriage, still see her and her marvellously tanned and  
silky long legs sashaying down Main Street, leaving the local  
girl-watchers drooling and agape; or again dashing along some  
woodland lane on a form-flecked horse.

I remembered the last time I had seen her, only a few  
weeks before her death. I had been driving along a narrow  
dirt country road, bound for fishing of course, when suddenly  
she had overtaken and roared past me in a low sports car--on  
the wrong side--horn blaring, her bare tanned arm gaily  
waving in a taunting go-to-hell salute--leaving the aging  
former DA choking in a mingled cloud of dust and desire.

My law partner old Parnell McCarthy, had probably come closer than anybody to putting his finger on the attraction I'd always felt toward Connier Spurrier. "I have a theory," he had walked into my office and proclaimed out of thin air less than a month before ~~and~~ since the old boy possessed theories on almost everything, which he was prone to deliver without ~~ee~~ *urging*, much as the drop of a hat, I winced and braced myself for his latest one.

"Fire away," I murmured resignedly, turning to our secretary Maida. "Stay where you're at, Maida—I'll <sup>get back to our dictation</sup> resume dictating in a ~~few~~ *few* minutes."

"With luck, you mean," Maida murmured, for she too had often been exposed to Parnell's many droll theories <sup>on</sup> of human behavior. X

"I have a theory," Parnell calmly ran on, "that in every town in America there is one certain <sup>unique</sup> woman that all the men covet and secretly want to lay. Now she need not be particularly beautiful or brainy or even too much afflicted with character or money—though there is no rule against that. <sup>to quality</sup> But under McCarthy's Law she must possess one outstanding quality to reign as undisputed local queen of the hay."

"What's that?" I obediently inquired.

*immensely and*  
"She must be outrageously bedable."

"Like whom?" I said, feeling like the straight man *on* of a TV comedy team.

"Like the woman you're just thinking about," the old boy came back, "like that there Mrs. Donnie Spurrier."

"The name is Connie," I corrected him, *to be sure* a little pensively, because it was precisely she, small world, that I had been thinking of.

"Was I right or wrong?" Parnell persisted.

"I'll sit on my constitutional rights," I said, folding my arms and jutting out my chin. "And now if *you've run out of* you have no more theories *for* to ~~expound~~ today, partner, I'll get on with the bill of complaint in our latest divorce case." *dictating*

"Aw gee, boss," Maida said, refolding her shapely legs.

"I won't mind if you come right out and confess *your dream girl is really* it's me."

"Bad for office discipline," I said--whereupon Parnell stalked out of my office with a disdainful snort.

So had the old boy unerringly summed up my feelings about the lovely Connie Spurrier. *in a stinking jail* And now I sat mourning the town's secret queen *loss of our* *that* *in a stinking jail* and waiting to see and maybe defend the very man who'd slain her. The prospect did not beckon.

I heard a metallic shuffling and then the sound of a key rattling in a lock and suddenly braced myself to face that man--at the same time doing a most strange and unlawyerlike thing. "Randall Kirk," I whispered, "may your soul fry in hell if you did this thing."

### Chapter 3

"Mister Kirk, shake hands with Lawyer Biegler here," Gary Kallio said, and we quickly shook hands and Gary shoed us into the conference room and, I surmised, raced out to grapple with his crossword puzzle. "Thanks, Gary," I called after him, closing the door.

"Well," I said, dropping my briefcase and eyeing Randall Kirk across the long battered cigarette-burned wooden conference table, the same table at which I had interviewed--"grilled," the Gazette would have put it--so many suspected felons back in my prosecutor days. He was tall, taller than I, and dark, with thick rumped dark hair and smouldering dark eyes out of which he stood looking at me with mingled wariness and wonderment. He was wearing a pullover cashmere sweater, without a shirt, and a pair of rumped dungarees streaked with paint. On his bare feet he wore some sort of open-work beach sandals.

Despite my growing tolerance for advanced hirsute adornment I was a little shaken to observe that he also possessed a longish straggly golden-blond mustache with delicately upturned ends, and I wondered vaguely if he dyed it. "Won't you sit down?" I said.

"Yes, of course," he said, quickly sitting opposite me and regarding me with dull incurious eyes. I suppose he could have been described as handsome, as any young well-proportioned person may be said to be attractive, but at the moment it was an attractiveness of surfaces, there seemed to be no inner light, no engagement.

"I talked with your mother on the phone earlier tonight and she asked me to come see you," I said, "and look into your--ah--situation."

"Yes, I assumed she had," he answered in the same flat non-committal monotone. There was no sign of hostility or evasion; just a lack of interest and--well--engagement.

"Would you like to talk about it?" I said.

His strong tanned hands lay cupped open on the table in front of him and he stared down at them *incomprehendingly*. In my work I had grown professionally aware that the impulse toward confession, of unburdening, is strong in all of us, so I was not too surprised when suddenly he buried his head in his hands and started sobbing, his shoulders heaving convulsively.

"Look, Kirk," I went on, trying to keep my voice low, feeling at the moment a little like a father confessor, "you're a big boy now, *and you'd* better *get* you get hold of yourself. You're also in one hell of a jam. Moreover it's *getting late* way past midnight. Do you feel up to talking to a lawyer tonight or would you prefer not to?"

He looked up at me, his ~~stricken~~ eyes filled ~~not only with~~ *tears but* with a look of anguish and bafflement. That and pleading.



"Desperately," he whispered. "I must talk with someone. They--  
they say I killed Connie."

"Didn't you?" I was tempted to ask, but I did not; competent  
defense lawyers scarcely operate that way; for one thing their  
clients <sup>just</sup> might answer them. It was safer to sidle up to the big  
questions, which is what made interviewing felony clients such  
a ~~sort of~~ stately verbal minuet. More than the client's  
interests was involved; there was also the little matter of *his lawyer*  
saving face; if the lawyer finally took on the case it was some-  
times better all around if the question of guilt remained decently  
shrouded in ambiguity...

Instead: "Maybe it would be easier if I asked the questions,"  
I said, and he nodded, so I got out my notebook and pulled out  
and ignited <sup>a gnarled</sup> an Italian cigar--one scarcely lit the things--and  
settled down for the Big Quiz.

"Your mother," I began obliquely, "called herself Mrs.  
Stallings over the phone. May I assume you are a child by an  
earlier marriage?"

"Yes," he answered quietly, smiling a little for the first  
time. "Milo Stallings is the fourth man on Mother's growing  
matrimonial totem pole. I was an offshoot of the first. All her

previous marriages ended in divorce." Again the slight smile.

"Mother is an indefatigable seeker after romance."

Ah, my man had a sense of humor, I gratefully saw. "And your own father?"

"Father was husband number one. He died shortly after Mother divorced him. Not of a broken heart, as Mother still likes to fancy, but in a car accident--though in his fashion I believe he deeply cared for her."

"Any brothers or sisters?"

He shook his head. "I was her sole adventure in motherhood."

I had him talking now so I speeded up my questions. "Is she apt to come up here from her place in Georgia?"

He pondered his reply. "No, I don't think so," he said slowly. "If I'm guilty her pride wouldn't let her, and should I be innocent she'll probably conclude she's done enough to have furnished her offspring the best lawyer money can buy."

"That was a pretty touch," I said. "About the best ~~lawyers~~, I mean."

"I really mean it," he said. "Mother doubtless loves me in her fashion, but--"

"Yes?" I prompted.

"She is quite a rich woman," he went on, groping for words.

"Sometimes I think the very rich have it even worse than the very poor. They finally come to think they can buy everything-- love, honor, happiness--simply by signing a check. I've put it badly."

X  
"It's a dilemma I've never had to face, I said. "More's the pity." I re-lit my cigar and suddenly, against all my experience and better judgment, decided to toss him The Bomb. "Did you kill Connie Spurrier?" I asked softly, wondering at my switch. Maybe I wanted an excuse to turn down <sup>this</sup> the case or even to get him to hang himself... "Did you kill her?" I repeated.

He answered without any hesitation. "I don't know," he said quietly.

"What?"

"I don't know," he repeated. "God damn it, Biegler, I don't know, I don't know." X

I put down my cigar and squared myself in my chair. Something new had been added and, with equal suddenness, I decided to go back on the oblique standard. "Did you know the woman?"

"Ever since boyhood. We grew up together--in a summer sort of way--tennis, swimming, sailing, picnicking on the beach, cottages on the same lake, that sort of thing." K  
^

"Then you were with her in her home last night--let's see,  
it's now <sup>almost</sup> early Sunday morning--I mean Friday night?"

Again the quick look of bafflement. "I don't really know--  
it's all so mixed up and confused. I think I was--they tell me  
I was--but for my part I--I can't remember."

"Were you drunk, man?"

"I very much doubt it. I've been what you might call a hard  
drinker ever since college, yet I can't recall a time when I  
couldn't remember where I was or what I was about."

I fired up a new cigar and studied a trade calendar advertising  
handcuffs and leg irons <sup>on the far wall</sup> ~~on the far wall~~. The propinquity and  
symbolism was ~~rather~~ sobering: calendars and handcuffs both served  
time. "Would you be willing to take a lie detector test on that?"

I went on.

"On what?"

"That you don't remember being at Connie Spurrier's and that  
you weren't drunk?"

"Of course."

"And be willing to abide by the result?"

"Yes."

"Has anyone suggested--I mean the cops--that you take such  
a test?"

"No."

"Did you tell them you can't remember--that is, about harming Connie Spurrier or even being there?"

"Over and over from the moment they brought me in."

"Were you ever in the past given to fits of forgetfulness or spells of blacking out and loss of memory?"

"Never."

I removed my cigar and pointed the burning end at Randall Kirk. "I ask you now--do you still say you don't remember being with Connie Spurrier the other night much less harming her?"

He answered immediately. "I swear it."

I excused myself to go out to the washroom, as much to think as anything else. This was something new and different in my experience either as a prosecutor or defense lawyer. Either this attractive guy was a clever liar or he was telling me the simple truth. If the latter, while that still wasn't necessarily a defense to murder, it just might be. And if the bastard was lying I prided myself I could catch him at it; the <sup>fickle</sup> voting public had once furnished me an elaborate training course in <sup>the</sup> that art. Remembering not to pat my zipper, I emerged flushed and happy and got on with that chore. Testing, testing, I decided to take a different tack.

Chapter 4

"Had you--ah--been intimate with Connie Spurrier?" I began.

He recoiled as though I had slapped him, his eyes suddenly grown defensive and wary. "I suppose," he answered slowly, "one might call it that." If I was going to play the little game of euphemism, his look plainly told me, he'd play along to a point.

"Were you and she in love?"

Frowning: "Are these sort of questions necessary?"

"Suppose you let me be the judge."

He studied his open hands and breathed deeply before answering.

"I suppose," he answered steadily, "that I loved her deeply." He paused. "And for as long as I can remember."

"And she?"

"I don't know," he answered slowly, as though he were contemplating the question for the first time. "I think Connie was always rather more in love with the idea of being in love." He smiled faintly. "In many ways she was like my own mother--always searching for romance like a little girl seeking a lost doll or strayed pet. Or perhaps more like a woman searching for a knight on a white horse." Again the shadow of a smile. "The last horse I rode was ~~a~~ muddy gray and <sup>it</sup> threw me."

"Did she ever tell you she loved you?"

After a pause: "Yes."

"And you say you and she were intimate?"

Grudgingly: "Yes, we were close."

I puffed my cigar and blew a ring and studied the out-curling smoke. "I wasn't there, Kirk, so I can't say how close you were," I said, blowing another ring. "What I want and need to know is precisely how close. I was hoping you'd get the message without my spelling it out. How close was close?"

He winced his eyes shut and shook his head, speaking rapidly. "I can't tell you that...How can I possibly tell you that?" He looked at me, unblinking, not so much reproachfully as uncomprehendingly. "How can you--how dare you ask me that?"

I had violated his gentlemen's code of honor, and as he fingered his mustache and stared disdainfully at me I fought the impulse to hang my head. Now while there is no law, state or federal, requiring a lawyer to fall in love with a prospective client before taking his case, <sup>on</sup> it helps some if he can at least find the bastard <sup>still</sup> endurable---and Randall Kirk was making even that a little tough.

I saw it was time for plain talk and I abruptly lowered the boom.

"Look, Mr. Kirk," I began softly, "I am merely a battered journeyman lawyer who came here tonight to interview a man charged with the murder of the woman he tells me he loved. Beyond that all he tells me is he doesn't remember even being with her much less



*Imagadd,*  
harming a hair of her head. So far he ~~also~~ hasn't come within a  
country mile of showing a defense to his case. Journeyman lawyer  
is getting a little despondent and perhaps may be forgiven for  
clutching at straws. Are you following me?"

"I'm listening."

*To learn*  
"I cannot tell you how personally incurious I am <sup>^</sup> about the  
romantic seizures ~~and sex calisthenics~~ of my clients--except only  
as their revelations might help me to help them. *I want you to*  
*Please* get that clear. If I knew you were laying Connie Spurrier, ~~for~~  
~~example, let me assure you that~~ my main reaction would ~~not~~ be one  
*some interest in* of voyeuristic delight but envy--that and the possible clues it  
<sup>^</sup> might give me?"

"Like what clues?"

"Like maybe somebody else killed her. Like maybe she killed  
herself. Like maybe it was an accident or self-defense or one of  
a half dozen other things."

"Go on."

"You, sir, are in one hell of a jam. In your way you are in  
as bad trouble as a deeply disturbed person on the couch of a  
psychiatrist. The latter probes his patient not to hurt him, not  
to gratify his curiosity or lust for smut, not to run tell the world,  
but only possibly to save the poor bastard. Are you beginning to  
follow ~~me~~?"

"I think maybe I am."

"Good. Now there are two ways you can play it. You can clam up and make like an Eagle Scout and obediently go to prison to spare the memory and reputation of the woman you say you loved. Many have done it. Or you can help the poor baffled man who's trying to help you by telling him everything--and I mean everything--that might help him unravel what really happened and, with luck, maybe save you from prison--though in the end he may fail at that just as a psychiatrist sometimes fails. Have I made myself clear?"

"Yes."

"All right. Now I'm going to ask you a plain question. If you prefer not to answer it simply say so and I'll gather up my notebooks and fake leather briefcase and go away. Are you ready for the question?"

"I'm ready to hear you ask it."

"Were you laying Connie Spurrier?"

I'd made him frown and flush and look away and then slowly glance back at me. It was the moment of decision and he knew it. He stared at me and I stared back at him. Neither of us made a move. "Look," he finally said, reluctantly, uneasily, "if I did tell you would it all have to come out in court?"

"Not necessarily," I said, tactfully neglecting to remind him that by asking his question he had already pretty well answered mine. I felt I'd learned something more: that he was so obviously naive before the dark arts and stratagems of adroit cross-examination that when he'd earlier said he couldn't remember the events of the previous evening he had probably been telling only the simple truth.

"But it might come out?" he persisted.

"Well, I certainly wouldn't have to ask you," I said. "I mean without first warning you," I quickly added, suddenly envisioning that ultimately I might be forced to reveal the whole story to have any chance of saving him--so swiftly could fortune shift, I had learned, during the course of almost any jury trial in the land. "We may eventually have to <sup>tell</sup> reveal all," I said. "But I wouldn't ever do that without first consulting you. That's a promise."

I'd frightened him again and he frowned and looked away. To reassure him I pushed my notebook and ballpoint away. "See, I won't even write down your answer."

"But <sup>couldn't</sup> the other side ~~could~~ ask me?"

"They could still ask you whether you answer me now or not. It's one of the reasons I need to know the truth before we ever get into court. Lawyers are apt to ask anything in court--and frequently do.

Questions are their stock in trade. But so are objections, and I could object."

"On what grounds?"

This was a novel experience for the ex-DA--being cross-examined by my own client. "Well, for one thing if at the trial the prosecution asked you about your relations with Connie Spurrier last night you could honestly answer that you have no recollection," I said, pausing to set out a little trap. "Of course if you told them otherwise in your statement and your statement is finally admitted in evidence, or if they should come up in court, say, with a positive vaginal smear--as the newspaper report has vaguely hinted--then the cat is out of the bag." I paused and cautiously fed out more bait. "But if you didn't tell them about it in your statement and if you and she were what nice people call 'careful'--ah--that would probably be the end of that."

"We didn't use--" he blurted and then caught himself and flushed again.

"Yes?" I said silkily, pretending I hadn't heard. "You were just saying?"

He made a nice recovery.

"Suppose the prosecution questioned me about our relations on other nights?" he inquired.

"I could object that the question was bad as being too remote and—let's see—and ~~moreover~~ that answering it might impute to you another crime."

"What other crime?" he said, puzzled.

"Adultery," I said, "that ancient but still most popular of *society's* intramural sports—though as a people I suspect we frown less on adultery than on getting caught at it, just as we incline to punish those guilty <sup>of it</sup> less for their crime than for their breach of community decorum in ~~ever~~ getting caught. But I digress."

"But how could I be guilty of adultery? I'm not even married."

"In modern adultery only one partner to the collision need be married to make both guilty. Guilt in adultery is like the Asian flu—if one gets it all do." I was getting to sound like Parnell.

He shook his head, *and smiled faintly.* "We live and learn. I didn't know. I always thought the law was otherwise."

"Law is like pregnancy," I said loftily, <sup>now</sup> boldly plagerizing Parnell, "a little of either can be a dangerous thing. You've been reading the wrong almanacs."

"Anyway I've cleared that up."

"There'll be no extra charge for my ~~enlightening~~ lecture."

A faint smile played across his worried features. "In other words," he said, "if one party is married both become tarred with the same brush?"

"In the circumstances," I said, "I find your figure of speech not only apt but ~~little short of~~ inspired. In fact you've put your finger on it." I glanced at my watch. "Are there any further questions?"

"I'm sorry," he said, spreading his hands, "but please believe that I'm not asking all these questions to protect myself. Only to spare her. And I have just one more."

"Let's have it. It's getting late."

"If the other side asks any such questions and you objected are you sure the judge would sustain you?"

"I am not," I hastily disabused him. "Trial judges are like baseball players ~~up~~ at bat--they are squarely on the spot, they have to decide swiftly on whatever the experts keep ~~tossing~~ <sup>toss</sup> at them, and if they guess right even less than half the time they're doing damned good in any league. The remarkable thing about our courts is not that judges make occasional goofs but that they make so few. X

"You respect your profession, don't you?"

"I guess so," <sup>mild</sup>  
"Profoundly," I answered, feeling a jolt of surprise, "but not all the stuffed shirts in it. Anyway, any poor lawyer who keeps putting his money on guessing what a busy and harried judge might rule is apt to wind up sleeping in boxcars and ditches." I sighed and again looked at my watch. "But I didn't mean to make a speech-- especially at this ~~late~~ hour. The fact remains, Kirk, ~~that~~ you will

haven't ~~squarely~~ answered my question. Now regardless of whatever may or may not eventually come out in court I've got to know and know it now. I'll ask you once more. Were you laying Connie Spurrier, yes or no?"

"Yes," he said simply, resignedly, "but then you've known <sup>it</sup> all along. I swear you lawyers could wangle the truth out of a turnip."

I wanted to sigh but did not: at last I had the lady laid. It had been, as the English say, a near thing. "For how long?" I pressed on, ignoring his pretty compliment to my profession.

"Since early last summer---just about a year."

"How about her husband, Judson Spurrier?"

"The name is Jason."

"Judson or Jason---how did you two manage?"

"Well, he was often out of town and when he was here he fished a lot."

"Ah, a fellow fisherman!"

"And a consummate one. In fact we often fished together---as recently as last week."

So my prospective client was a fisherman too; it made it almost too cozy. "Then you and he <sup>have</sup> remained on good terms?"

"Yes. He has a private fishing place on a lovely trout stream south of here---I mean south of Chippewa---and we often fished there together."

"Did he know about you and Connie?"

"Scarcely, or at least he never showed it. Naturally we never talked about it. You see, Connie and he were separated. She'd recently filed for divorce and gotten court papers forbidding him to see her or come home."

A handy arrangement, I thought. "On what grounds?"

"Mental cruelty or some such. Connie and I never really discussed it. For one thing, he's considerably older than she was-- old enough to have been her father, as the saying goes."

"How come she ever married him?"

He held out his hands. "I've often wondered, though I must say I've always found him a delightful companion, urbane, cultured and enormously erudite--he seems to know everything about everything." He smiled. "But perhaps it'd take one of your psychiatrists to unravel the mystery of her attraction toward him, they're so terribly different--I mean, were so terribly different. Maybe she was searching for a lost father or something."

Randall Kirk, I saw, was no dummy. "The universal unwritten ground for divorce," I said, <sup>still</sup> ~~again~~ stealing from the dependable Parnell, "is that the parties have reached the point where they <sup>one big</sup> ~~can't~~ <sup>but</sup> stand each other. <sup>merely phony</sup> ~~I've often felt that~~ the assorted grounds given in the various <sup>one of these</sup> ~~divorce~~ statutes are <sup>and any man worth his salt gives his wife grounds for</sup> ~~more~~ polite face-saving window dressing. Perhaps

a selfish bachelor fisherman shouldn't sound off on the subject, but

*divorce at least  
one a day*



in my work I've surveyed so much matrimonial wreckage that I'd  
guess the bonds that hold a marriage together are <sup>about</sup> as fragile  
and tenuous as those <sup>that hold</sup> in friendship: once unraveled or broken  
all hell plus the king's men can't put them back together again."

"You sound a little like Eric Hoffer."

"The name is familiar but I don't think I know the guy.

Is that a compliment?"

"I meant it to be. Thought you might have caught him on  
television."

"Don't own a set," I said, rising. "Didn't you know? Not  
owning a television set has become the nation's cheapest status  
symbol, the latest cultural crutch, the new bargain rebellion  
preserving <sup>instead</sup> to that handful of eccentrics who don't possess one <sup>— though</sup>  
<sup>they may read comic books in bed. —</sup>  
the comforting illusion that they're at least <sup>acut</sup> above the  
gaping canaille."

"I don't own <sup>a set</sup> ~~one~~ either," he said, laughing, which only  
spurred me on.

"And haven't you heard <sup>the rumor</sup> that Congress, having already given

away the airways to the ~~networks~~ is now planning on giving them  
the Statue of Liberty. Liberty's torch will be replaced by a  
spray can."

*Television merchants,  
also angling to give them  
According to plan*

"All hail the day."

"The idea is to facilitate the weekly rotation of spray cans  
by the highest bidder. Now isn't that resourceful Yankee ingen-  
uity for you? Good old Congress, always with an eye out for the  
main chance. Heartening to know we still got statesmen of such  
stature in Washington."

I'd made him laugh again. "You ought to be on television  
yourself," he said. "I'd even get a set."

"I'd be muzzled the first minute. But you ought to hear my  
partner Parnell McCarthy on the subject. He's so rabid he'd be  
~~both~~ muzzled and shot. He thinks Congress should not only be  
ashamed of what it's let happen to television but impeached. He  
calls it the grandest grand larceny since we stole a whole conti-  
nent from the Indians."

"Your partner may have something there."

I yawned and looked at my watch. "Let's take a five. I'd  
like some coffee. How about you?"

"I'd love some."

Old pages 7 to 9 incl. re-used in  
1971 revision as pages 9 to 11, incl.

## Chapter 5

While out getting our coffee I reflected that, while all very interesting, <sup>g</sup> it had not been too surprising to learn that Randall Kirk and Connie Spurrier had been that way about each other. And if old Parnell was right in his theory about bedable women, quite on my own I had discovered that these same women also inclined to <sup>swiftly</sup> repair there with men who attracted them. In fact learning that the two had been sacking up, far from giving me a clue, only increased my puzzlement. Men did not normally dispatch ladies who were both attractive and compliant, especially men who also professed to be in love with <sup>o</sup> these ladies. Why? Why? Why?

Randall Kirk sat absently fingering his mustache as I served our coffee. "It's getting late," I said after testing my coffee, "and I'd like to make one final push. Are you up to a final barrage of questions, all sorts of questions?"

"Fire away," he said, smiling faintly. "Regrettably it seems I have no pressing engagements elsewhere."

"Your military status?" I began. "Tell me about that."

"Non-existent," he said. "Ever since I just about ruined a knee

trying out for college football—the thing keeps going out on me  
on the drollest occasions—the military services have shunned me.  
It's one of the few real rewards I've ever discerned in college  
athletics."

"We will now flit from war to love," I said. "You say you were in love with Connie Spurrier and had been for some time. Did you ever hope to marry her?"

"If she'd have had me, yes, in a minute."

"Had you ever told her so?"

"Many times."

"Lately?"

"As late as the night before I—before this thing happened."

"And she?"

"She kept putting me off, recently saying she preferred not to make up her mind until after <sup>her</sup> the divorce. There was a quirky puritan strain in her makeup."

"Do you think you might have had a rival?" *I said, her puritan strain momentarily*  
*of Jason Spurrier."* "I'm not speaking *of her.*"

"No, I'm sure of it," he answered without hesitation. "Connie and I were very close."

"Am I correct in assuming that you did not discuss your feelings toward Connie Spurrier with the police?"

"No, I did not."

"Or your intimate relations with her?"

"Of course not."

"I see," I said. "Did you see today's newspaper?"

"No."

"It says you signed a police statement. Did you?"

"Yes."

"Do you remember what was in it?"

"Not everything. It was quite long."

"Did you read it before you signed it?"

"Yes, but I can't recall all that was in it."

"Did you tell them in it that you had no recollection of harming or even being with Mrs. Spurrier?"

"Yes, I've told you that already."

"Not quite, my friend. You told me earlier that you told them so from the start. We are now talking about what's in your statement."

He smiled. "I sit corrected." *I seem to recall it was in my*

"The papers says one of the cops claims your statement further implicated you," I pressed on. "What did he mean?"

"Well, for one thing they showed me my wallet which they said they'd found at the scene and asked me whether it was mine."

"And?"

"It was mine--even to my snapshot on my driver's license--and *naturally* I said so."

"And this is in your statement?"

"I think so, yes."

Well, the cops now had him firmly planted at the scene, statement or no statement. But police statements are often tricky things, as much for the cops as anyone, and I had to cover the waterfront. "Listen carefully, now," I went on. "Before the police took your statement did they tell you that you didn't have to talk, that anything you said might be used against you, and that you first had a right to see a lawyer?"

"I think so. It all sounds familiar."

"And your reaction? Think carefully now."

"I told them I was so confused I thought I really ought to see a lawyer or someone."

Visions of the controversial decisions in Escobedo and Miranda <sup>all</sup> and the rest danced through my head. "Was this before or after you signed your statement?"

"I told them that from the start."

"Ha...Were any lawyers present--such as Prosecutor Canda or one of his assistants?"

"Not that I know of. All of ~~them~~ <sup>present</sup> wore police uniforms. Is it important?"

"Possibly," I said evasively, not wanting to get into that...

"Back to memory," I went on. "If you can't remember being with Connie Spurrier Friday night, or harming her, do you at least remember going there?"

He closed his eyes and touched his forehead <sup>lightly</sup> with the bunched fingers of one hand. "No," he said, looking up and ruefully shaking his head, "everything's a complete blank. It baffles and sort of scares me."

About then it was sort of scaring me, too. "Did you have a date with her for Friday night?" Can you at least remember that?"

"More of an understanding. It was sort of understood between us that I could come see her any time I felt like it."

I tried not to look too much like a prying satyr. "And how often did you feel?" I casually inquired.

He flushed but answered steadily enough. "Most every night. Sometimes I swam over."

Ah youth...I quelled the unlaywerlike impulse to ask him how he got back. Instead: "Did you see her Thursday night?"

"Yes."

"And you clearly remember that?"

x ☆ "Unforgettable," he all but whispered. "Every occasion with  
x ☆ Connie was unforgettable."

"Except the last one?"

"Except the last one."

"Now I've got <sup>an</sup> a big important question for you and I want you to think hard before answering. Ready?"

"Ready."



x  
"If you don't remember being with Connie the other night, or even going there, what is the last thing you do remember? Or were you in a fog of ~~forgetfulness~~ all of Friday?"

I had tossed him a bomb, all right, and his dark eyes stared unblinkingly through and beyond me, groping for recall. In fact it grew a little eerie sitting there watching the man wrestling with his elusive memory. So I wouldn't have to watch his baffled eyes I changed the flint in my lighter, but still there was no response.

"What did you do Friday afternoon?" I prompted him, as much to break the silence as anything.

"Went trout fishing alone until nearly dark," he answered.

"Are you sure or are you making it up?"

"I remember it clearly," he came back, frowning. "The fish were rising and I kept my limit of lovely native brook trout. In fact I remember that when I got back to the car I had myself a stiff drink of bourbon by way of celebration--I carry the fixings--and then still another, it tasted so good."

I swallowed my envy and resisted asking him where he had contrived to catch his limit of wild trout; instead: "Do you think maybe the drinks got to you?--on an empty stomach and all?"

"No," he said, shaking his head, "that's daily par for the course."

## Chapter 6

Parnell had made me promise to check at our office after my interview with Randall Kirk, whatever the hour, and as I drove down the deserted Main Street of Chippewa--the tall overhead street lights casting a ghostly greenish pallor as on some back street in hell--I glanced up at our offices over the dime store and, sure enough, a lone light burning in Maida's room told me that the old boy was still keeping the vigil, doubtless consumed with curiosity and bristling with theories.

The old wooden stairs leading up to our offices creaked plaintively as I trudged upward, reminding me of another of Parnell's many pet theories: this the rather droll one that a lawyer's standing and abilities and the general nature of his practice could be pretty accurately gauged merely by looking at the place where he hung out his shingle and at the kind of neighbors he kept.

*rarely this obviates any*  
"It never fails and ~~there is no~~ need to plow through  
Martindale-Hubbell to get a lawyer's number," he had recently  
pontificated, referring to a standard lawyer's reference and  
rating book. "Simply take a *quick* gander where and among whom ~~he~~ *the bastard*  
hangs his hat."

"How do you mean?" I had asked, obediently rising to the  
bait.

*and acquisitive society*  
"Easy. In our screeching commercial ~~civilization~~ natur-  
ally the top-rated lawyers in any community are the ones who  
represent the money boys: the banks and insurance companies  
and all the more affluent business tycoons. They are the  
lawyers with the *yard-* ~~mile~~ *like* long firm names who sit on all the  
important boards and commissions and committees and are the  
negotiators and compromisers and settlers of the legal profess-  
ion, *men who more and more come to regard* ~~regarding~~ litigation as a breach of good form and ~~and~~  
~~last resort~~ *I who* and avoiding ~~the~~ courtroom like sin. Naturally  
*mostly* they roost *had* over banks and possess few if any neighbors."

"Hm," I said.

"Next come the lawyers who aspire to sit over banks but who meanwhile philosophically console themselves by suing the clients of those already there. While awaiting their own ascension they also gratefully collect delinquent accounts and draft endless deeds and wills and sixty-page leases and, when lucky, occasionally get one of the smaller <sup>lucrative</sup> estates to probate. Naturally they inhabit less rarified quarters than their loftier brothers and are likely to be surrounded by dentists and realtors and an occasional accountant."

"And where do we fit?"

"Last come those raffish journeymen lawyers like McCarthy and Biegler, undisciplined and bellicose types who sue first and settle later and whose greatest joy is eternally to wrangle and posture in court. Their standing among their brother lawyers sinks in inverse proportion as they are regarded as folk heroes of the law by a panting and uninformed ~~lay~~ public. They survive mostly on the spilt crumbs of the legal profession and are liable to pop up in anything from bent fender cases to the latest five-alarm divorce.

they are not choosy because they cannot afford to be and generally they roost over stores and garages amongst lurking chiropractors, photographers and beauticians."

"Touché," I had said, remembering that our own offices were flanked by a beauty operator and a hard-drinking osteopath.

"At least, Parn, we possess propinquity," I added. "We do command a lovely back-door view of the town's leading bank."

I had gained our office landing and inserted my key in Maida's door, whose office separated Parnells<sup>?</sup> and mine. I found it empty but hearing heavy breathing coming from my room I looked in and found Parnell asleep on my black leather sofa, his hands clasped placidly across his rotund and gently heaving belly. Back in the shadows, sitting in my black leather rocker, I discerned the craggy features and great shaggy mane of Parnell's old crony, Doctor Hugh Salter, a retired local physician,

his long legs sprawled out under our library table.

"Did you stop at a wayside dance?" Doc whispered to me.

"Parnell and I ~~were~~ just about to ~~give~~ you up."

"No, Doc," I whispered back. "It was a long session and

I got a late start. Glad to see you."

Parnell heard us and sat up ~~sleepily~~ <sup>slowly</sup> rubbing his eyes, and

then staggered over and switched on the overhead light and

plumped himself down at the library table, his rumped hair

caught up in a silvery Kewpie curl. "Well, Polly," he

demanding, coming abruptly to the point, "has the law firm of

McCarthy and Biegler got themselves a brand new murder case

or haven't they?"

"It's a long story," I said, wearily joining them at the

table and pushing aside their scattered ~~cards~~ <sup>playing</sup> cards and cribbage

board. "Let me tell you."

"Let's have it," Parnell said, smoothing down his rumped

forelock and eagerly hunching forward.

X

So I told them the story as Randall Kirk had told it to me, sparing nothing, not even the part about the mysterious bell. "There you have it," I concluded, lighting my umpteenth cigar. "By now I'd thought I'd heard every story that could possibly be dreamed up by a criminal defendant, but I'm wrong-- there is something new under the sun. <sup>e</sup> On thing is plain: if we take on this case we've got ourselves a little daisy, <sup>as Judge</sup>

"Hm..." Parnell hummed, blinking his blue eyes and <sup>rubbing</sup> ~~stroking~~ the raspy white stubble on his chin. "Polly," he inquired softly, "will you answer me truly one simple question, yes or no?"

"Of course, Parn."

"Do you believe the <sup>strange</sup> story this young fellow Kirk told you?"

It was the one large question in the case I had not yet faced up to, and I did so now, taking a long pull at my cigar and blowing out a thin trail of smoke before speaking. My answer ~~probably~~ <sup>probably</sup> surprised me more than it did them. "Yes, Parn,"

I finally said, almost reluctantly. "I'll be goddamned if I don't believe every word of it."

"Then of course we'll take the case," Parnell said.

"Of course," I said. "And you didn't think for a moment we weren't, did you?"

"Of course not," Parnell said, grinning at his old friend Hugh Salter. "And who else in this mans<sup>county</sup> would dare represent the poor devil now that that pettifogging old Amos Crocker is dead and gone?"

Amos Crocker had been one of the last of the <sup>countys</sup> old breed of grandstanding spread-eagle criminal defense lawyers, who'd <sup>a man</sup> ~~eternally~~ <sup>thinning</sup> been in my hair all the while I was D.A., the kind <sup>permanently aggrieved</sup> of lawyer who ~~regarded~~ <sup>to his honor</sup> every criminal prosecution as a personal affront and every trial <sup>as the</sup> ~~calculated result of a dark~~ conspiracy between the cops and the public prosecutor.

"Surely you remember the <sup>pross</sup> old fraud, Hugh," Parnell said, turning to Hugh Salter. "He was the only lawyer I ever knew who, when his client was charged with arson, <sup>says</sup> might boldly plead



alibi—and, <sup>9</sup> who then possessed the ~~unmitigated guts~~ to come charging into court at the trial fighting like hell to show that the fire was caused by defective wiring."

"And like as not sell it to the jury," I added ruefully.

"I remember him," Doc said, <sup>nodding, then</sup> turning to me and speaking musingly. "You say that the last thing your man <sup>Kirk</sup> remembers, Paul, is hearing some sort of bell?"

"That's what the man said, Doc," I said.

"Very interesting," he said, <sup>thoughtfully</sup> tamping and relighting his pipe.

"Why? Does it give you a ~~small~~ clue, Doc?"

"On the contrary <sup>it's</sup> ~~it is~~ the only case of apparent amnesia I've ever heard of to be precipitated in such a strange manner. In fact I find it intriguing."

"Then you mean young Kirk was suffering from ~~genuine~~ <sup>that</sup> amnesia?" I said, baying along <sup>the</sup> scent.

"Not quite," he answered carefully. "I'm only <sup>speculating</sup> ~~suggesting~~"

that if he told you the truth he would appear to have suffered from a most unusual form of lapse of memory."

"What you driving at?"

"Look, Paul, people can develop amnesia from a variety of causes: excessive drinking, drugs, brain injury, fever, epileptic attack, severe depression or repression—to name a few <sup>things</sup>—some even from the profound emotional and psychic shock of taking another person's life. But this is the first case I've heard of where the apparent loss of memory was touched off in such an odd manner and in advance of some crucial encounter or incident, as it were."

He sighed. "Anyway I'm glad you're in the case and if you don't mind I'd like to go along for the ride. This unemployed senior citizen routine is killing me. Like most retired doctors, I once spent so damn much time making money that I <sup>simply</sup> can't get used to the notion of spending the balance of my days ~~simply~~ trying to make water."

"Thanks and welcome aboard, Doc, I'm sure we'll need you,"

I said. "Whether and under what circumstances amnesia

is ever a defense to crime is of course a legal headache Parnell and I will have to grapple with. Meanwhile I have one more question that's bugging me."

"Shoot."

"Is it possible for Kirk to recover his memory?"

"It is possible," Hugh Salter said after a pause. "But then again he might not."

"Excuse me," I said, moving over to the phone on my desk. "I promised to call his mother." I put in the call and was connected almost immediately.

"This is Paul Biegler, Mrs. Stallings," I said, and then for the second time that long night I explained what her son had told me—omitting only <sup>his two sons' romantic disclosures and all</sup> the bit about the little bell; X

*all* that seemed too complicated and disquieting to get into over the phone at such an hour...

"No, Mrs. Stallings, I can't tell you what our defense will be—there's still a lot of work to do—but so far it boils down to this..."

"Yes, Mrs. Stallings, I'll keep in touch with you and the retainer <sup>fee</sup> you mention will be most satisfactory. Goodnight, Mrs. Stallings."

"How much is she paying down?" Parnell demanded <sup>before</sup> ~~when~~ I'd <sup>^</sup> barely hung up.

"A mere pittance," I said <sup>airily</sup> before announcing the biggest retainer the law firm of McCarthy & Biegler had ever gotten.

"Five grand."

"See!" Parnell intoned, appealing to Hugh Salter. "When ~~our~~ <sup>come to us with</sup> clients have airtight defenses ~~the bastards are~~ invariably <sup>they are stony</sup> broke, ~~and~~ <sup>but</sup> on those rare occasions when they're rolling in money all they can remember is a little bell. Woe is me."

"Tough," Hugh Salter said, arising and stretching his powerful frame and yawning prodigiously, staggering and prancing about as stiff-legged as an eager young stallion. "Meanwhile I'm going home to bed. Goodnight, gentlemen."

I stood watching the man go with a kind of rueful envy.

While I knew he must be in his mid-seventies, looking at him I felt he would never grow old in the undignified way of ordinary men. He was not so much youthful-looking as ageless, like one of those rare mortals in whom a fickle Nature had coiled a great spring at birth and wound it tightly for a long run. One sensed that when his time came he would stand ready and uncomplaining, even eager, one day simply toppling and crashing and then growing still like some proud <sup>and stricken</sup> old white-pine caught in an epic gale.

"Goodnight, Doc," I called after him, and Parnell and I listened to him lumber and creak his way down the stairs and slam the echoing street door and start his car and drive away.

Chapter 7

"Are you thinking some of maybe making an insanity plea?"

Parnell politely inquired, stifling a yawn.

"Sort of," I said, spreading my hands. "What other chance has the poor bastard got?"

"Beats me. Let's kick it around a little."

"Let's," I said, and so instead of sensibly going home to bed, tired as we were we began helplessly exploring the tangled subject of the defense of insanity in the criminal law and its possible application to our client. For in solemn truth a lawyer with a big new case on his hands is like a man newly fallen in love: general pixilation rapidly sets in and the thing utterly absorbs him. Thereafter no matter what else he may be doing—bathing or shaving, drafting a lease or downing a drink, fishing or ~~perchance even~~ fornicating—every waking hour he is <sup>beset and</sup> obsessed by his lovely baffling goddam case and how he might win it. And when finally he falls asleep it dependably haunts his dreams.

parnell, a bit of a pedagogue at heart, was also a stickler for getting down to the bare fundamentals of any new legal situation he faced, and so he began by reviewing that which we both well knew, namely, that while insanity was one of the chanciest and prickliest of all criminal defenses, it was when it worked also one of the best in that it was a total defense. In this it was akin to the claim of self-defense in the realm of homicide; the two differed in that self-defense claimed justification, insanity excuse, in which in the former the accused came into court in substance saying, "Yes, I killed the deceased but I had to in order to save my own life" while under insanity he was in effect saying, "Look, I may have killed him, granted, but I didn't know what I was doing or that it was wrong."

"To put it another way, pard," I chimed in, "every punishable crime requires two things, a criminal act done with a criminal intent, and if either ingredient is lacking there can be no criminal responsibility."

"Very good," Parnell said, spurring me on.

"And just as self-defense goes to the first element of a

crime—the criminal act—so too does alibi, in which the accused in effect says: 'I couldn't possibly have committed any crime, folks, because I wasn't there,' so insanity goes to the second element, the criminal intent, where in effect he says: 'I may have done it, folks, but I didn't mean to be mean.' "

All this was elementary, of course, readily apparent to even a moderately savvy first-year law student, but Parnell and I also knew that the big rub often came when one tried to apply what was essentially the expert medical defense of insanity to the "facts" in a particular case—especially when one's client couldn't remember what <sup>had</sup> happened and his groping lawyers weren't too sure what the facts were.

"How about our chances for making the defense of irresistible impulse?" Parnell put in at this stage in our exploration. In Michigan this was a possible defense under the general defense of insanity in which the accused in effect argued: "Yes, I know I killed the deceased and at the time I also knew it was wrong, but due to my addled mental state I simply couldn't resist doing it."



We knew that the defense of irresistible impulse (in modern psychological circles more often called "dissociative reaction") was aimed at ameliorating the claimed harshness of the old "right and wrong" insanity test—still followed in most states—of the famous and controversial <sup>old</sup> English M'Naghten's Case, decided in 1843, wherein the House of Lords in an historic advisory opinion bluntly laid down <sup>the edict</sup> that thenceforth the sole judicial test of mental responsibility for crime was whether the accused—I had learned the magic phrase by heart, even to the English spelling—"was labouring under such defect of reason, from disease of the mind, as not to know the nature and quality of the act he was doing; or if he did know it, that he did not know he was doing what was wrong."

We knew too that still other resourceful jurisdictions had invented still other legal pleas and devices aimed at relieving against the claimed simplistic harshness of the prevailing "right and wrong" test, <sup>of M'Naghten,</sup> most of which improvisations stemmed from the growing belief in <sup>or</sup> (many) legal circles that the classic rule of M'Naghten too much ignored modern psychological knowledge and

and progress; that it isolated and capriciously rewarded but one type or symptom of mental aberration—only that which fortuitously involved moral blackout; and that consequently it tended to distort, restrict and ultimately pervert expert <sup>medical</sup> testimony on the issue of insanity, making a forensic game out of it as well as <sup>truffans and</sup> liars out of many of the ~~medical men~~ <sup>experts</sup> who testified.

Finally we knew that perhaps the gravest charge of all against the "right and wrong" insanity test was that if under <sup>even conceding the</sup> M'Naghten <sup>rule</sup> a mentally afflicted person who didn't know he was doing wrong truly deserved to be excused from his crime, ~~as the old rule permitted~~, wasn't that all the more reason for pitying and excusing the poor tormented bastard who knew he was doing wrong yet still genuinely couldn't help doing it. And so the battle raged...

"Parn," I said finally, looking at my watch, "seems to me we still don't know enough ~~either~~ <sup>about</sup> about our case or our man to reach any final decision on insanity or irresistible impulse."

"Agreed," the old boy said. "Pretty hard sledding trying to have a man who claims his mind was a total blank also claiming he couldn't help doing what he did."

"Seems to me one of our first big research problems," I went on, "is to find out whether amnesia is ever a defense to crime, either generally or under a plea of insanity."

"Agreed," Parnell said. "And if he killed her by strangling, she being a healthy outdoor gal and all, <sup>at the time he must not only</sup> he ~~must~~ have been ambulant <sup>also</sup> ~~and~~ possessed considerable muscular coordination and control—<sup>but have</sup> right?"

"Right," I said, "which in turn may suggest some form of sleep-walking."

"And if he can't remember what he did then maybe he did it unconsciously."

"Yes," I said, making as though to get up. "So maybe not only amnesia but some form of somnambulism and unconsciousness are smack in the middle of our case." I <sup>again started</sup> ~~made~~ as though to get up.

"Who's for bed?"

"Agreed," Parnell said, waving me back down. "But before we disband let's wrap up what we may have going for us if we should make an insanity plea."

"Let's have it," I said.

"First, isn't it elementary that criminal responsibility in our Western society is bottomed on the venerable notion that a sapient human being, exercising free moral choice, consciously chooses to do wrong rather than right?"

"It certainly is," I said. *we agreed with the alacrity of fatigue.*

"So that if our man truly has no recollection of killing his lady love doesn't his case possess at least one of the crucial elements of a successful insanity plea?"

"What's that?"

"Lack of conscious wrongdoing?"

"Seems like, pard," I said. "Very good, in fact."

"And isn't there also something basically screwy and unbalanced about a man who can calmly snuff out the life of a woman he says he adored?"

"Rather," I agreed, unsuccessfully stifling a massive yawn and again moving as though to arise.

"Just a little bit more," Parnell begged. "Let's take a quick gander at maybe why we shouldn't ever plead insanity. You first."

"Easy," I said. "We still don't have enough dope."

"Yes, and also because under Michigan law, as in most states, we'd have to give the prosecution advance notice of our proposed insanity defense and thus tip our hand."

"And that way <sup>also</sup> alert the other side to rustle around and gather rebuttal medical and other testimony on the insanity issue," I came back.

"True, Paul, and maybe worst of all because <sup>under</sup> Michigan law, again like that of most <sup>other</sup> states, ~~provides that~~ any defendant acquitted on his successful plea of insanity may nevertheless indefinitely be held in a hoosegow euphemistically called a hospital for the criminally insane—a legislative device calculated, as you know, to protect the public and to discourage phony insanity pleas."

"Against that here," I said, "is that we seem to have a man who is not now crazy and we could probably block any attempted post-acquittal detention under a writ of habeas corpus or some such."

"Possibly," Parnell agreed, pushing on. "And ~~making an~~ <sup>pleading</sup> insanity plea might reduce <sup>our</sup> ~~the~~ trial to an expensive and uncertain war of psychiatrists."

"Yes," I ran on, "and because there have been so many outlandish and obviously phony insanity pleas made in the recent past that skeptical jurors seem to be <sup>more and more</sup> growing reluctant to allow any insanity defense."

"True, Paul, and further because, win or lose, of the lasting stigma that so often haunts anyone invoking the defense."

I made no comment but instead got up and headed for the door.

"Back to you," Parnell prompted me.

"I've run out of gas," I said. "Moreover I'm pooped and heading home to the sack. Wanta ride?"

"Nope, I'm staying right here, boy. Can I sleep on your sofa?"

"Sure, but better you go home, Parn," I suggested.

"I'm stayin' here," he repeated, wagging his head. "Goodnight, Chet."

"Goodnight, David," I said, yawning and lurching on my way.

Chapter 8

The next morning, Sunday, it was nearly noon before I showed up at the county jail dressed in my fishing clothes. There I found Sheriff Wallenstein chatting with his day jailer and, after our greetings, I arranged with the sheriff henceforth to let me visit my client up in his cell. "It will save all of us time and bother all around," I told him.

"That it will, Polly," he agreed, "and thanks for suggesting it. Also it won't cost anybody a dime."

and made arrangements with the sheriff henceforth to see him  
in his cell. "It will save time and bother all around," I  
told him.

"So it will, Polly," he agreed, "and thanks for suggesting  
it. Anyway it doesn't cost ~~anybody~~ <sup>anybody</sup> a dime."

Sheriff Matt Wallenstein was a tall, amiable, craggy-  
looking man who always wore a Matt Dillon type of western hat--  
except possibly in bed--and whose dearest wish was to avoid  
trouble with anyone. Everyone liked big <sup>delicious</sup> good-natured Sheriff  
Wallenstein and naturally he was unbeatable in that great <sup>periodic</sup>  
<sup>biennial</sup> autumnal lottery known as "running for sheriff."  
Even prickly Parnell suffered him though he had <sup>many</sup> ~~several~~ reserva-  
tions about his job. In fact, surprisingly enough, the old boy  
possessed a theory about the office of sheriff.

"The office of sheriff is as obsolete as the vermiform  
appendix and just about as useless," he had recently gathered  
and <sup>scornfully</sup> delivered himself. "Although once in a day the sheriff was  
an important wheel in <sup>his</sup> the community, today he is reduced to the  
role of a mere boarding-house keeper for drunks and mystified <sup>a</sup>



shuffler and server of papers."

"Hear, hear!" I said, *egging him on.*

"His election to office has got to be a ~~periodic~~ popularity contest with the marbles going to the entrant most richly endowed with three things"—Parnell, grinning evilly, ticked them off on his fingers—"one, a reputation for being a good guy who will not too much rock the boat, two, the possessor of at least a two hundred average in bowling, and three, above all a guy totally unsullied by any remote comprehension of law enforcement or what the hell he is doing."

"Pour it on," I urged him.

"Though he and his men probably patrol more miles in pursuit of sin than any cops in his bailiwick, to a man they are afflicted with a kind of motorized myopia, a sort of professional astigmatism, before which all incipient wrongdoers invariably vanish <sup>when</sup> he is forced to arrest a man at the behest of others he apologizes; when occasionally he must do so on his own he weeps. In short the sheriff has become the community symbol of the three wise monkeys: he sees no evil, hears no evil, speaks no evil."

"But aren't you overlooking good sheriffs like Abe Paquette,"

I remonstrated, "dedicated intelligent guys who during their time really tried to do a decent job of law enforcement."

"You could count 'em ~~on~~ <sup>remember, for their pains and</sup> on the fingers of one hand," Parnell came back, "and moreover to a man they quickly got their ass beat." He shook his head. "It's the obsolete office that's wrong, not the men who run for it."

"But why?"

"Look, Paul, when in order to keep his job a cop needs the votes of the very people he may some day have to arrest he's already got two strikes on him. That's only human nature."

"Then why do we cling to the office?" I said.

"Ah, because the sheriff is the only cop left in whose selection <sup>the people</sup> we still have any voice," he came back. "Because he is the sole remaining buffer between the people and the aloof new breed of scientific cops. Because he mediates and in a queer way represents the persistent strain of rebellion and lawlessness in all of us. Because he is the only cop left who manages the unique feat of keeping both his feet and ear <sup>an</sup> to the ground. Because in his fashion he is the rough litmus test of the community conscience. Because, Lord save us, we <sup>I guess</sup> need the picturesque bastard." Parnell paused and solemnly crossed himself. "God bless and preserve the office of sheriff," he said.

"Amen," I said.

And so, when that <sup>Sunday</sup> morning Sheriff Matt Wallenstein had personally unlocked his jail door and smilingly waved me upstairs, he was not only being characteristically gracious and politic but also tacitly telling me that, however bad things might look for my client, he had not yet become a community pariah. About then

it was some comfort, however small.

"Good morning," I said to Randall Kirk, who was lying fully dressed on top of his made up cot. "Here are some Sunday papers. Immortality is yours—you've made the front pages of the Chicago, Milwaukee and Detroit papers."

"Ah, thank you and good morning," he said, rising and shaking hands and taking the mound of papers. "Won't you sit down?" He gestured at his cot and the seatless toilet, which between them exhausted the seating accommodations of the place.

"Be my guest."

I sat on the edge of the cot, where he joined me, and got him up to date on the case. I told him about talking with his mother and about her sending us a check for our retainer; that the Sheriff had agreed to let me visit him in his cell—"He didn't even frisk me for hacksaw blades"—; and then I planned for us to meet the next morning at his formal arraignment in the Iron Bay district court.

"What's this arraignment business all about?" he inquired.

He listened gravely as I explained that any person charged

with a felony had first to be arraigned before a magistrate to determine whether there was probable cause to bind him over to stand trial in circuit court; that in no sense was this arraignment a trial; and that the accused could there either demand a preliminary examination and put the <sup>P</sup>people to their proofs or waive such an examination and automatically be bound over for trial. X

"In other words," I concluded, the preliminary arraignment is an ancient <sup>hard-won</sup> device aimed at preventing a guy from being railroaded to jail and held there indefinitely awaiting trial. it makes the cops show their hand."

"And at my arraignment do we demand an examination or <sup>do we</sup> waive?" he inquired.

"I recommend we waive?" I said.

"Why?"

"Because an examination would only arouse further unpleasant publicity and community resentment, which we <sup>I'd guess</sup> stand in no compelling need of. Because we already know they have enough on you to bind you over for trial whatever we say or do.

Because waiving an examination will give you more time possibly to recover your memory. Finally because it will also give me more time to hit the law books."

"Or possibly go fishing," Randall Kirk added with a smile.

"Or possibly go fishing," I agreed. "In fact I'm going this afternoon--after all I haven't been out since yesterday. Also it will give me an undisturbed chance to brood about your case. I have an intuition it will take a bit of brooding."

"Wish I could join you. Anyway I agree to waive."

"Your wallet," I said. "Couldn't you have left <sup>it</sup> ~~you~~"

~~at~~ at Connie Spurrier's some other night?"

X "No, I had it with me <sup>earlier</sup> Friday."

So ~~the door to~~ another small escape hatch was abruptly slammed. "Memory," I went on. "Are the events of Friday evening coming back any better?"

He pondered for a spell, nibbling his ~~lower~~ lip. "No," he answered, widening his hands. "Everything that happened is still a blank wall."

"You mean after you heard the little bell?"

"Yes, after I heard the little bell,"

I then told him that when I left I wanted him to go see the Sheriff and request a lie detector test on the story he had told the police.

"Why can't you ask him for me?" he countered. "Maybe he'll listen better to you."

"One big reason," I said. "is because I don't expect to testify at your trial."

"But I thought—must have read it somewhere—that the results of these lie detector tests aren't admissable in our courts anyway."

"I know," I said. "But with luck the fact that you asked for one just might be. <sup>Now</sup> Will you be a good guy and ask him?"

"Will do," he said.

I arose and rummaged in my briefcase and handed him a brown paper bag. "Here's a new toothbrush and some ~~paste~~ and shaving soap and a spare electric razor for your Castro look. The <sup>and things</sup> Sheriff is an old-fashioned and sort of nosey host who frowns on visitors smuggling in razor blades to his guests. Also a comb

and mirror and an exotic lotion that I'm told all the baseball heroes are busily dousing themselves with these days between home runs. Also a ballpoint and notebook to record your cosmic thoughts."

I had touched him and for a moment I thought he was going to cry. "Oh, thank you, Paul," he said shyly, again taking my hand. "My friends call me Randy."

"Fine. I'll see you over in court tomorrow at nine, Randy. Now I must run along."

I left him standing in his cell door holding the paper bag. "Good luck, Paul," he called after me, and I waved and quickly clanked my way on down the metal-shod stairs into freedom and undefiled air, reflecting on the corrosive irony of him wishing me good luck.



Chapter 9

"Good morning, Your Honor," I greeted the young crew-cut district judge, Orville Wendt, reflecting that police court judges somehow tended either to be very old or very young and idly speculating why. Perhaps the job offered a painless leg up for the eager young lawyer on the make--after all, lawyers couldn't come out boldly and advertise--just as it offered a relatively soft berth and assured meal ticket to the weary old lawyer coasting in...

"Good morning, Mr. Biegler," Judge Wendt said pleasantly.

"I assume you're here for the Randall Kirk arraignment."

"Yes, I'm waiting for him now. I'm also prepared to waive examination if the People will go along."

"Suppose we find out," he said, motioning the young assistant prosecutor Alfred Clish up to the bench. There was a fair sprinkling of spectators in the room--doubtless including the weekend's local take of traffic violators ~~humbly~~ waiting to be arraigned--and also a <sup>young</sup> reporter from the Gazette, so we discussed the proposed waiver in an undertone.

"As an old hand at the business, Mr. Biegler," the young assistance<sup>pr</sup> prosecutor said, "I suppose you understand that the People can demand an examination regardless of whether the defendant wants to waive."

"Yes, I understand that," I said, modestly neglecting to remind the young man that I had learned this interesting procedural point the hard way when I had been prosecutor—but only after wily old Amos Crocker had once waived examination in a statutory rape case and later the deflowered young lady, the assault to her virtue having evidently been appropriately assuaged, had lit out for Canada, leaving the proofless People high and dry and the red-faced young prosecutor helpless to proceed in Circuit Court. "Something about the right of the People to perpetuate proofs," I murmured.

"I rather think we'll waive<sup>along</sup> with you but first I'd better consult my boss," the assistant prosecutor went on, meaning the prosecutor, Eugene Canda. "Excuse me while I go phone."

Just then Randall Kirk entered the courtroom accompanied not by one armed deputy sheriff but two, both armed to the teeth and

both in uniforms so gorgeously resplendent that if it hadn't been for their guns and stars <sup>one well</sup> A might have mistaken them for strayed bus drivers who had <sup>in their travels</sup> borrowed some of the more exotic plumage of the University of Michigan marching band; they fairly glittered. The three sat in some unoccupied jury chairs inside the rail, my client wedged between. I went over and greeted him. He was clean shaven and tastefully dressed in a dark summer suit.

"Hi," I said, indicating his attire and grown mildly curious. "Don't tell me you found all that in your paper bag."

"No, a friend brought some of my things down yesterday-- after you'd left for your research," he said, smiling. "At least everybody hasn't deserted me in my hour of need."

"A friend in need," I solemnly misquoted, "gathers no moss."

The assistant prosecutor was back at the bench; I excused myself; it seemed waiver was agreeable; the armed bus drivers marched my man up to the bench--and presto, in seconds the whole

thing was over and Randall Kirk, who had said not a word, had been bound over for trial to the September term of circuit court.

"You understand, Mr. Kirk," His Honor explained, "that since murder is not bailable I must remand you back to the county jail to await trial in ~~the~~ custody of the sheriff."

Randall Kirk looked at me and, getting my cue, "Yes," I said, "I've explained all that to my client."

"Very well," His Honor said, *gently dismissing us.* "The court will now proceed with the misdemeanor arraignments."

"I'd like to talk with my client a few moments," I told the two deputies as we moved away from the bench--and shortly Randall Kirk and I were seated alone in the combination conference and jury room just off the court *rooms*, insulated from all intrusion by two handsome .38 Specials that I suspected had yet to be fired in anger.

"This is the week my partner Parnell McCarthy and I are hitting the law books," I began, "so please forgive me for asking

you again—do you still fail to recall any of the crucial events of last Friday night?"

The question depressed him and he sat looking down at his ~~open~~ hands. "God damn it, Biegler, please believe me," he finally said, "it's still all a baffling blank."

"You still ~~don't remember~~ <sup>have no memory of</sup> going to Connie's place?"

"No."

"Or <sup>of</sup> harming her?"

"No."

"Or <sup>of</sup> leaving there after you did whatever you did?"

"No," he repeated, this time in almost <sup>an</sup> whisper.

"And do you still claim and are willing to swear that the last thing you remember last Friday evening was sitting alone in your own cottage about dusk?"

"I do and I would so swear."

"And that you remember nothing after you heard—wait a minute"—and I got out my file and consulted my notes—"something like the faint tinkling or buzzing of a bell'—to use your own words?"

Randall Kirk sat staring at me, blinking thoughtfully.

"Well?" I prodded him.

"I don't remember," he said quietly, "any tinkling or buzzing of any bell."

"What?" I said, suddenly standing up.

Doggedly, almost surlily, again staring down at his hands:

"I <sup>just</sup> said I don't remember any <sup>hearing</sup> bell."

"Look at me," I said harshly, trying to keep my voice down.

"Do you mean to sit there and tell me that you didn't hear some sort of bell ring Friday <sup>evening</sup> at your cottage and that you so told me Saturday night in the county jail and again only yesterday morning <sup>up</sup> in your cell?"

"Right," he said calmly, looking at me steadily. "If I told you any such story I must have made it up. There wasn't any bell."

I suddenly felt chilled and for a moment I was glad that there were two armed cops <sup>to my spine</sup> <sup>hiding</sup> just outside our door. "Look, Kirk," I said, "let's start from the <sup>very</sup> beginning. Do you remember talking with me in the county jail Saturday night?"

"Of course I do."

"And again yesterday morning in your cell?"

"Naturally. And also <sup>all the things you so</sup> you thoughtfully brought ~~all those~~  
goodies <sup>me</sup> in a paper bag."

I then got out my notebook and carefully took him over the jumps on most of the things he had earlier told me that he did remember, all of which he <sup>questions negotiated</sup> ~~passed~~ with flying colors. There remained a final question, and when I asked him it I held my breath.

"Now, do you also remember telling me the other night certain things about Connie Spurrier and your--ah--intimate relations with her?"

"Yes," he answered, but he could as well have remained silent; from his sudden flush I knew he had.

"But not about any bell?"

<sup>I'm damned if I</sup>  
"No. In fact I ~~don't~~ know what you're talking about."

I sat staring at the man, fighting two opposing impulses: to jump up and flee the place or <sup>to</sup> ~~else~~ grab <sup>him</sup> ~~the man~~ and shake him.

I did neither. Instead: "Kirk," I said huskily, "if I thought you were kidding me I'd quit your goddam case. But I've <sup>made</sup> a certain investment of time and energy and I'm not quite ready for that--yet. Now I want you to listen carefully and I'm going to ask you once more--and if you lie to me I swear I'll eventually find you out--do you still say you don't remember hearing any bell last Friday night and do you still say you don't remember telling me so the following Saturday night and again yesterday morning?"

He sat staring at and beyond me, his eyes <sup>filled with</sup> ~~filling with tears~~ and an indescribable look of anguish. He swallowed several times and held his hands out toward me in a <sup>beseeching</sup> ~~gesture of beseeching~~.

"Christ, Biegler," he finally said, "I swear I'm not fooling you. <sup>Do believe me, man!</sup> I can't remember any bell and I can't remember ever telling you I did."

My chill and growing vexation became mixed with compassion; if he was telling the truth--and why should he lie?--here was a sadly confused and tormented man, a man who might be far sicker



than ~~anybody~~ <sup>any of us</sup> dreamed.

"Look, Kirk," I said, speaking more softly, "while we're ~~tossing mighty~~ <sup>swearing solemn</sup> oaths at each other, I've got one of my own to swear?"

Listlessly: "Yes?"

"I swear <sup>sir</sup> to you that Saturday night in the jail you did tell me that the last thing you remembered Friday ~~night~~ <sup>evening</sup> was hearing some sort of bell—here, I'll show you the notes I took."

He ~~studied my notes~~ <sup>glanced at them</sup> and then looked ~~up~~ at me vacantly.

"Incredible," he murmured.

"Do you think I made them up?" I pressed him. "Or ~~that you~~ <sup>about your telling</sup> told me the same thing in your cell yesterday morning?"

"I can't see why in God's name you would."

"Then you don't think I'm lying?"

He looked me incuriously as he might regard a total stranger.

"No, sir, I ~~really~~ don't."

"Then if I'm not lying," I ran on, trying <sup>somewhat</sup> to reach him,  
"can't you see how dreadfully serious all this could be? The  
other night you told me things that just might <sup>have</sup> possibly offered  
the faint gleam of a legal defense. Today you deny telling me  
them. Now if your own lawyer can't know what parts of your  
story to believe, <sup>and rely on,</sup> how in hell can you expect <sup>him</sup> ~~he~~ <sup>to</sup> ever persuade  
a jury to swallow any part of your story?"

"I don't know," he said, tugging open his tie and unbutton-  
ing his collar and breathing deeply. "I don't know," he repeated  
in a small voice, closing his eyes. "Maybe I'm losing my mind."

<sup>had</sup> I have been wondering the same thing but lacked the heart  
to tell him. Could he be suffering from some sort of progressive  
deterioration of the mind? But then how did one account for the  
things he still remembered? One thing was plain: an already  
fairly desperate criminal defense situation had abruptly taken a  
turn for the worse. Maybe insanity was back in the case. In any  
event the possibility had to be resolved before Parnell and I  
could even consider anything else.

"Kirk," I said, "I'm staying with the case. I've simply got to see this through. For one thing I'm getting mighty curious."

"Thank you," he said seriously. "What are we going to do now?"

"First you've got to have a thorough physical and mental examination. Will you go along? It will doubtless be long and searching and probably disagreeable to boot."

"Of course. Anything to end this dreadful uncertainty and—"

"Yes?"

"Confusion," he said, *rubbing the back of* ~~passing~~ his hand across his *now* perspiring forehead. "I'm so terribly confused."

"Very well," I said rising. "I'll go now and try to fix up the examination. Meanwhile ~~use~~ the word to everybody—including your friends, and I mean any friend. Your whole future may be riding on how this turns out. Do you promise?"

"I promise," he said, smiling wanly. "And I'm glad you're staying in Paul."

I opened the door and signaled the waiting bus drivers, who  
<sup>briskly</sup>  
^ came and led Randall Kirk away between them. As I watched the  
retreating procession I found myself whispering. "The poor  
tormented bastard," I was saying over and over.

"Any comment?" the eager young Gazette reporter rushed up  
and asked me.

I regarded him thoughtfully. "Nothing you'd dare print in  
a family newspaper, Miles," I told him. "When I do I promise you  
the scoop."

"Thanks, Mr. Biegler."

Chapter 10

I had virtuously <sup>planned</sup> ~~intended~~ to beagle law that afternoon in the library of the county courthouse instead of going fishing but now all that was changed. For one thing, what was the use wasting time trying to roll suave legal spitballs for a client who, the next time you saw him, might not remember you had ever been retained? In fact ~~the situation~~ <sup>things</sup> had grown so serious I simply had to go see my law partner Parnell McCarthy before our case disappeared up a flue of the county jail; he would have done as much for me. So I crawled <sup>into</sup> in my battered coupe and ~~high-~~ <sup>sped</sup> tailed for Chippewa with my burden of bad news.

"Hi, Maida," I greeted our currently red-headed secretary back at the office, glancing in at Parnell's empty desk. "Where's the old boy? Over having coffee?"

"Gone to Ann Arbor," she coolly replied.

"Gone to Ann Arbor?" I echoed stupidly.

"Gone to Ann Arbor," she repeated, squirming with indecent delight over my disappointment.

"But why there, of all places?"

"To look up <sup>new</sup> law for your big case at your old school library."

"Big case me eye—it's getting smaller by the moment," I said, and I told her briefly about the bombshell of the forgotten little bell. "It isn't so much that he forgot this mysterious bell," I explained, "because we still can't fathom what all that signifies, but that he forgot <sup>anything</sup> ~~something~~ potentially important ~~that~~ he'd already told us. Don't you see? How can we hope to defend a guy who can't remember from day to day what he's already told you?" I shook my head. "And why didn't Parnell at least phone me?"

"He tried several places <sup>in</sup> at Iron Bay—including <sup>your favorite reading room,</sup> ~~one water-~~ ~~front saloon~~—but no dice. So he left a note—it's on your desk—and took off for Ann Arbor."

"But how will he ever get there?" I said, recalling that ~~due to magnificent industrial foresight and planning~~ the once daily railway service to lower Michigan had become non-existent, and moreover that Parnell hadn't driven a car since I'd last

prosecuted him while I was still DA for complacently folding his  
old ~~Maxwell~~ <sup>Oldsmobile</sup> around a tree during one of his gaudier episodes of  
driving while drunk. After the old boy had been taken to jail  
and there insisted loudly that he hadn't been drunk at all but  
only blinded by the glaring headlights of an advancing dragon  
the baffled state police finally phoned me.

"Young fella, get me to hell out of this stinkin' sty!"  
he had greeted me when I got to the jail, and after a series of  
delicate conferences the cops and I had finally washed out the  
case when Parnell—who at the time I knew only casually—had  
surrendered his driver's license and promised two things: never  
again to drive a car and promptly to go—and stay—on the water  
wagon—both of which promises he'd so far faithfully kept.

In fact a solemn renewal of his pledge of sobriety had been  
a condition to our forming our law partnership; while I loved  
booze, illogically enough I couldn't abide boozers; for one thing  
they offered so little to talk about. Most drunks I had known had  
but one obsessive concern—no, two—themselves and their next

bottle. Moreover they tended to fill me with compassion, and pitying a grown man, I had learned, makes the pitier feel both guilty and sad. And also repellently self-righteous. Boozing moreover seemed such a sinful waste of life, of living, a sort of whining slow suicide, lacking even the latter's one redeeming feature of decision and guts...

But a sober Parnell had opened up whole new vistas of soaring and often pixilated conversation, sometimes almost too much, while at the



same time I'd found him one of the shrewdest lawyers I'd ever known.

As I stood there fretting and fuming, I guessed in my way I loved the garrulous cantankerous old boy, and now that he was gone I not only missed him but was worrying like a brood hen, feeling even a stab of <sup>jealous</sup> resentment over our new case. I'd heard <sup>also</sup> or read somewhere that baffling personal or professional dilemmas often posed dangerous times of crisis for reformed soaks. Had his worry and concern over the enigmatic case of People versus Randall Kirk thrown him off kilter and sent him shame-facedly off on an epic drunk?

"Did he drive or take a bus?" I fearfully asked Maida.

"He flew there."

"He flew there?" I all but yelped from both relief and consternation.

"He flew there."

"But he never flies," I said. "You yourself have heard him rant on a hundred times about how he hates airplanes, that he doesn't think they're here to stay, and that if they are <sup>we</sup> ~~people~~"

probably aren't."

"He flew there. Go read your note."

"Yes, m'am," I said, knowing when I was beaten.

"Dear Polly," Parnell's note read. "Believe it or not I've  
*all weekend* *also been*  
been brooding about our case and hitting the books, and have  
tentatively concluded that besides insanity there are only about  
three other possible defenses we might consider; amnesia, somnam-  
bulism and unconsciousness—as *you've* ~~you'll~~ already ~~have~~ *doubleless*  
*guessed.* *— if they are defenses*  
~~distinct~~. All appear to be off-beat little-used defenses and the  
little law I can find up here is as sparse as it is tantalizing.  
So I'm taking off for our grand old law school library where at  
least I can chase down every bloody lead. Meanwhile forsake the  
fish ~~a little~~ and hold the fort.

Parn.

P.S. You can tell how serious I am about all this when I confess  
~~that~~ *I'm* flying down to old Ann Arbor town on one of them new-  
fangled motorised witch's broomsticks, an airplane of all things."

I sighed with relief; at least the old boy hadn't fallen off  
the wagon. And at least we were agreed on a legal prognosis for  
our client, *also* I *noted* glumly, as I stashed his note away in my

briefcase and started thoughtfully out the office door.

"Where you going?" Maida chirped. "Out trout fishing again, I suppose? Or is it mermaids this week?"

I looked at her ~~pitifully~~ <sup>aggrieved</sup> with all of the righteous ~~indignation~~ <sup>ness</sup> of an accused drunk for once caught sober. "I'm going out to see Dr. Hugh Salter," I said loftily, "to consult with him about our ~~goddam~~ <sup>new</sup> enchanted case."

"Then you won't be back?"

"Why the inquisition?" I countered, already planning to take off for a certain secret pool on the Big Escanaba <sup>river</sup> once I was done with Doc. ~~Maybe out there the day before I had been on to~~ ~~a mermaid.~~

"Not prying, boss—just thought it might be helpful to know your movements in the unlikely event a client or <sup>someone</sup> ~~somebody~~ inadvertently wanders <sup>in.</sup> ~~into this iniquitous lair~~. How do you like my hair?"

Maida had <sup>only</sup> recently divorced her second husband and I began to discern a pattern, remembering that she had changed the color of her hair to celebrate the first occasion. "Simply ravishing," I said. "As one of Oscar Wilde's droller characters once <sup>greeted</sup> ~~told~~ a

mourning Lady So-and-So following the abrupt death of his Lordship, 'Ah, my dear, I see your hair has turned quite gold from grief.'"

"Don't go literary on me," Maida said, flouncing indignantly on her squeaky sway-backed stenographic chair.

"Not for the world, my dear," I said, softly closing the outer door after me and heading for Hugh Salter's house.

That was the way it was between Maida and me. She was one of those warm, intensely feminine women who try to hide their abundant femaleness and eager <sup>male receptivity</sup> ~~vulnerability~~ behind a facade of tomboyish self-sufficiency and steady flow of banter. She was also one of those women who give off a steady aura of almost boundless-- and occasionally awesome--vitality and <sup>a</sup> faintly moist <sup>glow of</sup> exuberance, as though <sup>they</sup> ~~she~~ had just come <sup>in</sup> from a set of tennis. Moreover she was smart and I was a little afraid of her. Both her ex-husbands had been handsome indolent bums who'd <sup>more or less</sup> expected her to support them once they were married to her.

"Why do you keep marrying in haste and repenting at leisure?"

I'd stuffily asked her in my paternal way following her first divorce.