

Doc paused. "This is one of the cases Orne ^{covers in some} ~~goes into some~~ ^{at} detail and which he tries to explain away as the result of prolonged inter-personal relationship--in other words again he seems to think that if the subject intimately knows or loves the hypnotist this somehow vitiates the results." Doc smiled. "Orne could scarcely say that this case was insufficiently reported because Dr. Mayer later wrote a whole ^{thick} book about it."

"Yes," Parnell said, pursing his lips judiciously, "it does seem excessive to brand as antisocial any conduct so innocuous as turning an unsuspecting married woman into an adultress, a whore, a thief, a criminal accomplice and ~~then~~ ^{finally} an attempted murderess. Perish the ~~same~~ thought."

"That isn't Orne's point," Doc explained. "It isn't that he disputes the grave antisocial character of her behavior but that he feels too many personal factors were mixed in with the hypnosis to make it a ^{clear} convincing case, such as her obvious sexual infatuation, both in and out of hypnosis, with her seducer--who, besides being a savvy hypnotist, seems also to have been a ~~man~~ resourceful and indefatigable bedfellow." Doc sighed. "Once

again Orne seems to join those who demand pure blunt suggestion, something like two gentlemen meeting at their club and one saying to the other, 'I'm sorry, old chap, but I've got to ask you to do something dreadful, and I really wouldn't blame you if in your coarse fashion you told me to go to hell.' "

"Or like Parnell's example," Maida put in. " 'Nice day, Madam--let's go to bed'--although when I first heard that old story as a little girl the punch line was 'Let's jazz.' "

"Being an incorrigible gentleman, my dear, I gelded my version ^{to spare} for your tender ears," Parnell explained. "The original ^{version} was even more pungent than yours." ^{in fact}

"Let me guess," Maida teased, turning ^{back} to Doc. "Any more cases?--do give us another."

"Yes, but I want to get on with Paul Young's paper, ~~on the~~ ^{of the subject} ~~subject~~, which I regard as by all odds the best discussion in the literature, foreign or domestic."

"Just one more case," Maida begged.

"I'll compromise and give you two in capsule form," Doc agreed.

"A young Dane not so long ago twice robbed the same Danish bank,

the second time killing two people. Upon being caught he named and accused a former cellmate for having under hypnosis induced him to commit these crimes. At their trial the young Dane was found insane and his former cellmate was convicted as an accomplice, evidently on a theory of conspiracy." Doc grunted and reached for his valise. "And now to Paul Young."

"You promised ~~me~~ two," Maida pouted.

Doc sighed. "The other case, also mentioned by Orne and *again* somehow found wanting, involved a young male German school teacher who over the course of five years fell under the influence of an older man who hypnotized him without his knowledge and regularly extorted money from him, finally persuading him to swindle two theft insurance companies for alleged stolen property, which in fact the hypnotist had himself appropriated. When exposure became imminent the hypnotist persuaded the poor teacher to confess. He was convicted and ^{actually} sent to prison where, after some time, his amnesia faded and he began to recall what had really happened to him. A Dr. Kroner was called, who rehypnotized him and the true story came to light. ^{As fact} Some of the parallel ^s between that case and

ours are ~~the~~ eerie and I wonder if Jason Spurrier ever read ~~it~~
it."

"What happened?" Maida said.

"Orne doesn't quite say and if I've read the result elsewhere I've since forgotten. My recollection is that good old justice prevailed."

"Time out for lunch," Maida said, opening her briefcase and proudly revealing a small ambulant restaurant. "Just brought a few sandwiches and hard-boiled eggs along just in case," she explained.

Chapter 39

"Confess, Doc," I said after we had eaten, "which side of this academic hassle are you on? Or do you subscribe to neither?"

Hugh Salter stared out one of the old-fashioned wooden-shuttered courthouse windows for several moments. "If you'd asked me that question several months ago, Paul," he began, "I'd probably have answered--after appropriate hemming and hawing, of course--that I very much doubted any subject could by hypnosis be persuaded to commit a major crime. I've since changed my mind."

"What changed it?"

"Jason Spurrier and Paul C. Young--the first by what he did, the second by what he wrote. "

"We now think we know what Jason Spurrier did," I said. "What was it that brother Young wrote?"

"He wrote a paper called 'Antisocial Uses of Hypnosis' in Leslie LeCron's book Experimental Hypnosis, published as far back as 1952."

"But didn't you read it back then? And if so why weren't you persuaded at the time?"

"Doubtless I did read it then, Paul, as I usually read everything on hypnosis as fast as it comes out."

"Then why weren't you converted years ago?"

"Because in those days I had no particular interest in the subject, for one thing, and it just didn't sink in, just as you, with your passion for trout fishing, might skeptically skim and yawn over an article, however brilliant, on the presumed joys of bass fishing. Actually I probably read Young's paper long before ^{1952,} ~~1951,~~ as I believe his LeCron article is an expanded version of what he first wrote for one of the psychological journals as far back as 1941. ^{Anyway} I've now carefully read it again within recent weeks and finally seen the light."

"You don't convert easily, Doc. Who's this persuasive guy Young that could perform such a miracle?"

"Paul C. Young is one of the oldest practicing psychologists in the country--I suspect we're of about the same vintage--and a man who possesses several other rare distinctions."

"Like what?"

"That he studied under the great McDougall at Harvard and was

the first person in the world to win his doctor's degree in psychology by writing his thesis on hypnosis."

"What else?"

"According to LeCron he was also the first experimenter in hypnosis to use the controlled experiment--such as, say, using an equal number of non-hypnotized subjects in his antisocial experiments involving hypnotized subjects--and is all in all an authentic pioneer in modern scientific research in the entire field."

"Anything else?"

"Yes, Paul. One of Dr. Young's greatest distinctions is that he is one of those rarest birds in science--a dedicated scientist who can write. Most of them, alas, seem to do so with their feet. Paul Young writes like an angel and has the priceless knack of expressing profound thoughts simply. Usually with scientists it is the other way around. My only regret is that of late years he has been so busy teaching our heedless young barbarians he hasn't done ~~far more~~ ^{much} writing."

"The build-up is impressive, Doc, but please tell us what it

was the man wrote that so moved you--do reveal this bit of holy writ to us panting uninitiates."

"I'd love to, Paul. First of all because in his article Dr. Young brilliantly defogs the whole subject and lets in a blast of fresh clean air. He begins by defining what is antisocial conduct and--I must condense dreadfully--concludes that antisocial conduct is any behavior that may be harmful to the subject himself or ^{to} others as--and this is important, Paul--as viewed by observers [^] who are themselves not under hypnosis. In other words he postulates an objective rather than a subjective test, declaring bluntly that 'the point at issue is whether antisocial actions can be induced in hypnosis if an unscrupulous operator should go all out to induce them.' "

"Go on."

"Next he candidly admits that for the most part the question of whether such antisocial acts can be induced is more theoretical than practical, pointing out that since modern hypnosis is largely in the hands of trained institutional-based professionals the supposed dangers are virtually nil--or, as LeCron tersely puts it, on

a par with the chances of getting hit by a flying saucer--but wisely; ^{adding} ~~deliberately~~
~~adding~~ "If it is potentially dangerous, it is on the basis that the
more powerful the instrument, the greater the possible damage in un-
worthy hands." "

"Sounds sensible enough," I conceded. "Just as pain-killing
drugs are a doubtless ^a boon to mankind, so these same drugs may be
and all too often are misused with tragic consequences."

^{Or automobiles. Anyway}
"Right, Paul. [^] Next he takes off on those who criticize the
validity of past laboratory experiments on the grounds that the sub-
ject inevitably trusts the hypnotist to save him from harm, pointing
out that the experiments of Erickson and others which failed--and
are thus assumed to prove that antisocial conduct cannot be so
induced--uniformly suffer from the fact that they do not use the
'full repertoire' of hypnosis in the way that a skilled and unscrup-
ulous operator certainly would--by inducing hallucinations, illusions,
delusions, appeals to pride and cupidity, using the hypnotist's
prestige, the whole ball of wax."

"Hm," I said. "In other words, Young postulates a sort of
Jason Spurrier, one both ^{cagly} ~~expert~~ and crooked."
[^]

"Exactly, Paul, which is precisely the point that so many students of hypnosis overlook--and in this category I believe one might fairly include Orne. '...If one were seriously attempting to induce antisocial behavior,' Young goes on, 'he would seek to falsify the whole external and subjective situation'--slowly, subtly, patiently, step-wise--as Spurrier seems to have done--so that finally the subject has, ^{again} in Young's words, an 'altered conception of reality.' "

"In other words, Doc, Young says that once you assume a knavish operator, you must also assume he'll shoot the works to gain his ends?"

"Right, Paul, and he further points out in searching detail that this is precisely what Erickson and the other modern skeptics failed to do. Instead they seem to assume that the operator must remain a gentleman and that any suggested antisocial act must be one that the hypnotized subject himself sees as antisocial. He then tells how Erickson in some of his failed experiments reports that his subjects often resented his antisocial suggestions and grew surly and belligerent toward him, pointing out that Erickson

apparently failed to discern that this in itself was a form of antisocial conduct, slyly writing: 'It is not that Erickson's antisocial suggestions were lost; they simply backfired.' Now isn't that lovely, Paul?"

"Charming irony, Doc," I said. "In fact Dr. Young reminds me quite a little of you--if his head is occasionally in the clouds he keeps both feet planted on the ground, instead of vice versa."

"Thanks, Paul, I consider that a compliment. Moreover he wisely does not claim that using the full treatment would necessarily produce antisocial acts in every case or even in most, conceding that not only must the operator be both expert and crooked but the subject unusually susceptible and capable of deep rapport. 'The point is...' he goes on, 'that any method that purposely stops short of the use of the full armamentarium of hypnosis should not be considered an adequate method...In science one does not criticize another's results without having duplicated his methods or without having shown the logical or practical inapplicability of his method. Erickson has done neither.' "

"Wow! Isn't that fightin' talk among scientists?"

"Actually, Paul, I happen to know that Dr. Young has the highest respect for Milton Erickson, both as a person and as a distinguished practitioner and researcher in hypnotherapy. I take his blast as delivered more in sorrow than in anger. Anyway, he goes on to show precisely what steps the serious experimenter should take to expect scientifically acceptable results. These boil down to enormous patience, plenty of time, an appeal to latent motivations of the subject, possible age regression and transidentification, the planting of subtle complexes, and 'by refraining from any hint that what is being done or is to be done has anything antisocial about it...(and by)...distorting the subject's perception of external reality...'

"The full armanentarium, in other words?" I put in. "I must remember to steal that ^{word} for my jury argument. That'll so wow 'em there won't be a dry seat in the jury box."

"Precisely, Paul, and Dr. Young concludes by discharging this final blast of grapeshot at the skeptics: 'It is scientific naïveté to think that these powerful hypnotic techniques, used for all they are worth, can perform wonders up to, but not beyond, the point

where antisocial actions would be induced...What the subject thinks he is doing is immaterial; what he actually does is all that matters. And what he does, whether it is an innocuous action or a noxious action, can only be judged by people who, ostensibly at least, are in their right minds and know danger when they see it."

Doc sighed and closed the book. "Thus endeth the reading of the lesson according to Paul Young."

"According to St. Paul, you mean," I said. "Actually, Doc, the man has me persuaded, too, with his apparently revolutionary emperor's-new-clothes notion that a crooked hypnotist would naturally throw the book at any subject he seriously sought to persuade to crime. Tell me--in the face of anything as obvious and sound as that [^] why do so many cultured, sensitive and savvy guys in the field still insist that hypnosis can never be used to induce crime? Why this persistent head-in-the-sand outlook?"

"There are doubtless many reasons, Paul, including the undeniable fact that hypnosis has ^{for} ~~been~~ ^{been} so long misunderstood and in bad odor with both the lay public and so many men of science-- particularly us physicians--that brilliant and dedicated men like Milton Erickson and others perhaps subconsciously simply cannot bring themselves to admit anything bad about a psychological phenomenon which they so much look up to and respect--and have themselves done so much for, I should add. Another big reason is human nature."

^{largish}
"A ~~large~~ subject, Doc," I said. "Please be more specific."

"Just as you and Parnell hate to hear laymen and others run

on about shysters and criticize the legal profession to which you have both devoted so much study and concentration, so serious students of hypnosis hate to think much less admit that their discipline, over which they have brooded and toiled so long, might ever be perverted to shabby and criminal ends." Doc sighed. "As a matter of fact I don't like it myself and would ~~have~~ have been much happier had ~~the~~ Jason Spurrier never lived--"

The door to our conference room suddenly burst open and framed in the doorway stood Sheriff Wallenstein gravely pointing at me. "Judge Maitland wants to see you right away in chambers, Paul," he announced. "Drop everything and come along--looks like all bloody blue hell has busted loose."

Chapter 40

"Jason Spurrier is dead," Judge Maitland announced quietly when I reached his chambers.

"Dead?" I repeated stupidly, staring at him and then turning and gaping at Eugene Canda and young Gary Kallio, of all people, seated around the Judge's large leather-covered flat-topped desk.

"Quite dead, Paul--he blew the top of his head off with a single shotgun blast." The Judge thrust a paper toward me. "And he left a message. Read it."

"TO WHOM IT MAY CONCERN," I read in a precise copybook handwriting, "I did it just as Randall testified I did except he does not begin to do justice to the subtlety of my methods. That my plan went awry is sheer accident but at least I shall go down in history as the ^{one} man who did by hypnosis what so many have said could never be done. My journal tells the whole story. Jason Spurrier."

I looked up. "Where did it happen?" I said numbly, feeling a pang of guilt as though I had myself somehow killed this strange and troubled man.

"At his fishing cabin," the Judge explained, turning to Gary

Kallio. "Suppose you take over from there, young man."

"Well, Mr. B.," Gary began, "I was sitting there in the court-
room this morning when Jason Spurrier up and made his ^{parting} speech and
took his powder. So when I seen the Sheriff would be delayed fetch-
ing Kirk back to jail I followed right after him. I was born and
raised in the Finnish farming country not far from his fishing
place and ^{so} I sort of figured he'd head for ^{out} there, so I grabbed a
spare squad car off the lot and barreled right after him. When I
got to his gate I found it double locked, and this delayed me,
naturally, but I knew from the fresh tire marks that someone was
in there."

"Was there?" I asked.

Gary Kallio paused and nodded. "There was--Jason Spurrier
lying in his unlocked cabin with most of his head blown off."

"Where in the cabin was he?" I asked with a sort of aimless
morbid curiosity.

"Lying on the floor before a big stone fireplace--seems every
room in the joint had a big stone fireplace--in a kind of fancy den
or library the like of which I never seen anywhere let alone in a

fishing shack. It was full of books and magazines, mostly on psychology and hypnotism and all that stuff. ^{also on music.} Then on his desk I found that there note you just read sticking out of the pages of the journal he mentioned. So I took and threw a blanket over the body and radioed the county medical examiner and quick fetched the note and journal back here with me." Gary Kallio shrugged. "Oh, one more thing," he added, "Spurrier was carrying a loaded snub-nosed .38 in a shoulder holster. I left it there."

"What in hell are we going to do?" I said to no one in particular, shaking my head and wondering whether all our days of toil ^{were} ~~had~~ ^{going} ~~gone~~ up the flue.

"That's what we've got to decide," the Judge said. "Gene Canda says he has more to tell us but that he wanted you here before he said anything. The floor is yours, Gene."

"First," Gene began, "I think the Sheriff and young Kallio ought to go join the medical examiner and finger print man out at Spurrier's place so we can officially confirm that this was suicide. How about it, Sheriff?"

I sensed that Gene was trying to get rid of them and after they

had left

I suggested that Doc Salter be asked to join us. "We may need him to fill us in on this hypnosis business," I said.

"Better ask Parnell too," Gene said. "We no longer have a *so much* case on our hands ~~as much~~ as a public problem. Meanwhile I'll phone the handwriting expert to come do his stuff."

When the five of us were gathered around the Judge's desk Gene Canda revealed what we had lately suspected--that Jason Spurrier was his sole source of information--"or should I say misinformation?" he added--*wrongly* on the subject of hypnotism: that it was he who had persuaded Gene to resist our original request to attempt hypnotic memory recall on Kirk and who had furnished him the so-called authorities and quotations and data both at the original hearing and *as recently as* that very morning, on the argument on Gene's objections to Kirk's testimony.

"I wanted him to testify as an expert," Gene continued, "but he said he did not feel qualified because, as he claimed, he in turn was getting his data from an un-named New York psychologist." Gene Canda shook his head. "I now see he probably dared not testify for fear of giving the show away, and instead gambled everything on

preventing memory recall. When that failed and the story came out he knew I would be the first to suspect the truth." He paused and ^{carefully} shook his head. "I used to think I was a pretty good student of human nature," he went on, "but that little man had me fooled right down through our argument this morning." He sighed. "And so I repeat with Paul here," he concluded, "what in hell are we going to do?"

"May I say a word?" Doc Salter spoke up.

"Of course, Hugh" Judge Maitland said. "Right now we're all in the same boat ~~together.~~"

"I suspect there are several reasons Spurrier didn't dare testify about his expertize in hypnosis. The prosecutor here has summed it up by saying he'd give the show away, but that would apply in more ways than one. First he would openly be testifying against Kirk's interests and thus risking alienating the very man in whom he simply had to maintain amnesia. Second he would confirm my growing suspicions, of which he was surely aware, that hypnosis had been used on Kirk. Also by downgrading the proven efficacy of hypnosis in memory recall he would know that I would know that scientifically

he was lying and was instead simply trying to prevent us from getting at Kirk to stimulate recall. Actually the little man was in a dreadful bind--having successfully used hypnosis to gain his ends he had to turn around and fight the whole notion of hypnosis to keep it from exposing him."

Judge Maitland spoke up. "You speak of his gaining his ends, Hugh, but what ends could he possibly gain, what was ^{there} in it for him, as the saying goes, why did he ever do such a risky terrible thing?"

"Money, Frank," Doc answered drily. "That and revenge on the young man who was cuckolding him and also on the woman who had rejected him--his wife--and further to keep her from changing her will."

"In that he failed, Hugh," Parnell put in. "I've just again checked the probate records and a second and later will of Constance Spurrier's was filed late last week leaving everything to her young son. It was dated less than a week before her death."

"That still wouldn't detract from his original motivation, Parnell," Doc said, "but it might account for his recent panic and growing frustration. Things were cracking up and the little man was growing desperate."

"He ^{probably} couldn't have won anyway," Parnell went on, "later will or no later will, this on the basis of the old New York case that first ^{flatly} laid down the prevailing United States rule that any beneficiary who murders his testator--will-maker to you, Doc--to accelerate its provisions or to prevent him from changing his will takes nothing."

"Parnell is right," Judge Maitland said, nodding. "That's the doctrine first laid down 'way back in--let's see 1889 in Riggs versus Palmer."

"Right, Your Honor," a beaming Parnell agreed.

"While speculation into what motivates the human psyche does not lend itself to dogmatism," Doc continued, "a further motive in Spurrier's case was, I suspect, the sheer challenge and excitement of completely dominating another person and finally doing by hypnosis what so many ~~had~~ ^{have} said couldn't be done--at the same time gaining a fortune and working his revenge on two people without harm to himself."

"But, Doctor, how could this man possibly learn to do what so many experts in hypnosis have failed to do?" Gene Canda put in.

"That will probably remain a mystery," Doc went on. "I've checked him in 'Who's Who' and other sources and there's nothing in

his background--actually he seems never to have formally studied psychology or medicine or any of the related disciplines and his main interest seems to have been music, at least he once wrote music criticism for a now defunct New York newspaper--to account for his horrifying competence as a hypnotist." Doc smiled. "But then I ^{too} claim to be fairly competent myself, and my hypnosis like Topsy also just grewed, as it were."

"At least, Doctor, you seem ~~to~~ to have trapped the master," Gene Canda ruefully conceded.

"It may be possible that his journal will throw further light on the mystery," Doc went on. "While we've been here together I've been glancing ~~over his journal~~ ^{over it} and find it an amazing document. For one thing it clearly shows that he had been planning this thing for a long time and ~~started~~ ^{has} been working on Randall Kirk as long as a year ago this spring." He patted the canvas-bound journal. "This strange document should be preserved in a sort of Smithsonian Institution of Psychology. Simply amazing. I'm dying to read all of it."

"What if anything does he say about the night of the homicide?" Judge Maitland asked.

very black, 3)

"Oddly enough I opened the journal to that," Doc continued, "possibly because ~~the place~~ ^{it} was marked with a receipted New York hotel bill--from the same St. Regent's Hotel he testified to in court last week--showing that he'd made two long-distance phone calls from there to Chippewa, Michigan--one on June 15th and the other on the 16th."

"Might those have been his earlier call to Randall Kirk and the later one ^{to his wife} that the maid Ingrid Berquist testified to?" I put in.

"Without a doubt, Paul," Doc said. "Listen to this cryptic but unmistakable entry in his journal for June 15th: 'Phoned Randall tonight and the stage is set, the die is cast.' And this for June 16th: 'Phoned Lady Spurrier during the night and learned from the comely but elusive Swede trying to phone the police that Randall had accomplished his mission. ~~ES~~ The State Police confirmed this by phone within an hour.' "

"But why would the man keep such a damning journal?" Gene Canda said.

"I'd guess overconfidence," Doc said. "That and the fact that

we seem to have been dealing with a brilliant man with a fatally flawed character. If he hadn't panicked he might still have brought the whole thing off."

"The gun, Doc, the gun," Parnell put in. "Why was he packing a gun--and then didn't use it?"

"We'll probably never know," Doc said. "My ^{offhand} guess is he meant it for Kirk but lost his nerve at the last moment." Doc sighed.

"Or maybe he relented--after all, he'd done quite enough to Kirk as it was." Doc rubbed his raspy beard. "Anyway, maybe it was just as well I sat up in jail last night."

Judge Maitland spoke up. "Is there any remaining doubt in your mind, Hugh, that Jason Spurrier was the moving spirit in this thing?"

Hugh Salter sighed and shook his head. "Not a shadow of a doubt, Frank, I almost regret to say."

Judge Maitland sat silent a moment, absently plucking at a hair in his nose. He sighed and sat forward. "Very well, men. This is what I think should be done. As soon as we get confirmation of the suicide we should proceed with the trial. Gene Canda should take

the stand and tell his story. Hugh Salter here should further study the journal ^g---which along with the suicide note should be introduced in evidence--and tell the jury about that. When the time comes both sides might well waive any jury arguments and I will give a condensed version of my planned jury instructions on the defense of unconsciousness, including hypnosis." He sighed.

"I'd suggest that Gene Canda dismiss the case, but we must be done with speculation and rumor and"--he paused--"at the very least Randall Kirk deserves the recompense of a public acquittal." He tamped his pipe. "With luck this strange trial should be over and done with by five o'clock."

Chapter 41

His Honor's estimate of the time was a little off; by midafternoon we received word ~~by police radio~~ that there was no doubt of the genuineness of Jason Spurrier's suicide ^{and} of his suicide note and the ^{tense} trial resumed. According to Parnell and his trusty watch the jury ~~had~~ received its instructions and retired to deliberate its verdict at 4:02 and at 4:19 the word came out that it had reached a verdict, whereupon the nearly empty courtroom refilled as if by magic.

It was 4:27 when the bailiff breathed open the heavy jury door and stood aside as the jury filed back with its verdict, and my heart thumped when I saw that the procession was headed by the undulant Doris Flanders, which meant she was the jury forewoman. Aided by the gesticulating bailiff, the jurors formed a ragged half-moon ~~curves~~ ^{facing} the ~~front of the~~ Judge's bench, the crest of the arc almost touching our counsel table ^{S,}

When the courtroom grew quiet the Judge looked down at the jury. "I am going to thank you in advance for your service on this jury and also give you a small bonus by telling you that when court is adjourned today you need not return until Wednesday at 9:00." He smiled faintly. ^{for further duty in our remaining jury cases}

"I am telling you this now because I know from long experience that, whatever your verdict, ~~should be~~, once it is announced it will be difficult to restore order long enough to address you, ~~later.~~"

He sighed and seemed, as he went on, to be speaking half to himself. "It seems that in murder cases courtroom crowds inevitably get out of hand once any verdict is announced, and I sometimes suspect that their extravagant reactions are less an expression of their views concerning a given verdict than one of emotional catharsis and released tension that ~~one is~~ finally reached." Again he sighed. "So I will make a small pact with you--if you people in the courtroom will remain quiet until the verdict is officially announced and recorded then this court will be deemed automatically adjourned until tomorrow morning at 9:00." He glanced at the reporters' table.

"Which means that the place will be all yours, ~~including~~ the pent ~~gentlemen of the press.~~" He looked down at Clovis Trepannier. "Proceed, Mr. Clerk."

Clovis arose and faced the jagged crescent of jurors, playing to the hilt his final scene, singing out his ~~final~~ ^{farewell} aria. "Members of the jury," he intoned shrilly, "have you agreed upon a verdict and,

if so, who will speak for you?"

"We have," Doris Flanders said, taking a step forward. "I am the forewoman."

"What is your verdict?"

"We find," she began, and then she cleared her throat and started again. "We find the defendant Randall Kirk not guilty."

A punctured sigh came from the body of the courtroom, which Judge Maitland stifled with his upraised hand as Clovis, reprieved, raced through the remainder of his ancient ritual. "Members of the jury," he sang out, "listen to your verdict as recorded: You do say upon your oaths that you find the defendant not guilty of the crime of murder? So say you, Mrs. Forewoman? So say you all, members of the jury?"

The twelve jurors nodded and mumbled their yeses like unsure initiates at some mystic installation ceremony. The Judge lowered his still upraised hand and hurriedly left the bench, limping toward chambers--which seemed the signal for the dikes of tension to be shattered. Suddenly the courtroom was a sea of noise and commotion; of milling people and wild cheers and whistlings and handclappings.

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2596 COTTON BLEN

Randall Kirk reached over and embraced me in a sudden bear hug and shouted something; people kept reaching over the mahogany rail pawing and shouting and plucking away at both of us. Gene Canda came over and gamely wrung my hand and Kirk's and quickly made his way into chambers; the beaming Sheriff stalked through the crowd in back court, all but passing ^{out campaign} matches; the reprieved news photographers hopped merrily about popping pictures; a nimble woman with her hair in curlers leapt the back rail and planted a smacking kiss on Kirk, assuring him he was the spitting image of her son Duane in the United States Marines. Through it all the court reporter crouched over his desk, obliviously working away at a crossword puzzle...

Gradually the tumult and the shouting died as the crowd slowly dispersed. Out of the corner of my eye I saw the jury forewoman, Doris Flanders, standing by the empty jury box smiling uncertainly at our table. I nudged Kirk into action. "I think, Randall," I suggested, "you better go over and thank the lady."

"Thanks, Paul," he said, and proceeded to do so, in fact so profusely that when next I looked ^{up} after ~~stacking~~ ^{stashing away} my papers the two were ~~standing there~~ staring unabashedly at each other with my client holding both her hands. I moved over swiftly to break it up.

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"Thank you, Mrs. Flanders," I said, getting between them before ^{any} ~~the~~ ^{alert roving} photographers moved in. "We're having a little informal celebration later on, and while I realize the notice is short, I--^{is} Look, what I mean is would you like to join us later if you aren't busy?"

"I'd love to," she said, beaming. "I haven't a thing to do."

"To hell you haven't," I wanted to say but didn't, evilly thinking of when ^{Kirk} ~~he~~ got her alone later. Instead I said: "we'd be delighted to have you join us at the Halfway House. ~~Do you happen~~

~~to have a car?~~ "Are you driving your own car?"

"Oh, yes, Mr. Biegler. Can I help?"

"Suppose you drive Randall then," I said, feeling like an aging ~~Wallenstein~~ procurer, "soon as we get him checked out of the House of Wallenstein across the alley."

My client spoke up grimly. "I'm checked out already, Paul. My fellow guests can have any of my remaining stuff. I never want to ^{it or} see the place again. Let's go, Mrs. Flanders."

"Do call me Doris," she said, taking his arm.

"See you two out there, then," I said. "I gotta go have a word with the Judge and Gene. ^{And also phone your mother, Randall.}"

Chapter 42

After our first round of drinks in the private dining room at the Halfway House Doc rubbed his grizzled two-day beard and raised his hand for silence. "My friends," he began, "I have a dreadful intuition that the moment your drinks take hold you're going to start pelting me with a barrage of questions. I further suspect that one of the most urgent of these will be: When did I first begin to suspect Jason Spurrier? So with your kind indulgence I'll get on with that right now--that's if you'd care to listen."

"Hear, hear," Parnell said, ^{downing} taking another ^{draft} swig of ginger ale.

"Actually I began to suspect possible hypnosis in the case long before I found a candidate for hypnotist. My first ^{faint} inkling came when Paul returned from his first jail interview with Randall here and told about the little bell."

"You mean, Hugh," Parnell put in, "your first inkle was a tinkle?"

"Cut off his ginger ale," Maida said. "Please go on, Doc."

"But at that time it was ~~but~~ a mere flash, a vague possibility. Parnell's ^{faint} tinkle grew ^{measurably} louder when Paul came back from the Monday arraignment at district court and told me that over the weekend

Randall had ~~also~~^{since} forgotten about the little bell. It grew louder still during the week when the examinations out at the clinic revealed no medical or psychiatric reason for this double loss of memory. And it became a clanging fire-alarm gong when I did a little private sleuthing of my own and discovered that the only jail visitor Randall had had over that first intervening weekend besides Paul had been Mister You-know-who."

"You mean Jason?" Maida asked.

"None other, my dear."

"But why didn't you tell us, your trusted pals?" Maida pressed.

"For several reasons," Doc went on. "At first I couldn't bring myself to believe that Jason could possibly have made Randall do all *these* ~~this~~ thing) under hypnosis—at the time, you see, I was still in the camp of Milton Erickson, or at least ^{an} agnostic. By the time the full impact of the possibility ~~came~~ dawned on me, I dared not tell my suspicions."

"But why, ^{not,} Hugh?" I said.

"Because if it had actually happened I then knew that we were faced with a daring and resourceful enemy, one of incredible skill

with hypnosis, and one who would probably stop at nothing to prevent exposure."

"You mean, Doc, you deliberately failed at your early efforts at memory recall?" I said.

"Yes, Paul. And I did ~~it~~^{so} for several reasons: one, so that Jason wouldn't panic and run away or maybe even destroy the chance of any memory recall."

"You mean he might have killed Randall!" Maida said, aghast.

Doc affected surprise. "That would be one sure way to erase one's memories, wouldn't it?" he said mildly. "So I had to conduct a sort of psychological filibuster and, swallowing my pride, a practiced ineptitude so that ^{a reassured} Jason would still think I could not unlock the post-hypnotic amnesia he kept planting and replanting in Randall."

Doc took a sip of his drink. "So if I dared not reach Kirk on my first try--because Jason might either erase it or else erase him-- I at least learned that Jason was working on him constantly in jail."

"How could you tell?" I said.

"By the violence of Randall's aversion both to hypnosis and to me. Both were too strong to be anything but implanted." Doc sighed.

"Shutting off Randall's visitors was a calculated risk we had to

take. It was aimed at Spurrier, of course, and he knew it. ~~the~~

meanwhile

I felt I had to regain the confidence of Kirk by talking about fish-

ing and everything but hypnosis, getting him used to my voice and

presence, ~~and~~ all the while letting the post-hypnotic suggestions

of Spurrier wear off."

"But

of yesterday -- "Then why did you wait ~~until the last night~~ after Jason's phone

call--to really work on recall?" I said.

"Because, as I've said, I was afraid Spurrier would learn of

it by hook or crook and possibly do something desperate."

"Then

still you deliberately didn't shut off the phone calls," I said,

"so that Jason would up to the last minute think you had failed to

reach Randall?"

"That's right. And also to ~~confirm beyond~~ any lingering doubt

that Spurrier could hypnotize Randall over the phone and ~~make~~ him do

his will. Kirk's abrupt firing of you, Paul, proved that he could."

"You mean Randall was under hypnosis when he fired me?"

"No, Paul, but acting under a compulsive post-hypnotic sugges-
tion he could not deny, however much it personally distressed him--as

indeed it seems to have done."

"But weren't you risking Jason's implanting ^{brand} a new amnesia and also a new anti-hypnosis virus, as it were, by letting him talk to Randall at all?" I bored in.

"It was a risk we simply had to take," Doc said, "and either Jason was so concerned with getting you fired that he forgot or muffled these other things."

"But why fire me? And why all Jason's rancor toward me during his explosion ^{this morning} in court?"

"Because if he could get you fired ^{and out of the way,} Paul, he would at one blow be getting rid of all of us--as well as the spectre of possible hypnotic recall that was so haunting him. A new lawyer or set of lawyers would be quite unlikely to get on our hypnosis kick or to bar Jason from again visiting Kirk, thus virtually assuring his doom."

"But why the shyster bit and all the ^{personal} venom toward me?" I pressed.

"Because you were the key figure, as I've just said. Moreover he probably genuinely hated you for publicly exposing his cuckoldom--if there is such a word--in court. You had attacked his very manhood, don't you see?" Doc paused and blinked. "In fact, Paul, I'm not so ^{come to think of it}

sure he didn't intend his concealed .38 for you."

"Sometimes, Doc, you think of the damndest things," I said, shivering at the thought. I glanced at Kirk and his jury lady, who were sauntering out to the bar, hand in hand, and then back at Doc. "But you've barely scratched the surface," I said. "I've still got a million questions to ask."

"Let me finish with how I came to suspect hypnosis and Jason's part in it," Doc went on. "There was also the little man's strange behavior at our earlier court hearing on allowing memory recall when he abruptly left the courtroom when it appeared, to me at least, that the prosecutor might be tempted to call him as an expert witness to block our efforts at recall."

"Yes, I ^{do} remember that," I said, *wedding*.

"Another significant thing was the very extravagance of the clues Kirk left behind him in Mrs. Spurrier's bedroom--the wallet, the damning note, all the rest." Doc wagged his head. "Normal people--even normal criminals--don't go to such pains to hang themselves. The whole thing--except the clutched hairs, which were a

fortuitous dividend--rang of planted and diversionary evidence."

He sighed. "Maybe the little man failed not so much ^{ultimately} ~~for~~ ^{from} lack of planning ^{as} ~~but~~ ⁽ from over playing his hand."

Maida spoke up. "There's one question you've simply got to answer, Doc, before I can ^{take on} ~~absorb~~ another drink, and it's this: was Randall Kirk acting under hypnosis all the time during that last night at Connie Spurrier's?"

"Under deep hypnosis every moment, my dear."

"You mean, even when he was--ah--making love to Connie?"

"Absolutely."

"But how could he?" Maida pressed.

"No trouble at all," Doc answered, his eyes twinkling. "While the subject is controversial, there is much evidence that people under hypnosis can concentrate better and do many things far more efficiently than in their normal waking state."

"Heavenly days," Maida said, glancing obliquely at me. "Maybe I'll order the large economy-sized ^{hypnosis} ~~kit~~ kit."

"Thus timid drivers have driven cars with assurance and aplomb on high-speed tollways, all the while under deep hypnosis--signaling, turning, backing up, the whole bit," Doc went on. "Williams

has a section on this and related subjects in, I believe, Shor and Orne's book. In fact modern highway planners are much concerned with the increasing prevalence of unexplainable accidents on wide straight stretches of so-called foolproof freeways and tollways, and ~~such~~ evidence is accumulating that the very ease and monotony and sameness of these modern throughways is resulting in fatal sleep-inducing self-hypnosis in many speeding motorists."

"Great overlooked argument for billboards," Maida said. "But *why* wouldn't Randall have still been under hypnosis ~~then~~ when the cops came to get him at his cottage the next morning?"

"*Because,*
"No [^] my dear, unless it is sooner dissolved or else prolonged at the suggestion of the hypnotist, hypnosis normally disappears after a sound night's sleep--much as dreams fade when one wakes up."

"Or much as drunkenness is replaced by hangover," Parnell helpfully put in, "as this ~~sturdy~~ ^{hardy} little ~~knot~~ ^{band} of ~~hardy~~ ^{hardy} soaks should surely know."

"In Kirk's case all that remained was negative--the implanted [^] amnesia," Doc concluded.

"But how could a man of Kirk's intelligence possibly have ever

believed in this mad bogeyman thing ^{let alone} and have mistaken the lovely
Connie Spurrier for a hairy caveman?" Maida persisted. "And
how could he later recall only the latter?"

"Intelligence has nothing to do with it. The hallucinations
and illusions of hypnosis have a vivid logic all their own, much
like the queer logic of dreams. Kirk could recall only the 'mad
bogeyman', as you call him, because in the distorted hypnotic
situation it was the only 'reality' he was ~~exposed~~ exposed to or *ever*
knew." Doc picked up his empty highball glass and frowned and
craned around to find our waitress.

"My turn," I said. "I've still got a million questions to
ask."

Doc resolutely held up his hand and shook his head. "Nope,
no more questions till after we eat, Paul. Right now it's time
for drinking..." He found and beckoned our waitress and pointed
his index finger down at our table, agitating it as though stirring
a drink. "Another round, young lady, if you please, including the
young couple out at the bar."

Many rounds later we ate, following which Kirk and his Doris

bade us their sheepish goodnights and ^{abruptly} took off. "See you in the morning, Paul," Kirk said as he left, whereupon I pushed my coffee cup away and lit a cigar and pulled out my notebook.

"Planning on giving us your wasted jury argument?" Maida inquired sweetly.

"No, doll, this is just a partial list of questions I'm dying to ask Doc. The line of interrogators will please form on the right."

Doc folded his arms and shook his head. "Nope, folks," he said, "I've suddenly changed my mind. During dinner I've had an inspiration--I've decided to write an article about our case." He blinked. "In fact it might even turn into a book. One thing is sure: this is one criminal trial involving hypnosis that is not going to get lost in the mists of legend--I'm already planning on ordering a full transcript of the trial proceedings from the court reporter. In any case you'll all have to wait till it comes out to get your questions answered." He grinned. "Please blame my sudden reticence on--ahem--creative superstition, the gnawing fear of us writin' folk that a tale told is a tale ^{once} ^{already} written." He looked around. "Waitress, fetch me another drink--and please double the dose ^{this time} ~~this~~ ^{time} ~~time~~."

And all hell and a massive application of successive doublers couldn't budge the old boy, though Maida and Parnell and I badgered away at him far into the night.

Later, much later, I drove Maida home, and she was so uncharacteristically quiet I thought she had fallen asleep.

"You all right?" I whispered, testing.

"Yes, but I've been thinking such horrible thoughts," she murmured, "that it kind of scares me."

"Like what?"

"Like supposing--just supposing, Paul--that the actual murderer and hypnotist were one and the same person and further supposing that he hypnotized the man in Jason Spurrier's position, falsely making him look like the evil masterminding hypnotist, even to having him leave a phony journal and farewell note and ultimately committing suicide?"

"You mean the real murderer and hypnotist fakes his own hypnotism by another in order to build his own defense?"

"That's just what I mean, Paul."

"But that would be making him guilty of killing two persons, wouldn't it?"

it
"True, but wouldn't/be possible? And doesn't the possi-
bility scare you?"

"Maida," I said, patting her arm, "all that champagne's
finally got to you. Calm yourself, gal, and think lofty
thoughts--like the joy of ~~getting~~ getting back to work tomorrow."

"But just supposing," she persisted. "If Doc and his
authorities are right and a hypnotist truly can make another
person commit murder why can't he also make a second coverup
victim commit suicide? Isn't that possible too? After all,
Jason himself brought about one death and had the helpless
perpertrator headed for prison."

As we drove along I pondered her bizarre fancy. "Maybe
what you say is possible," I finally conceded, "but it seems
needlessly complicated and highly unlikely. All a real hypno-
tist would need do is keep it simple."

"How do you mean?"

"Just make his primary victim commit suicide and be done
with it."

"Then you do admit a suicide is possible," she purred contentedly.

"Maybe so, I wouldn't know, that's Doc's bag, not mine. Anyway there isn't a chance it happened here, though Doc may want to touch on the possibility in his writeup." I shook my head in wonderment. "You dames can certainly dream up the damndest things. Life must be one big complicated soap opera."

"He just admitted it's possible," she repeated sleepily as I swung the car off the deserted main highway into Chippewa.

When we arrived at her apartment I walked her slowly to her door, both of us kicking and scuffling the dry fallen leaves like sauntering children. We paused at her door. The night was crisp and clear and a million stars shone. A dog barked ~~hollowly~~ far away. We could see our breath as we drew closer and kissed.

"You know something, Maida," I said, "despite my lifelong conviction that the biggest enemy of romance is matrimony, I'm afraid some day we gotta get married. To each other, I

mean. For one thing, think of all the money we'd save?"

She started to cry. "Paul," she said between sniffles, "you may be good in the courtroom and even occasionally in ~~the bedroom~~ ^{bed} but at times you ~~can~~ make one hell of an unromantic loverboy."

I gathered her in and again kissed her. "You know, Maida," I said, "kissing you is like kissing a bunch of pussywillows and merely touching you is like caressing Doc's old blue denim overalls."

She cried harder and clung to me. "Then again there are times, Paul," she said between sobs, "when you ~~can~~ say the sweetest damn things." She paused. "How about coming up for a nightcap?" *Just one?"*

"Nice evening, Madam," I said, taking her arm. "Let's go ~~up and~~ ^{just} have one drink."