

Chapter 1

All jails stink, and the Upper Peninsula of Michigan's Iron Cliffs county jail, if no worse than many and possibly ~~even~~ better than most, still stank of that stale rancid odor that seems inevitably to cling to all places where ~~resentful~~ men are ~~kept~~ confined at close quarters.

As I turned the knob on the outside jail door I paused and took a deep breath of the soft summer night air. Then I pushed the door open and quickly stepped into a narrow hall where I was greeted by the old familiar smell. A solitary light bulb in a wire cage lit up a steel-plated door just ahead of me, and I had to lean against it and push hard before it slowly yielded and let me into the small jail office. There the full force of the rank smell of jail hit me like a mallet; *I had* ~~and I quailed an impulse to turn and flee. The ex-DA had~~ forgotten how bad it could be.

The jail attendant was not in sight and as I waited for him I reflected that jails possessed only one of the magic ingredients of that ancient phrase about the wages of war which Sir

Winston had revived during the last big one: blood, sweat and tears--although actually what the old British lion had told Parliament was: "I have nothing to offer but blood, toil, tears and sweat." In any case with jails there was a difference: they stank of urine, sweat and disinfectant.

As I stood looking about the tiny malodorous room, trying to breathe discreetly, it seemed that nothing had changed since my days as district attorney. The same green-shaded light still shone down on the turnkey's wooden desk, upon which lay a folded newspaper exposing a partially-worked crossword puzzle which I quelled a sneaky impulse to complete. There was the same fly-blown eye-chart on a far wall that in the shadows looked rather more like a comic Christmas card depicting an upside-down Christmas tree. I saw the same impressive array of large keys dangling from a board under a ticking wall clock; I heard and smelled the same slow gurgle and belch from the same perpetually erupting old coffee maker on its stand in the corner.

Ah, yes, there was even the same old cluttered bulletin board still hanging over the row of visitors' chairs, still plastered with the photos and assorted vital statistics (including aliases) of that elite of the criminal law--the current crop of the country's most wanted fugitives. I leaned closer and almost whistled. Something new had been added--there were the pictures of three women in this latest rogues gallery. Yes, I had to face it; times had changed since I had been DA. Women's lib was at last invading even our jails...I heard the flushing of a toilet and a door opened and the young turnkey emerged absently patting his fly.

"Hi," I said, and he jumped a little and seemed surprised to see me.

"Hi," he said, quickly moving over and squatting at his desk and, to my mingled amusement and perplexity, letting his right hand drop close to his exposed holster. He was blond, husky and crew-cut and I did not know him. He leaned forward and looked closer at me. "How in hell did you get in here?" he demanded.

"I'm Batman," I said, flapping my arms, "and I just swooped down off the roof of the courthouse across the way to say hello. Hello."

"No, I mean it," he went on, ~~smiling and~~ pointing at the steel-shod door through which I had just entered. "We're under strict orders to keep the damned thing locked. Now don't tell me I goofed and went and left it open?"

"You goofed and I'm not Batman," I said. "I'm Paul Biegler the lawyer from Chippewa and I'm here to visit one of your prisoners."

"I thought I recognized you, Mr. Biegler," he said, relaxing a little. "You used to be the county prosecuting attorney a few sheriffs back, didn't you?" I nodded as he went on. "I'm Gary Kallio, the new night turnkey under Sheriff Wallenstein. Sure hope he doesn't find out I ^{went and} left that door unlocked."

"I'll guard your ~~dad's~~ secret," I said. "But tell me, when did you boys start locking yourselves in at night?"

"We lock it day and night, ^{now,} ever since about a year ago when some character charged in here around midnight waving a pistol and hollering that all our prisoners had to be set free."

"My, my--what did you do?" I said.

"It happened before I started working here, but anyway, while the poor scared turnkey was busy opening up the main jail to free the boys, he heard someone snoring so he quick looked around and there his caller was out like a light, fast asleep in a chair."

"What happened?"

"Naturally he took the gun away ^{from him} and found it ~~was~~ empty.

It turned out the only thing that was loaded was the guy himself--he was drunker'n a skunk. So we've kept the joint locked day and night ever since. Who do you want to see?"

"Randall Kirk," I said.

"Ah, our newest guest," he said, glancing up at the clock behind him--it was nearly half-past-ten--and back at me. "Kinda late, Mr. Biegler," he said. "Visitor's hours were over at eight."

"I know," I said. "Been out trout fishing all day and only got back an hour or so ago. Found a note in my office from my law partner that Kirk's mother's been phoning me all day. So I called her and she wants me to be his lawyer. She also wants me to see him tonight and phone back. I explained to her it was getting late but that I'd give it the college try. How about it?"

The young turnkey again craned and glanced at the clock and then rubbed his chin. "So you're Kirk's lawyer, then?" he said, plainly puzzled.

"Don't know yet," I said. "Naturally a lawyers got to talk to his man first and--ah--make arrangements and all that."

"Like for his fee?" the young jailer needled me, grinning.

"Like for his fee," I went on. "Or like finding out whether maybe he's panting to plead guilty. Or discovering maybe that even if the lawyer decides to take on ~~the~~ ^{his} case the man doesn't want him. All kinds of maybes. Free country and all that, you know."

"You're too modest, Mr. Biegler," the young turnkey said.

"Your fame as a courtroom bearcat precedes you."

"Aw gee thanks," I said, admiring the young man's composure.

"Then do I get to see Kirk tonight?"

"You're asking me something contrary to rules," he countered.

"I'd phone my boss ^{the sheriff} but he sacked out early tonight and gets real sore when we disturb him."

I saw I had to level with this young jailer. "Look, Kallio,"

I said, "I don't want to visit anybody. As a lawyer I simply want to see and talk a little with a poor bastard who's charged with first degree murder. Then maybe phone his worried mother. Or would you rather I phoned and woke your sheriff out of his beauty sleep?"

He held up a hand. "No, no, don't do that--it'd only get me in a jam."

"Then do I get to see Kirk--tonight?"

"You're a real persistent man."

"Do I?" I said, reaching toward his desk phone.

"Another victory for Biegler," he said, smiling and rising and turning toward the steel door leading into the main cell blocks. "I'll go see if he wants to see you."

It'll take a while because he's up on the third floor--where we keep the felony boys--and he'll probably ~~need~~ ^{have} to get dressed."

"Thanks," I said.

"Do you want to wait in the conference room?"

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

Who knows, maybe even Batman might decide to drop by."

"Don't mention that damn door I left unlocked even in fun," he said. "Remember, you promised."

"Scat, Batman," I said.

Branch banks must be easier to open, I thought, as the young turnkey crouched like a safe-blower and unlocked and slowly pulled open the first all-metal door, revealing a second steel-barred door leading to the cellblocks--and also fresh unleashing a sudden/blast of jail stench and the sound of snoring men. Then using a second key he unlocked the barred

door and pushed it inward. Then he turned to me with a half-smile and whispered. "How was fishing today?"

"Only so so," I whispered back.

"That's too bad," he whispered.

"Oh, I don't know," I said. "Part of the charm of trout fishing is that it's one of the few pursuits ^{left to} of men that is fun even to fail at."

"You may have something there," he whispered, winking as he pulled shut and locked the first door, and then the second, all with much clanking, and presently I heard his muffled steps climbing the metal-shod steps to arouse my prospective client. I turned away and got myself a cup of scalding coffee and sat at his desk wryly reflecting that trout fishing was also far more fun than sitting in a stinking jail on a summer Saturday night waiting to talk with an accused murderer.

Chapter 2

It seemed to be impulse-quelling night at the county jail, ^{for}
^{and} once more I resisted the temptation ^{to taking a whirl at} ~~of~~ finishing off the young
jailer's crossword puzzle. Without it how would the poor bored
devil get through the night? Instead I turned ~~the~~ ^{his} newspaper to
the front-page story of the case that had brought me to this reek-
ing jail on a lovely June night. My law partner Parnell McCarthy
had earlier left a copy of the same paper on my desk at ~~my~~ ^{our} office,
along with my phone calls, but I had only hastily scanned it.

"MINING HEIRESS FOUND SLAIN IN LUXURIOUS ISLAND SUMMER HOME,"
the headline proclaimed. "Socialite Bachelor Jailed for Strangu-
lation Murder" it continued underneath. The news account itself,
datelined Chippewa, was brutally brief:

"Mrs. Jason (Constance) Spurrier, 32, prominent society
matron and heiress to ^a ~~an~~ iron-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 discovered by her housekeeper, Mrs. Viola

Axholm, when she went to the bedroom to inform her mistress of a telephone call. Mrs. Axholm immediately summoned the police.

"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 Randall Kirk, 28, a frequent summer visitor in the area, was being held in the county jail without bail on an open charge of first degree murder, adding that Kirk had signed a voluntary police statement.

"A police spokesman who declined to be identified"--I paused for a reflective moment and then put my money on the county sheriff--said that police were still investigating the possibility that the deceased might also have been molested." Ah, there it was, I wryly noted, that good old ambiguous newspaper euphemism, molested, which ever so

lubriciously, if however hazily, contrived to suggest the possible perpetration of whole sagging law-shelves of sexual offenses ranging anywhere from the surreptitious pinching of ~~parked~~ babies to clawhammer rape.

"The dead woman is the former Constance Farrow, daughter 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, ~~by~~ a son by a former marriage, Marius Blair, age 11, presently attending school in the east, and by a brother, Walter, residing in Chippewa. Funeral arrangements are incomplete pending conclusion of the official autopsy and the return of the surviving husband from an eastern trip."

There it was, there wasn't any more, and as I turned the newspaper back to the jailer's crossword puzzle I had to concede that the young Gazette reporter, Miles Gleason, had done an adroit job. 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 jinks in high places but had also managed to pose some delightfully tittillating questions.

What, for one ^{questioning} ~~thing~~, had the lovely ^{sparsely clad} Connie Spurrier been doing with a strange man in her bedroom? And how had that personable young bachelor Randy Kirk got himself there? If a tryst hadn't been arranged how had he known that Connie's husband would be ^{behind} conveniently out of town? What was the true story ^{of} this enigmatic affair? Read all about it, folks, in future issues of the Daily Mining Gazette...

I sat thinking of the dead woman and felt a sudden pang of depression and resentment over her death. This surprised me a little as I had never really known her very well. For

during my college years,
one thing I was nearly ten years older than she and, aided by
a chronic shortage of money, ~~when I was of college age,~~ had never run much with the
country club and summer resort crowd among whom young Connie
had been raised.

Another reason I had not got to know her better was my
helpless lust for fishing. Trout fishing, I had early ~~learned,~~ *discovered,*
is an essentially lonely and time-consuming ~~form~~ *brand* of selfish-
ness that does little to broaden one's social horizons. Con-
sequently I had been denied that handy propinquity that ~~might~~ *just*
have helped generate an interesting chemical fizz between
Connie and me; I had simply never had a decent chance to ~~know~~ *really get to*
her. And now that she was gone I realized with a sudden jolt ~~X~~
that she had long been my secret dream woman and that I missed
her badly.

It was a disconcerting feeling for a middle-aged lawyer
to have and I felt ~~guilty~~ *a little* until I recalled that less than a
month before my shrewd old law partner Parnell McCarthy had
pretty well ~~articulated~~ *put his finger on* the nature of the attraction I now

realized I'd long felt toward Connie Spurrier. I had been driving the old boy down to the county courthouse to look up some law--^{by common consent} he was the legal scholar of our ^{law} partnership--when a speeding open sports car had suddenly overtaken and passed ^{us,} crowding me off on the gravelled shoulder in a cloud of dust ^{accompanied by a picturesque} and an accompanying blast of profanity from Parnell.

I had caught but a fleeting glimpse of the offending driver, a woman ^{wearing} in sun glasses who smiled as she passed me and raised a bare tanned arm in a kind of taunting go-to-hell salute. Yet in that flash I had seen or perhaps merely sensed -- that it was Connie Spurrier, and as I fought to control my car I had ^{inane} ~~oddly~~ murmured, "Go, go, lover girl--never let the bastards catch you..."

Whereupon Parnell had calmly flipped his cigar ash in the ^{direction of my} ~~general~~ car tray and announced, "I have a theory, son," and then cleared his throat to deliver it.

Since the old boy possessed all manner of theories on almost everything, which he was ~~also~~ prone to deliver the

instant a new seizure came, I winced and braced myself for his latest. "Fire away," I said resignedly, watching the lovely Connie's car disappear around a far bend at least a mile away.

"I have a theory," Parnell began, "that in every town in America, perhaps all over the world, there is one particular unique woman that virtually all the men in town covet and secretly want to sleep with, as the saying goes."

"Oh, ~~so in our town~~ you must mean last winter's local snow queen?" I said, vaguely recalling the bouncy ~~teen-ager~~ ^{our} ~~teen-ager~~ ^{extrovert} with the ~~plastic~~ ^{fragrant} smile who had won that annual event.

"No I don't mean last winter's local snow queen," Parnell had come back testily, "nor Miss Michigan nor Miss America nor Miss Universe nor any other dame chosen in these goddam ~~modern~~ ^{over} ~~female horse shows~~ ^{periodic} ~~merely by calibrating her teeth and~~ ^{where the judges merely calibrate} ~~width~~ ^{width} ~~breadth~~ ^{width} of ~~her~~ hips."

"Please explain," I said. "What's wrong with ~~choosing~~ ^{having} beauty queens? ~~Some of them are occasionally~~ ^{Some of them are occasionally} ~~even pretty.~~ ^{even pretty.}"

Q "I'll tell you what's wrong. ~~Look~~ Look, a

[^] ~~Look, in all these so-called beauty contests an aspir-~~
~~ing~~ dame may have the face of a madonna, the soul of a

swooping angel, the intellect of an Einstein," he ran on.

"But if she don't also possess a pair of boobies at least

size 36 she ain't never ~~ever~~ gonna get ~~to be~~ queen [^] ~~of~~ ^{protuberant} [^] ^{selected} ^{of nothin'")"}

"I see," I said, ~~a ray of~~ enlightenment dawning.

"Judges in these here ^{corny} ^{while I'm} now beauty contests are ^{solely} concerned

^{solely} with female engineering, ~~I happen to be talkin' about~~

[^] ~~that indefinable combination of, more commonly called sex~~
~~genuine~~ feminine charm and concupiscence. ~~They ain't even~~
~~the two ain't even faintly related."~~ ^{Appeal,}
[^] ~~faintly the same thing."~~

"Tell me more," I said.

"My queen need not be particularly beautiful ~~or~~ ^{nor} buxom

^{nor} ^{nor} [^] ~~or~~ brainy ~~or~~ even too much afflicted with character--though

there is no rule against any of these things," he ran on.

"But for her to qualify as queen of the hay under McCarthy's

Law there is one quality she has simply got to have."

"What's that?"

"She must be immensely and outrageously bedable."

"And who might she be?" I said, thinking of Connie.

"Naturally, bye," he said, slipping into an extravagant Irish accent ~~that~~ he often affected, "she must be the same lass I meself have in mind if me theory's at all correct.

So you tell me. Confess."

"I'll sit on my constitutional rights and refuse to answer," I said. "But tell me, you old goat, just who were you thinking of?"

He blinked thoughtfully. "That there handsome long-legged Donnie Spurrier, of course, he finally said.

"I think her name is Connie," I said.

"Connie or Donnie 'tis no matter, bye," he went on wistfully. "The important thing's she's the very dame I had in mind." He took a puff on his cold cigar and fumbled for the car ash tray and missed it--but not my trouser leg.

He then poked a finger at the dash lighter knob and also missed it, stubbing his finger and swearing eloquently for at least two minutes without repeating himself. Slightly winded at the end of this ^{remarkable} ~~minor~~ linguistic triumph, he glanced at me. "Please ^{try an} ignite the goddam thing," he said.

"Yes, sir," I said, doing so and carefully holding the glowing lighter ~~for~~ ^{at} for him as he hunched forward and puffed happily away.

" 'Tis a miracle of Yankee ingenuity," he finally said, crossing himself and shaking his head and leaning back with a beatific smile.

This was my shrewd and gabby old law partner, Parnell McCarthy, who, though actually ^{rather awesomely} well-educated and an omnivorous reader of esoteric books and periodicals many of which I had ~~never~~ barely heard of, loved to hide it, often talking and carrying on like either an old vaudeville Irishman

or a black-face comedian or a ^{else} small-town ^{pool-hall drop-out--} pool shark--occasionally mixing the three in the same conversation and, when

really in good form, sometimes ~~indeed~~ ^{even} in the same sentence.

I sighed and looked around the stinking jail room wishing that the old boy were there with me. Instead ^{I sat} ~~there I was~~ still sitting alone silently mourning the loss of the town's secret queen and waiting to see and maybe defend the very man accused of killing her. The prospect did not exhilarate, ~~me.~~ Then I heard a near sound of metallic rattling and shuffling and braced myself to face that man, at the same time finding myself guilty of rather unlawyerlike behavior. "Randall Kirk," I heard myself whispering, "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 shooed us into the darkened conference room and flipped on the lights and carefully closed the door behind him as he presumably raced back to his neglected crossword puzzle.

"Thanks, Gary," I called after him, dropping my briefcase on the long wooden conference table with a nice professional thud, the same battered old table at which I had so often questioned--or "grilled", as the resourceful Gazette invariably ~~referred to~~ put it--felony suspects back in my days as public prosecutor. I rummaged in my briefcase for a fresh notebook and placed it on the table between us and faced Randall Kirk standing across from me.

He was tall, taller than I, and tanned and dark, with thick ruffled hair and dark eyes out of which he stood looking at me with a sort of ^{detached and} unblinking ~~detached~~ wonderment. He was wearing a heavy-knit pullover sweater and a pair of streaked and

wrinkled dungarees. On his bare feet he wore low open-work beach sandals.

"Well," I said, motioning him to sit down, and as he sat under the full hum and glare of the overhead neon lights for the first time I observed that he possessed a mustache. Now while I ~~had~~, despite my over-forty senility, ^{had} already developed a growing resignation before if not quite tolerance of the advanced masculine hair stylings, this particular mustache shook me a little because it was not only long and straggly and trailed off into remarkably wispy ends, like that of a sinister highwayman in a drawing by Frederic Remington, but ~~moreover~~ was also golden-blond, and I wondered vaguely if he dyed it.

"Nice evening," I said, groping for an opening, which, however inane a professional beginning, was probably better than bluntly asking the man if he ^{had} killed Connie Spurrier. For one thing, he might have answered me, thus prematurely slamming all sorts of interesting doors on ^{any} possible defenses he might have had. "Lovely breeze off the lake."

"I wouldn't know," he answered with a faint smile. "Damn little fresh air seems to penetrate the ~~incredible cage~~ ^{cell} they ~~put~~ put me in."

"I spoke with your mother on the phone earlier tonight and she asked me to come talk with you," I went on, "that's if you care to talk."

"She's my step-mother," he ^{quickly} corrected me, "and young enough to be my sister."

"I see," I said. "Then I assume your own mother is dead?"

He nodded. "And your father?" Again he nodded, and I paused, a little puzzled what to ask him ^{next} ~~next~~.

"If you're wondering why my step-mother should appear to give a damn," he ^{went on} ~~said~~ in a sort of listless monotone, "she doesn't. But she's the well-rewarded trustee under father's will and one of the little jobs he gave her under that document, besides paying me a monthly allowance, was to ^{plead} try to bail me out whenever I get into trouble."

"Trouble?" I said, picking up this possibly vital new thread. "You mean you have a criminal record?"

"Nothing serious," he answered, again half smiling.

"Occasional speeding fines, a rather picky reckless driving charge a few years back--that sort of thing. Never saw the inside of a cell before last night, thank goodness."

"No previous felony record, then?" I asked him, pressing a little. "Nothing really serious like this present charge against you?"

His tanned ~~strong-looking~~ hands lay idly cupped open on the table before him. ^{He ignored} ~~Instead of answering my question he~~ ^{and} stared down at his hands uncomprehendingly. Then he raised them, at the same time clenching them out before him, and began talking ^{to them}, or so it seemed, rather more ~~to them~~ than to me, at the same time shaking them violently. "They say I did it with these very hands...They say I killed ~~Connie~~ Connie... Oh God..." Then he buried his ~~head~~ ^{face} in his hands and fought to keep from breaking down ^{as} ~~and~~ I sat watching his shoulders twitch convulsively.

Again I longed to ask him outright if he had killed her, but again ⁹ did not. Not only might he answer me, and thus endanger any possible legal defenses, but competent lawyers simply did not carry on that way; it was much safer to sidle up to the big questions. More than a client's interests was involved; there was also the little matter of legal ethics, ~~and~~ of his lawyer saving face; if he finally took on the client's case it was often better all around if the precise question of the guilt or innocence remained decently ~~ambigu-~~ ~~ous~~ and shrouded in doubt.

"Would you like to talk about it?" I said after he had quieted down.

"Yes," he said quietly, slowly sitting up. "I simply must talk with someone. They say I killed Connie."

I stared at the man. This was the second time ~~in minutes~~ ~~that he had~~ ^{had} said that "they" ^{had} said he'd killed Connie. By "they" he must surely have meant the police. And if they said he'd killed her wouldn't he himself know whether he had or hadn't?

Unless he ~~was~~ ^{was posturing or} been drunk or drugged or something? I sighed and fumbled for and found an Italian cigar ~~and~~ ^{and} as I lit the thing I suddenly decided to cast all legal sparring to the winds and ask him straight out if he ^{had} killed her. I took a deep drag on my cigar before I spoke.

"Did you kill Connie Spurrier?" I asked him, at the same time wondering whether I sought an excuse for turning down his case or, worse yet, wanted to get him to hang himself--figuratively, of course, since capital punishment no longer existed in Michigan. "Did you kill her?" I repeated.

"I don't know," he answered quietly.

"What?" I said.

"I don't know," he repeated. ^{slowly, emphasizing each word.} "God damn it, Biegler, I don't know if I killed her. I really do not know, man."

I snuffed out my cigar in the littered ash tray and squared myself in my chair. Something new had been added, ~~and~~ ^{then} as suddenly as I'd first decided to ask him if he'd killed Connie I ~~now~~ decided to go back, legally speaking, on the

oblique standard and proceed with the slow traditional legal minuet known in some defense circles as the Big Quiz.

"Did you know the woman?" I began, deciding to begin at the beginning.

"Ever since I was a boy," he said. "We grew up together-- in a summer sort of way--tennis, swimming, dancing, sailing, picnicking on the beach, cottages on the same lake, that sort of thing."

"Then you were with her the night she died?" I said, looking at my watch to ^{learn if} ~~discover~~ it was still before midnight, *which it was.*

"I mean last night, Friday night?"

He gave me a quick baffled look and shook his head. "I don't know," he said. "I think I was, they tell me I was, but for the life of me I can't remember."

"Were you drunk, man?"

"I'm sure I wasn't."

"Had you been drinking?"

^{a little.}
"Yes, I'd fished that afternoon--yesterday afternoon--and

had a couple of stiff hookers of bourbon when I quit, but nothing unusual."

"Maybe you were stoned and didn't know it."

He shook his head. "No. I've been what might be called a hard drinker ever since college ^{days} and I can't recall a time when I couldn't remember where I was or what I was up to."

"Have you recently been taking any medication?"

"No."

The next question had to be asked. "Or been on drugs or ^{been smoking} smoked ^{marijuana} pot or anything like that?"

He smiled wearily. "Again no. I tried pot once or twice in school but preferred to stick to bourbon. Just ^{an unimaginative} ~~a devoted~~ ^{whiskey-drinking} ^{boozey old man's} bezy square like my ~~peer~~ father, I guess."

"Would you be willing to take a lie detector test on ^{all} that?" I next asked.

"On what?"

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

"Of course."

"And be willing to stand by the results?"

"~~Yes.~~ "Naturally."

"Did anyone suggest--I mean the cops--that you take such
a test?"

"No."

"And had you also told them that you don't remember harm-
ing Connie or even being there?"

"Yes, over and over from the moment they brought me in."

"I paused and lit up a new cigar and pondered before I
went on. "Think hard, Kirk," I ~~began~~ ^{said}. "Were you ever in the
past given to fits of forgetfulness or spells of blacking out
or loss of memory?"

"Never."

"~~Have~~ ^{Had} you ever experienced or been treated for any kind of
mental aberration or lapse of consciousness?"

"No."

"Or ever seen a psychiatrist or the like?"

He smiled faintly.

^ "Only in the movies."

I pointed the burning end of my cigar at my prospective client. "I ask you--once more--do you still say you don't remember being with Connie Spurrier last night much less harming her?"

He looked at me steadily. "I swear it, sir," he said.

I excused myself and went to the tiny washroom in the corner, as much to think as anything else. After all my years as a prosecutor and defense lawyer something new had definitely been added. One thing was clear: either this personable young man was a clever liar or he was telling the simple truth. If the latter, while it still wasn't necessarily a murder defense, it just might be; that would take some looking. But if the cool bastard was lying I prided myself I would catch him at it; after all, a fickle voting public had once furnished me an elaborate course in the art ^{*of opposing liars.*} Remembering not

to pat my zipper I briskly emerged to get on with that chore.

Testing, I decided to take a different tack.

Chapter 4

"Had you been" -- I paused to pick a word that would
~~delicately~~ convey my meaning ^{but not too} without bluntly coming out and
~~defining it,~~ something on a par, say, with molested--

"intimate with Connie Spurrier?" I concluded.

His body tensed and stiffened as though I had slapped him, his eyes growing 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 go along up to a certain point.

"Were you and she in love?" I said, easing the approach.

"Are these sort of questions necessary?" he said, frowning.

"Suppose you let me be the judge."

He glanced down and breathed deeply before replying. "I suppose," he answered steadily, "that ~~I've~~ ^{did} been in love with Connie for as long as I can remember."

"And she?"

"I don't know." He paused as though considering the question for the first time. "We didn't talk about love."

Another pause. "It was as though we knew how we felt about each other without ever talk^{needing to}~~ing~~ about it."

"Do you think she cared for you?"

"Yes," he answered with ^{short clipped}~~crisp~~ sibilance.

"And you say you know that you cared deeply for her?"

"Yes."

"And I believe you just told me you and she were intimate?"

"Yes, we were close."

I had guessed right; he was going along ~~just so far~~ with ^{just so far but no further,} my euphemistic game. I took a slow puff on my cigar. "I

wasn't there, Kirk, so I wouldn't guess how close you were," I said.

I took another puff and tried blowing a smoke ring that didn't turn out. "What I've got to know is ^{precisely}~~this~~ how close was close?"

I had finally stung him and he winced his eyes shut and spoke rapidly. "How can I answer such a question? How can I possibly tell you that?" He stared at me, not so much reproachfully as uncomprehendingly. "How could you--how dare you ask me that?"

We all have our private little codes of honor, I suppose, and I had rather obviously just violated his. As he fingered his wispy mustache and continued to stare at me I fought the impulse to hang my head. Now while there is no law requiring a lawyer to fall in love with a prospective client before taking on his case, it nevertheless helps some if he can at least find the bastard endurable--and at the moment Randall Kirk was making even that a little tough. It was time, I saw, to cut out the euphemism and lower the boom.

"Look, Mr. Kirk," I began softly, holding out one hand, palm up, "I'm merely a journeyman lawyer who was asked to come here tonight to interview a man charged with murder--"

"I didn't ask you here," he broke in.

"True, and I'll leave at once if that's what you want.

In fact I'm half tempted to anyway." I reached for my briefcase and looked at him inquiringly.

"Go on with what you were saying," he said. "I'm sorry I interrupted."

"Thanks," I said. "Beyond telling me that he loved her the man says he doesn't even remember being with her much less harming a hair of her head. In other words, so far he hasn't come within a country mile of showing a possible defense to his case. Are you following me?"

"I'm listening."

"Now I cannot tell you how incurious I am about the intimate love life of the people I represent," I went on, "except only as their revelation might ~~over~~ help me to help them. Please get that clear. Do you want me to go on?"

"Proceed."

"If I knew you were regularly sleeping with Connie
Spurrier my ^{sole} ~~principal~~ reaction, aside from ~~envy~~ ^{a pang of}, would ~~only~~
be for the possible clues that knowledge might lead to."

"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 ~~possibly~~ a half dozen ~~other~~ things. Are
you still listening?"

"Go on."

"You, sir, are a man in one hell of a jam. And just as the psychoanalyst must probe and dig at his patient not in order to offend him or to gratify his own lust for smut or to run tell the world ^{about it} but only possibly to help him, so I've got to know all about you and Connie. Are you still with me?"

"I'm still listening."

"Now there are several ways you can respond. One is you can clam up and take your medicine to spare the memory and reputation of the woman you say you loved. Many men have done it. Another is you can help the man who's trying to help you by telling him everything that might help him unravel what really happened and thus maybe help you--though in the end he may fail, as the analyst must sometimes fail. Have I made myself clear?"

"Yes."

"Good. Now I'm going to ask you one straight question. If you prefer not to answer it simply say so and I'll gather

up my simulated leather briefcase and go away. But I've got to ask the question plain and if you're going to talk at all I've got to have a plain answer. Are you ready for the question?"

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

"Were you laying Connie Spurrier?"

He stiffened and flushed and looked away and then glanced back at me. Then: "I have a question I'd like to ask you before answering yours."

"Fair enough. What's your question?"

"Would whatever I told you have to come out in court?"

"Not necessarily," I said, tactfully not ^{reminding him} adding that by asking his question he'd already pretty well answered mine.

"But it might?"

"It might," I answered truthfully.

"You mean ^{you might} ~~you'd~~ reveal my confidence?"

"No," I went on carefully, "but if you were laying Connie it still might come out in court even though you never took the witness stand."

"But how could it?"

"By the testimony maybe of some third person who also knew." I paused and took a shot in the dark. "Like maybe the testimony of some employee," I added, thinking of Connie's old housekeeper, Viola Axholm.

"But Axholm wouldn't--" he began, but caught himself and sat silently fingering his mustache.

"Nobody can predict the course of any jury trial in the land," I ran on, trying to ease his revealing slip. "It just might happen that you'll finally have to tell the whole story to stand any chance at all."

"You mean you might ask me the same question in court?"

"It's possible. But never without first consulting you. That's a promise.

"But couldn't the other side ask me?"

"Yes, but they could still ask you whether you answer me now or not. That's precisely one of the reasons I've got to know the truth before we get to 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?"

"Grounds?" I repeated thinking of what a novel experience it was to be ~~so closely~~ cross-examined by one's own prospective client. In fact this young man was so adept at it that I decided to set a little snare. "Well, for one thing if at the trial the prosecutor should ask you about having any relations with Connie that last night you could honestly answer you have no recollection, could you not?"

"That's right," he agreed.

"Of course if you had earlier told the police otherwise in your statement and it is admitted in evidence, or if the prosecution should come into court, say, with a positive

vaginal smear--as the newspaper account has vaguely hinted--
then the cat might be out of the bag." I paused and fed out
more bait. "But if you didn't tell the cops about you and
Connie and if you two were what nice people called 'careful'
that would probably be the end of that phase of the court
inquiry."

"Connie was always--" he began and flushed and again
caught himself. "Suppose the prosecution questioned me about
our relations on other nights?"

"Well," I said, pondering, "I might object that the
question was irrelevant and too remote and--let's see--that
your answer might incriminate you by imputing another crime."

"What other crime?" he asked, plainly puzzled.

"Adultery," I said, "that ancient but still most popular
of society's clandestine sports--though I suspect we as a
people frown less on the offense ^{itself} than on getting caught at it,
just as we probably punish ^{those} the guilty ^{of adultery} less for their crime."

than for their ^{lack} breach of ~~community~~ decorum in getting caught.

But I ~~wander~~ "wander.")

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

"In modern adultery only one party to the collision need to be married to make both equally guilty. Guilt in adultery is like the common cold--if one bedfellow contracts it all do."

I paused realizing I was getting to sound like Parnell.

"I didn't know," he said. "I always thought the law was otherwise."

"Law is like pregnancy," I ran on, now boldly plagiarizing Parnell, "a little of either being a dangerous thing. You've been reading the wrong almanacs." I glanced at my watch. "Are there any further questions? If not I'll repeat mine. Were you laying Connie Spurrier?"

"Yes," he said simply, resignedly.

"For how long?"

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

"How about her husband?"

"He was often away and when he was around he was often out fishing."

"Ah, a fellow fisherman," I said.

"And a consummate one. In fact we often fished together."

Just one big happy family of idyllic fishermen, I thought.

"Then you and he have remained on good terms?"

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

"When was the last time?"

"Just last week--before he took off for New York."

"Did he know about you and Connie?"

"No, I don't think so. Or if he did he never showed it. Naturally we never discussed it. You see, Connie and he were separated."

"I didn't know. *Tell me more.*"

"She'd recently filed for divorce and had gotten preliminary court papers barring him from the home."

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

"Oh, 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 spread his hands. "Frankly, I've often wondered *that* myself though I must say I've found him a delightful companion, urbane, cultured and awesomely erudite--he seems to know everything about everything."

"Well, I suppose the formal grounds are irrelevant anyway and only window dressing for the one universal ground for divorce--that the parties can no longer endure each other."

"You sound cynical. Are you married?"

"No, but I've attended upon the dissolution of a lot of

From that experience it
matrimonial contracts. [^] seems to me that any man worth his
salt gives his wife grounds for divorce at least once a day.

In fact I've seen so much domesticate wreckage that I suspect
that the bonds that hold marriages together are as fragile as
those that hold friendship. Once broken all hell can't seem
to ~~mend~~ ^{glue} ^{together} them again." [^] [^]

He smiled, ~~the man actually smiled.~~ "You sound a little
like Eric Hoffer," he said.

"The name is familiar but I don't quite place the guy.

Is that a compliment?"

"He's an articulate diamond in the rough who writes books
and sometimes appears on television. Thought you might have
caught him there."

"Don't own a set," I said, rising. "Didn't you know that
not owning a television set has become the nation's cheapest
status symbol? ^{these proud} ^{chew bubble gum and} Though non-owners may instead [^] [^] read comic books
in bed it still gives them the illusion that they remain a cut
above the canaille."

"I don't own a set either," he said, still smiling,
"though I ~~do~~ occasionally ^{do} read a ~~non-comic~~ book."

"Television," I ran on. "Haven't you heard the rumor
that Congress, having already given ~~away~~ the airways ^{away to the golly hucksters,} now
plans to toss in the Statue of Liberty?"

Smiling: "No. Tell me more."

^{brilliant master}
"According to the plan Liberty's torch will be replaced
by a spray can."

"You're kidding."

"The idea is to retire the national debt by renting out ^{her}
~~weekly~~ ^{for a weekly}
to the highest bidder ~~a weekly~~ rotation of spray cans." I

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

"Thanks, I'd love some."

Chapter 5

While out getting our coffee I reflected that while it was all very interesting to learn that Connie Spurrier and Randall Kirk had been that way about each other, it was not too surprising. If Parnell was right in his theory about bedable women why then should anyone be in the least surprised ~~also to learn~~ ^{additionally} that these concupiscent bedroom sirens ^{occasionally} ~~often~~ repaired there with men who attracted them?

No, the surprising thing was not ~~to learn~~ that they had been sacking up but why, in the face of this fact, Randall Kirk had killed her. ^{rather} ^{ever} ^{one big} ^{women} ~~That~~ was the ~~surprising~~ perplexing thing. Men did not normally dispatch ~~these lady friends~~ who were both attractive and compliant, especially when they also professed to be in love with them. Why had Kirk done this ~~awful~~ thing to Connie?--if he had done it? Why? Why? Why?

"No cream or sugar, thanks," Randall Kirk murmured as I returned to our huddle, absently stroking ~~that~~ his silken

mustache with one finger before taking a sip.

"It's getting late," I said, "and I'd like to make one final push and ask ~~you~~ all sorts of questions. Are you up to it?"

"Fire away," he said.

"Your military status?" I began. "How about it?"

"Nobody wants me," he said, "ever since I developed a trick knee while trying out for college football." He paused and smiled. "I consider it one of the richest rewards of my whole college experience—certainly during my brief athletic career."

"Let us ^{turn} ~~now~~ ^{back} flit from war to love," I said. "Did you ever hope to marry Connie?"

"I don't know, We never ^{really} discussed it. Now that you ask—yes, I think I would have in a minute."

"Do you think you might have had a rival?" I said.

"And I don't mean her husband." He drew back offended. "Cut

it out, Kirk," I went on. "I seek only to learn, not to slander the dead, so don't go into a dramatic pantomine over the suggestion^{idea} that a mature attractive woman just might have known other men."

"No," he finally answered. "At least^{rivals} not since I've^{I think} been seeing her regularly."

"Why do you say that?"

"Well, we were so close that I guess I simply had an intuition there were no others."

"And I suppose you didn't discuss your feelings toward Connie with the police?"

"No."

"Or talk about your--ah--intimate relations with her?"

"Of course not."

"I see," I said. "Have you read the newspaper account about Connie's death and your arrest?"

"No, I've had no chance."

"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 ^{it say} ~~tell them in it~~ that you had no memory of being

with much less harming Mrs. Spurrier?"

"I think so--at least I told them that over and over."

"Did the police show you or refer to anything that might tend to implicate you?"

"Yes, they showed me a wallet and said they'd found it in Connie's bedroom and asked whether ^{if} ~~whether~~ it was mine."

"And?" I said, holding my breath.

"It was mine and I said so."

The cops now seemed to have my man firmly planted at the

scene, statement or no statement, and still there was no ray of a defense. I took another tack.

"Memory," I went on. "If you can't remember being with Connie that last night, or of harming her, tell me--do you at least remember going there?"

He closed his eyes and touched his forehead lightly with the bunched fingers of one hand. I leaned forward awaiting his answer. Presently he opened his eyes and held out his hands and shook his head, giving me a baffled look.

"What do you say, Kirk?" I prodded him.

"No," he said.

"No what?"

"No," he repeated, ruefully shaking his head. "Everything's a blank." For the first time he looked scared. "It frightens me."

About then I felt a trifle scared myself. "But didn't you have a date to see her Friday? Or some sort of pre-

arrangement? Come, man, certainly you can at least remember that."

"We rarely made formal dates. It was sort of understood that I could come see her--ah--when the spirit moved." He paused. "It's one of the things that made me feel there were no rivals."

I tried not to look too much like a prying satyr. "And how often did the spirit move?"

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

Ah youth, I thought, quelling an unlaywerlike impulse to ^{inquire} ask how he ~~managed to get~~ ^{got} back. "Then you also saw her the night before the last night--Thursday?"

"Yes."

"And do you remember that?"

"Of course," he all but whispered. "Being with Connie was always unforgettable."

that night?
"Except ~~the~~ last time?"
that night
"Except ~~the~~ last time."

humming along

I lit a new cigar and sat staring up at the light,
trying to order my puzzled thoughts. "Kirk," I finally said.

"Listen to me closely, now, and think hard before you answer.

Are you ready?"

"Ready."

"All right. If you don't remember being with Connie
the other night or even going there or how you got there,
then tell me--what is the last thing you do remember? Or
were you in a fog all day Friday?"

As the impact of my question hit him he sat staring
through and beyond me, groping for recall. He stared so long
that it got a little eerie watching him, so I got up and
walked around the ^{*table,*} ~~room.~~

"Look, Kirk," I said, back again in my chair across
from him, trying to break the silence as much as anything.

"Let's sneak up on it. What did you do Friday afternoon? Or

is that too a blank?" *Red already told me he'd gone fishing, I recalled.*

"I went trout fishing," he blurted, almost in relief.

"Are you sure ^{*now or are you*} making it up? This could be crucial."

"I remember clearly. The fish were rising and I must have caught my limit. I kept a few for breakfast. I also remember going back to the car and making ~~my way~~ a stiff drink by way of celebration--I carry the fixings--and then another, it felt so good."

"Might the drinks have got to you--on an empty stomach and all?"

"No," he said, shaking his head. "Two drinks isn't even daily par for the course."

So far no good.

^ "What do you recall doing next?" *I went on.*

"Then I drove home, not stopping in town to eat because it was getting late and I was anxious to see Connie."

"Ah, then you didn't eat?" I said, still clutching at straws.

"When I got to my cottage I had myself another ~~good~~ drink, then I ate a can of chilled shrimp along with some crackers and then--and then--"

"Yes? I said, leaning forward.

Randall Kirk sat staring blankly beyond me in a detached way, like a man looking out over a trackless desert. "And then," he murmured, ^{*it all ms*} "I heard something like the faint tinkling or buzzing of a bell."

"Bell?" I repeated, scribbling furiously in my notebook, suddenly chilled to my very spine. "What kind of a bell?"
9 ~~I had drawn his eyes back from the desert, and they slowly~~ ^{*trackless*} fixed on mine with a look of baffled anguish. >

< "I don't know," he whispered, spreading his hands helplessly.

"I don't know..."

We sat there in a kind of ticking silence that finally grew so oppressive I felt I had to break it or get up and leave the place.

"Was it the doorbell?" I suggested.

He shook his head, half mumbling. "Cottage hasn't any bell."

"The phone, then?"

Dully: "I don't know, I don't know. It might have been."

"Was it coming from inside or outside the cottage?"

"I don't know," he repeated in a kind of subdued minor wail, anxiously searching my eyes. "Maybe it's all in my head. Maybe I'm losing my mind."

If so, he had been reading my own mind, and again I felt gripped by a ~~sudden chill and a~~ desire to get out of there. I arose and stashed my notes in my briefcase and moved toward the door. "Gotta get some sleep," I murmured. "Been burning the candle at both ends—^{trout} fishing ^{now here planning strategy} by day and ~~rolling spitballs~~ against the People of the State of Michigan by night. See you later."

Randall Kirk had arisen and was following me. "Then you will try to help me?" he said anxiously. "It—it isn't so much a lawyer I feel I need as someone to talk to, someone ^{to} ^{I can} ~~on~~ whom to unload." His voice had risen. "I'm getting terribly afraid."

"Afraid of what?"

"Christ, Biegler," he burst out, "can't you see, man, can't you see? To realize that one may have killed ^{anyone} ~~a person~~ is terrible enough, but to ~~kill~~ ^{have killed} someone you love and not have the faintest recollection of doing ^{so} ~~it~~ or why—that is unspeakably horrible."

His voice lowered. "But you couldn't possibly understand."

"No," I said soberly. "I guess I couldn't possibly understand."

"Then you will try to help me?"

For the first time I felt a surge of sympathy for the man. Facing him, I fell into his formula. "I don't know if I can help," I said. "I must brood and think--and try to understand. But right now I must get some sleep or I'll be hearing little bells myself. I'll be in touch tomorrow." As I spoke I knew I was lying; that by now all hell couldn't have kept me out of this case; that the firebell had rung and that neighing old legal firehorse, Paul Biegler, was already champing and pawing his stall. "Meanwhile I want you to clam up--to everyone." I opened the conference room door.

The young jailer Gary Kallio sat nodding over his desk and it seemed a shame to disturb him. "Here's your man back," I said softly and the effect was electrical.

"Who? How? What?" he said, leaping up wildly like a young boxer coming out at the bell. "Oh, it's you," he said, smiling.

"Thanks for everything, Gary. I'll be in touch with you, Kirk. Goodnight."

Outside I stood by my car gratefully drinking in the cool Lake Superior air. I glanced up at the looming pile of the darkened courthouse. Whether I took his case or not, it was in this austere building that the fate of Randall Kirk would be sealed. I yawned and climbed into my car and groped to find the ignition.

Just as I pulled out of the jail driveway a speedily approaching car turned in off the street, narrowly missing my car and squealing to an abrupt lurching stop in front of the jail door. "Crime marches on," I mused, shrugging and proceeding on my way.

Chapter 6

It was late when I turned off the main highway and headed for our office in downtown Chippewa. Parnell had asked me to meet him there after I'd seen Kirk, whatever the hour. The downtown streets were mostly deserted except for an occasional cluster of cars around the few hamburger joints and pizza ^{parlors} ~~places~~ ~~that~~ ~~still~~ ~~remained~~ open. As I parked my car on the silent and empty street below our office I wondered whether there was a lonelier place in the world than a small town after the Saturday night frolic.

There was a light in our upstairs office window so I knew that a champing Parnell was still keeping the vigil, doubtless consumed with curiosity and bristling with theories about our new case. Our quarters were over what people still whimsically called the dimestore, although one could now furnish an apartment and ^{even} buy pool tables in the place.

As I trudged wearily up the creaking wooden stairs to our second-story offices I ^{recalled} ~~reflected~~ that one of the latest of Parnell's many pet theories was that a person could pretty well gauge a lawyer and his practice by sizing up the place where he hung out his shingle and the kind of neighbors he kept.

"No need to plow through Martindale-Hubbell," he had recently pontificated, referring to a standard reference and rating book on lawyers. "Simply take a quick gander where he roosts and at the people amongst whom he hangs his hat and you'll know all about him."

"How can you possibly say that?" I had asked, obediently rising to the bait.

"Easy," he had come back and was off and away. "Tell me," he ran on, "in our screechingly acquisitive commercial society, who are invariably the top-rated lawyers in any community?"

"You tell me," I said, not wanting to guess and maybe spoil the old boy's fun. "You started this."

"The lawyers who represent the money boys, of course—the banks and insurance companies, the factories and plants, all the more affluent business tycoons. These are the lawyers who sit on all the important boards and commissions and committees, who negotiate and pacify and compromise and settle *and smooth* things over -- *calls 'em --* smoother ovaries, I *call them --* and who regard anything as crass as filing a law suit as a breach of good form and actually wrangling in court *//* as a mortal sin. Naturally they roost mostly over banks and their *closest* neighbors are either an occasional doctor or other professional or ~~non-existent~~ *to*."

"Hm," I said. "Where do we fit?"

"Don't rush me. Next come *those aspiring* the lawyers who *plant* to plant their *patrician* asses over banks. While awaiting their ascension they meanwhile console themselves by suing the clients of those already there and gratefully representing the smaller

business fry, busily drafting their deeds and wills and ~~sixty~~^{seventy-}
page leases and, when their clients die, reverently probating
their estates. Naturally they inhabit less rarified quarters
than their loftier brothers and are likely to be surrounded
by dentists and realtors, ^y and an occasional accountant."

"Did you ever hear of the lawyer ~~who sat~~ over the First
National," I politely inquired, "who ~~when being~~^{when asked about his finances} interviewed
for a credit rating truthfully replied, 'Mister, as true as
I'm sitting here ^{I swear} my ass sets over four million?'"

"Not since ^{burlesque did,} vaudeville disappeared," Parnell said. "And
please don't keep talking when I'm interrupting."

"Then where do we fit?" I repeated.

"Lastly come those raffish journeymen lawyers like
McCarthy and Biegler," he ran on. "Undisciplined and bellicose
types who sue first and settle later and who dearly love to
posture and wrangle in court. They survive mostly on the spilt

← A. Parnell reflected a moment. "Come to think of it, probably my ass sets over four million, too," he said. "I mean bags of jelly beans."

crumbs of the legal profession—divorce, personal injuries, criminal defense—and their standing among their brother lawyers sinks in inverse proportion as they are regarded as colorful folk heroes by an uninformed public. They take everything that comes along because they can't afford to be choosy, and mostly they lurk over chain stores or garages amongst chiropractors and beauticians and the like."

"At least, Parn," I had said, "we command a lovely view of the employees' side entrance to the town's leading bank."

→ ~~"My ass sets over a bag of jelly beans," Parnell replied,~~
adjoining room over the dinestore,
Parnell and I occupied three ~~offices~~ that of our secre-

tary Maida being in the middle and also serving as our entrance and reception room. I let myself in Maida's door and found it deserted except for the glow from a single shaded light on her typewriter table. Then I heard a gentle ^{strangled} snore coming from my office and, investigating, found Parnell ~~sound~~ asleep on my black leather sofa, his hands clasped placidly across his rotund belly.

Farther back in the shadows, sitting in my black leather rocking chair, I made out the craggy features and imposing bulk of Parnell's old crony, Doctor Hugh Salter, a retired local physician, his long legs sprawled out under our library table.

"Did you get mired at a wayside bar?" Doc whispered across at me. "Parnell and I just about gave you up."

"No, Doc," I whispered back. "It was a long session and I got a late start. Glad to see you."

"Don't go whisperin' in front of your own senior law partner," Parnell said, sitting up and rubbing his eyes and then staggering over and switching on an overhead light and plumping himself down at the library table and patting ^{into} place a disarrayed silvery Kewpie curl. "And tell me," he ran on, "do we have a brand new murder case or don't we?"

"It's a long story," I said, joining Parnell at the table, which was littered not with law books but scattered playing cards and a cribbage board. "Let me tell you."

"Let's have it," Parnell said, still smoothing down his rumpled forelock and eagerly hunching forward.

So I got out my notebook and told them the whole rambling story as Randall Kirk had told it to me, neglecting nothing, not even the mysterious tinkling bell. "Well, there you have it," I finally concluded, lighting another cigar. "As an old DA I thought I'd heard every possible criminal defense story under the sun, but I was wrong. One thing is clear: if we take on this case we'll have got ourselves a little daisy, as Judge Maitland himself might put it."

Parnell sat blinking his blue eyes and rubbing the raspy white stubble on his chin, all the while tunelessly humming. "Polly," he finally softly inquired, "tell me, do you believe the story the young fellow told you?"

It was the one big question in the case I hadn't yet ~~really~~ faced up to and I took a long pull at my cigar before speaking. "Yes," I said, rather to my own surprise, "I'll be

damned if I don't believe every word of it."

"Then of course we'll be taking the case," Parnell said, slapping his hand down on the table.

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

"Of course not." Parnell loved nothing better than to get into a tough new case, and he winked at his old friend Hugh Salter, grinning and rubbing his hands. "And who else in this county would dare represent the poor forlorn devil now that that pettifogging old shyster Amos Crocker is mercifully dead and gone."

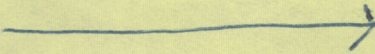
"How can you speak so ill of the dead?" Hugh Salter inquired in his rumbling bass voice.

"Because when I hates a man I hates his corpse," Parnell replied.

~~I was inclined to share Parnell's sentiments because Amos Crocker had been in my hair all the time I'd been DA. In fact~~

Hugh Salter winked privately at me. "I heard that the old boy changed and repented before he passed away," he said ^{in a mournful voice,} obviously needling his old friend Parnell. "At least wouldn't it be decently charitable to give ^{the deceased} ~~him~~ the benefit of the doubt?"

"Charity me arse," Parnell said, all but snorting. "Moreover I'm getting ^{fed up on} ~~sick and tired~~ of this here now ^{corny notion sweeping} ~~sentimental legend~~ ~~abroad~~ in the land that old age somehow mellows a man, that advancing years brings out all the kindest impulses of his nature, that the countryside is ^{awash and} ~~swarming~~ with repentant native Scrooges." He paused to gather himself. "In my book when a bastard grows old he simply becomes an old bastard."

"Amen," I said, being inclined to share Parnell's sentiments because Amos Crocker had been in my hair all the time I'd been D A. In fact 

just hearing his name again made me wince inwardly. Amos Crocker in his heyday was about the last of a disappearing breed of criminal defense lawyers, one of those spread-eagle perpetually grandstanding types who equated stomping and arm waving ^{and} mellifluous rhetoric with sober thought, who blandly imputed guilt to everyone but his client, ⁻⁻ not excluding the victim ⁻⁻ and who regarded every criminal prosecution as a personal affront to his own honor growing out of a dark conspiracy between the cops and the public prosecutor.

"Surely you remember ^{old} Amos don't you, Hugh?" Parnell went on, turning to the doctor. "He was the only lawyer I ever knew who, if his client was charged with arson, say, might boldly plead alibi--and then come charging into court at the trial fighting like hell to show the fire was caused by defective wiring."

"And likely as not sell it to the jury," I added, ruefully, ^{gr} recalling some of the courtroom maulings he had given me.

"I remember the pious old fraud," Doc said briefly turning to me. "Paul," he went on, "did I correctly hear you say that the last thing Kirk said he remembered was hearing some sort of bell?"

"That's what the man said, Doc," I said. "It shook me so much I wrote it down here in my notebook."

"Very interesting," Doc said, thoughtfully tamping and relighting his pipe.

"Why do you ask, Doc?" I went on. "Does it give you some sort of small medical clue?"

"Not exactly, Paul, but I must say it's the only case of apparent amnesia I've ever heard of to be precipitated in such a strange manner. In fact it's intriguing."

"Then you mean young Kirk was maybe suffering from amnesia?" I said, following the scent.

"Not necessarily," he answered carefully. "I'm only speculating that if he told you the truth he appears to have

suffered from an unusual form of lapse of memory."

"What do you mean, Doc?"

"Look, Paul, people can develop amnesia from a variety of causes such as excessive drinking, drugs, brain injury, fever, epileptic attack, severe depression or repression ^{just} to name a few."

"Yes?"

"Some even do from the profound emotional and psychic shock of taking another's life."

"Then you mean--"

"Let me finish, Paul. But this is the first case I've ^{ever} heard of where the apparent loss of memory was touched off in such an odd manner and ^{that} preceded, as it were, the crucial encounter or incident."

"What do you make of it?"

"I don't know, Paul. But I'm glad you and Parnell are in the case and if you don't mind I'd sort of like to tag along

Q "Shoot," Doc said.

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

Q "It is possible," Hugh Salter said after a pause.

"But then again he may not." He arose and stretched prodigiously. "Meanwhile, gentlemen, I'm going home to bed. Goodnight."

for the ride." He sighed. "This idle senior citizen routine is killing me. I once spent so damn much time ~~making~~ ^{trying to make} money stet that I simply can't get used to the notion of spending the rest of my days trying to make water."

"Welcome aboard, Doc," I said. "I'm sure Parnell and

I will need you. *In fact there's one big question already bugging me.*"

~~"Meanwhile I'm going home to bed," Hugh Salter said, rising and stretching prodigiously. "Goodnight, gentlemen."~~

I watched the man go with a kind of rueful envy. While I knew he must be in his mid-seventies at the same time I felt he would never grow old like ordinary men. Here was one of those rare mortals in whom a fickle Nature had at birth coiled a great spring and wound it tightly for a long run. One sensed that when his time came he would be ready and uncomplaining, even eager, one day simply toppling and crashing and then growing still, like some proud and stricken old white-pine caught in an epic gale.

Parnell and I sat silently listening to him lumber
and creak his way downstairs and slam the street door and
start and drive his car away.

Then the phone rang.

Chapter 7

"This is Gary!" ^A voice shouted over the phone and I quickly wrenched the receiver away from my ringing ear.

"Gary who?" I inquired testily.

"Gary Kallio, the night turnkey down at the county jail, *remember?*
Been callin' your house regular for the last hour. Just *now*
thought of ~~maybe~~ tryin' your office."

"What's up, Gary?"

"Right after you left tonight someone come rattlin' and bangin' at the outside jail door. Figurin' it was you had forgot somethin' I went like a dummy and opened it."

"Who was it, Gary?" I said, charmed by his corny capacity for prolonging ~~the~~ suspense.

"The dead lady's brother, Walter Farrow."

"What happened, Gary?"

"I was just ~~taking~~ ^{*unlocking the doors to the cellblocks to take*} Randall Kirk back up to his cell.
^

So when the brother spots the guy who kilt his sister he starts

cussin' a blue ^{street} ~~street~~ and then swang at him."

"Who swung at whom?"

"The brother ^A swung at your client, Mister Kirk."

"Did he land?"

"On me, not Kirk. The guy was drunker'n a skunk an' slipped when he thrun the punch and ~~so~~ instead nailed me."

"Yes, Gary," I said resignedly, finally aware that there was no possible way to hurry him; ^{that} there are people in the world who ^{must} dramatize everything--compulsive he-said, she-said types--and ^{that} Gary was evidently one of them.

"Then he swang again, this time straight at Kirk, so I grabbed and held him and told Kirk to quick get the hell upstairs to his cell."

"Where's the brother now?"

"Got him locked up in a first-floor cell where he's still hollerin' like a banshee. Don't know how such an old ^{a fat slab of} soak kept so tough and strong. ^{He sure don't look} I learnt judo and the like in nothin' like that handsome ^{sly} sister of his used to."

"Matter of genes, Gary," I said sagely. "Anyways, ^{plott} you were able to handle him."

9 "I learnt jids and the like in

the service but I had one hell of a time gettin' him locked
up without ~~really~~ ^{had} hurtin' him ~~bad~~ ^{bad}

"Is Kirk all right?"

"Far as I know."

"Did you get hurt?"

"Mostly my feelings. But if I hadn't of ducked that
first punch ~~he let go~~ he'd of sure floored me. ~~Then we might~~
~~of had a double murder case on our hands.~~ Anyway, sorry to
bother you so late but thought you ought to know."

"Thanks, Gary, I'm very glad you called. Better you
drill a peephole in that outer jail door of yours--and use it."

"You're not kidding. Well, goodnight, Mr. B."

"Goodnight, Gary."

"Well?" a bursting Parnell said when I'd hung up, and
I told him.

"I'm damned," he said when I was done. "You knew young
Farrow was a drunk from your DA days, didn't you?"

"I knew it but ~~had~~ ^{had to} never prosecuted him. Mercifully
back then he was mostly in the hair of the juvenile authori-
ties. He must be younger than his sister Connie?"

"I think two years older. When old man Farrow died
he didn't dare leave any money outright to his lush of a son,
so instead under his will he created a sort of spendthrift
trust."

"I never knew that, Parn."

"But the old man's lawyer gave him a bum steer and
instead of ^{having} ~~have~~ the will appoint some ^{bank} ~~stranger~~ or ^{other} ~~a bank~~
^{incorporate trustee} to dole out the ~~trust~~ dough to his son Walt he left that
dirty job up to his daughter, Connie. Naturally the two
have ~~periodically~~ fought like cats and dogs ever since."

"I didn't know, Parn," I said. "^{Where} ~~How~~ do you get all
the dope?"

Parnell sniffed and shook his head. "If you didn't
fish so damn much you might keep up on the current legall

gossip yourself." He sighed. "Poor Connie," he went on. "She was sure surrounded by some prime weirdoes."

"You mean there were more beside her drinking brother?"

"Yes I mean that."

"Like who?"

"You knew that Connie's old housekeeper was half balmy, didn't you?"

Viola
"You mean Mrs. Axholm, who discovered the body?"

"Yes, I mean that. And who also used to be Connie's nursemaid when Connie was a child. And who ^{was} been with the family ^{years and} for years. And ^{who} worshipped the ^{very} ground Connie walked on."

"Since when did liking Connie make one balmy? Seems to me you yourself ^{only} recently rated Connie as ~~one~~ of the town's most bedable sirens."

"But I'm not yet quite flaky. This old girl is."

"How would you possibly know that?"

"It's common knowledge. Moreover Doc Salter confirmed

it earlier tonight while we were kicking the case around
waiting for you."

"How would old Doc know?"

Parnell shook his head over my denseness. "In a town
this size, partner, doctors get to know just about every-
thing about everybody."

"Ah, a further incentive ~~for me~~ to remain healthy,"

I said.

"Tonight he told me it's common knowledge among the
local ~~medicals~~^{medicoes} that Axholm is suffering from a severe case
of post-menopausal depression ^{along} with complications."

"What complications?"

"Seems the old girl loves sex but hates men."

"You mean she prefers wooing ^{or being wooed by} other women?"

"No, not that, but rather that while she apparently
craves passionately to get laid she scares off ^{any} the man
she conveys the message to. Consequently in her frustration

she's grown to hate virtually all men--except her current crush, that is."

"Who's the lucky man?"

"Doc doesn't ^{rightly} know but he says most of the local doctors have grown so wary of her they won't professionally see her ~~alone~~ ^{-- alone, that is.} anymore. In fact a few of 'em think she ought to be confined."

"You realize you're talking about a woman old enough to be Whistler's mother, don't you? Maybe even his grandmother?"

"^A ⁾ ~~Age~~ has nothing to do with it, Parnell continued exasperatedly. "Surely a battered ex-district attorney like you should have learned ^{lesson} that his first term of court. Anyway, Doc tells me the medical books are full of case histories of ~~aged~~ ^{old} people of both ~~sexes~~ ^{genders} who are ^{raging} sexual tigers. In fact the coming of the menopause seems to unlock many dames who were previously frigid."

^{before,} They shun ^{med} intercourse, ^{it seems,} not out of virtue ^{just plain} but fear."

"You're making old age so beautiful I can scarcely wait. *Yum, yum--*
~~for~~ all that ~~plus~~ *and* social security, *too.* "I said. "But dignified,
stem, forbidding-looking old Axholm a sex tigress? It's
hard to believe."

"Appearances have nothing to do with it, either,"
Parnell ran on. "Why, only recently I was re-reading the
journal of the brothers de Goncourt. You remember Edmond
and Jules, of course?"

"Oh yes, those ~~droll~~ Goncourt boys," I quickly lied
in order to avoid listening to a delaying dissertation on
them, *in hell* whoever they were.

"In their journal, you may recall, they spoke often of
their housekeeper, a sweet, waxen and immensely ancient
little old lady they'd known and revered since boyhood."

"Sorta slips my mind," I said vaguely.

"When she died the brothers were amazed and shocked to discover she'd been robbing them blind for years ^{not only outright} stealing ^{but expertly} and juggling the household accounts in order to raise money ^{-- all} for you know what."

"To give to the poor, of course," I said, ~~already~~ ^{just had to be} sensing it ~~was~~ anything but that.

"Of course not. Rather so that the insatiable old girl could ^{continue to} bribe the steady stream of assorted delivery boys, gardeners, stablemen, garbage collectors, messengers and plain back-door moochers--yes, even ~~to soliciting~~ passing strangers--she nightly coaxed ~~and lured~~ into sleeping with her." He held out his hands. "So you see, my sheltered lamb, compared with her Axholm's mild."

"My, my," I said. "Are there any more weirdoes in the Spurrier menage?"

"Well, there's Jason Spurrier himself, Connie's second husband."

"Also a certified weirdo, no doubt?"

"Nobody seems to know much about him--she met him out East--except that he's pretty much of a loner and a brilliant sort of oddball. That and old enough to be her father "--he leered evilly--"but, as you've just learned, that don't necessarily make no never mind."

I yawned and blinked and moistened my smoke-scorched tongue, almost drunk with fatigue. "The distinction between being balmy or flaky and merely being an oddball is doubtless idiomatically sound," I said. "But at this ungodly hour I must confess that what that difference is totally eludes me. Let's go home."

"Because the first two are also weirdoes while ^{a mere} an oddball isn't," Parnell said. ^{bogged in}

"Let's go home," I repeated. "I'm ^{fast approaching} in a state of semantic coma. ^{Moreover you forgot to call anyone a kook.}"

Parnell was lost in thought and ignored my plea ^{to leave.} "Speaking of people being off their rockers," he said, "I suppose we'll have to consider making some such defense claim for our man Kirk, won't we?"

"You mean ^{like} filing a defense plea of insanity?"

Parnell spread his hands. "What else? What other possible chance has the poor bastard got?"

↑
KOOK

"I don't know, partner," I said. "The possibility has naturally occurred to me, but let's not get into that tonight."

"No time better," Parnell said. "No clients barging in, no typewriters clicking, no phones ringing--"

Whereupon our telephone ^{again} obligingly rang and I quickly moved over and answered it. It was Randall Kirk's youthful stepmother, a little upset because I hadn't called her, so, lying gently, I told her I'd just been about to. And so for the second time that night I explained what her stepson Randall Kirk had told me, naturally avoiding any word ^{about} of his romantic entanglements. I also laid off the business of the little tinkling bell and also the drunken attack ^{made} that night on Kirk by Connie's brother; all that seemed far too complicated and disquieting to get into at such an hour...

In answer to her question I told her that I didn't think it would be necessary for her to appear for the trial; also that it was far too early to determine what the ultimate defense

might be, but that, small world, my law partner and I were
already ^{just} considering the possibility of making an insanity
plea when she had called.

"Yes, Mrs. Kirk," I said finally, "the retainer fee
you suggest is quite satisfactory. Yes, I'll keep in touch,
Mrs. Kirk, and so for now goodnight."

"How much?" Parnell demanded ^{almost} before I had ~~barely~~
hung up.

"A mere pittance, pard," I said with an airy wave of
the hand.

"How much?" he repeated.

"Only five grand."

"Only five grand!" Parnell all but yelped. "Only the
biggest retainer we've ever got. Boy oh boy," he ran on,
rubbing his hands. "Let's go to work, boy--I'm rarin' to go."

"Please, Parn," I begged. "Let's explore insanity
tomorrow. Both of us are already half flaky with excitement
and fatigue."

"Tonight!" Parnell said, and so I sighed and sat down and relit my cigar and braced myself for a quick cram review of the law of insanity as a defense to crime.

Parnell kicked off the proceedings while I sat back and numbly listened. Being a stickler for legal fundamentals he began at the beginning, restating what any first-year law student knew, namely, that while insanity was one of the chanciest and prickliest of all criminal defenses, it was also, when it worked, one of the best. "This is so," he went on, "because it is a total defense to all criminal responsibility, in this being akin to the claim of self-defense in the realm of homicide."

As he ran on I gradually perked up, wryly reflecting that a lawyer with a big new case on his hands was like a man newly fallen in love: both experienced the same ^{heady feeling} ~~sort~~ of utter absorption and gave off much the same mingled air of ecstatic euphoria and ^{both} ~~groping~~ ^{in a fog, being lost in a fog.} ~~paralation.~~ No matter what else he might be doing--

whether bathing or shaving, drafting ^{papers} a ~~lease~~ or downing a
drink, fishing or ^{even} ~~perhaps even~~ fornicating--every waking hour

he is beset and obsessed by his lovely baffling goddam case
and how he might win it, ^{finally} and when he sleeps it haunts his dreams.

"The two defenses differ," Parnell ran on, "in that self-
defense claims justification while insanity claims excuse."

He pondered a moment. "It is as though in the first the
accused comes into court saying, 'Yes, I killed the deceased
but I had to in order to save my own life' while in insanity
he says 'Yes, I may have killed him but I didn't know what I
was doing or that it was wrong.' "

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

"B-plus," Parnell graded me, spurring me on.

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

any crime--the criminal act--so insanity goes to the second element--the criminal intent, where in effect the accused says, 'Look, folks, I may have done it but I didn't mean to be mean.'

All this was elementary, of course, and sublimely simple in theory. But Parnell and I both knew that the big rub came when one tried to apply what was essentially an expert medical defense to the facts in a particular case--especially when one client couldn't remember what had happened and his groping lawyers weren't ~~aware~~ too sure what the ~~salient~~ facts were.

"How about irresistible impulse?" Parnell next suggested, bringing up a rather rare and controversial defense elsewhere, but which was accepted in Michigan under the general defense of insanity, in which the accused in effect argued, "Yes, I know I killed him and when I did it I ^{also} knew it was wrong, but in my addled mental state I simply couldn't resist doing it."

Both of us knew that the defense, more often called 'dissociative reaction' in modern psychiatric circles, was aimed

at easing the claimed harshness of the old 'right and wrong' insanity test--still followed in most states--first enunciated in the famous and controversial old English M'Naghten's Case, decided in 1843, where the House of Lords in an historic advisory opinion bluntly laid down the edict that thenceforth the sole judicial test of mental responsibility for crime was whether the accused "was labouring under such defect of reason, from disease of 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 also knew that other states had resourcefully invented still other legal pleas and devices aimed at easing the claimed simplistic harshness of the M'Naghten 'right and wrong' test, most of them stemming from a growing belief in many legal circles that the old rule ^{of that case} too much ignored modern psychological knowledge and progress; that it arbitrarily isolated and capriciously rewarded but one type or symptom of mental aberration--only that which involved moral blackout;

and that consequently the old rule tended to distort, restrict
and even pervert medical testimony on the issue of insanity,
making a forensic game out of the proceedings as well as buff-
when not outright
foons ~~and~~ liars out of many of the experts who testified.

"Worst of all," Parnell relentlessly ran on, "even conceding that a person deserves to be acquitted under the old rule because he didn't know he was doing wrong, isn't that all the more reason for pitying and excusing a poor tormented bastard who knows he is doing wrong and still can't help doing it?"

"Parn," I said, looking at my watch, "your discourse enchants me but it still seems to me we ~~still~~ don't know enough about our man or our case to reach any sensible decision about pleading insanity or irresistible impulse. *or anything else.* Let's go to bed."

Parnell thought a moment. "I agree it's pretty hard sledding having a man who now claims his mind was a total blank

come into court and also claim he couldn't help doing what he did."

"All of which may suggest, Parn, that one of our first big problems is to find out whether amnesia is ever a defense to crime, either generally or under a plea of insanity."

"Agreed," Parnell said, nodding thoughtfully. "And if Kirk really killed Connie by strangling her, she being an active healthy outdoor gal and all, then he must not only been ambulant but also possessed of considerable muscular coordination and control—right?"

"Right," I said. "And which may in turn suggest some form of sleepwalking."

"True, Paul. So that if he can't remember what he did then maybe he did it unconsciously."

We were at least narrowing down the issues and I rose as though to leave. "Maybe not only amnesia but maybe somnambulism and unconsciousness are smack in the middle of our case. Who's for bed?"

"Agreed," Parnell said, waving me back down in my chair.

"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 resignedly.

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

"True," I agreed with the alacrity of fatigue.

"So that if Kirk truly has no recollection of killing his lady love his case has at least one of the necessary elements of a successful insanity plea, doesn't it?"

"What's that, pard?"

"Lack of conscious wrongdoing."

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

"And mightn't there be something basically screwy and unbalanced about a man who can kill the woman he says he adored?"

"Right."

"Now let's look at why maybe we shouldn't plead insanity.

You first."

"Easy," I said. "We don't have enough dope. Moreover under Michigan law, as in most states, we have to give the prosecution advance notice of any insanity plea and thus tip our hand."

"Ah yes," Parnell said. "And thus alert the other side to rustle around and gather possible rebuttal testimony and evidence on the ^{insanity} issue."

"Yes, and perhaps worst of all because under Michigan law, as again in most other states, it says that any defendant acquitted on his insanity plea must be shipped to a hospital for the criminally insane—a legislative device calculated, as you know, to protect the public and to discourage fake insanity pleas."

"Against that," Parnell said, "is that we have a man

who rather obviously is not now crazy, so we could probably
block any attempted hospital detention under ^{a writ of} habeas corpus
or some such."

"Another danger of the plea, Parn, is that in recent
years there have been so many outlandish and phony insanity
pleas made that skeptical jurors may be growing more and more
reluctant to allow any insanity defense."

Nodding agreement, Parnell arose and went over and
snapped off our office light. "Gotta be more frugal around
here, young fella," he lectured me, wagging a finger. "Can't
you see it's ^{broad} daylight outside? Let's go home."

Chapter 8

Sunday's

The next morning, it was almost ~~Sunday~~ noon before I showed up at the county jail in my fishing clothes, nearly colliding with Sheriff Matt Wallenstein ~~just leaving the place.~~ *going out the door.*

"Whither bound, Sheriff?" I said after we had helloed each other and ritually shaken hands.

"Sunday highway patrol," the sheriff said with a fine weariness, and one could all but see him out there selflessly prowling the byways ~~hour on end, all on behalf of~~ *for good old* law and order. He sized up my fishing garb. "Guess I should of taken up law. You guys ~~got it made.~~" *sure*

"I fish so I can eat," I said, ~~thinking of Connie's~~ *occasionally* ~~brother.~~ "What about Walt Farrow?" I went on. "Do you plan to prosecute him for the ruckus he raised ~~at your jail~~ *here* last night?"

thought
The Sheriff ~~pondered~~ a moment. "Don't know yet, Paul," he said. "Want to confer with Prosecutor Canda first, and he's out of town. My day jailer just told me your client

Kirk already told him he doesn't want to press any charges. But *whether he meant it or not he did up and swing at* ~~he did hit~~ my night man. Meanwhile I've let Farrow out on his own recognizance."

"You mean he's out and gone already?" I said, wondering how the cagey vote-conscious sheriff had summoned the courage to make such a bold decision without *first* conferring with his prosecutor or at least with someone.

"Yes, Polly," he said dryly. "His sister is being buried this afternoon and I sort of thought maybe *the man* ~~he~~ ought to be free to attend."

"Of course, Sheriff," I said, seeing the light. Just think of all the talk and criticism if the sheriff hadn't let the bereaved brother out to attend the funeral of his foully murdered sister? "Sheriff," I went on, changing the subject, and I ~~then~~ *to him* suggested that henceforth I be allowed to visit my client up in his third-floor cell rather than in the downstairs conference room. "That way," I ran on, "both your boys and I will be saved a lot of running and bother all around." That way,

too, I thought, but did not say, he might be safer from vengeful
lurching in
visitors off the streets.

"Right, Polly," the sheriff agreed. "I'm glad you made
the suggestion. And it won't cost nobody a dime."

"Thanks, Sheriff," I said. *"And"* "How about my going up to
see my client now?"

"Sure, sure, Polly. Just follow me and I'll pass the
to the day man word and personally unlock the *way* ~~doors~~ for you."

Sheriff Matt Wallenstein was a tall, craggy-looking man
who always wore a Matt Dillon type of western hat--except pos-
sibly in bed--and whose dearest *discernible* wish was to get himself
reelected and avoid trouble with anyone. He was serving his
second term in office and naturally, with such a bold platform,
had already made himself virtually unbeatable in those great
periodic autumnal lotteries known as "running for sheriff".

Even prickly Parnell had an occasional kind word for the man *whole though*
J *grave*
~~though~~, at the same time, he had ~~many~~ reservations about his

job. In fact, predictably enough, the old boy possessed a
~~got~~ theory about the role of sheriff in our ^{modern} society.

"The office of sheriff is as obsolete as the vermiform
appendix and just ^{about} as useless," he had recently gathered him-
self and told me. "Although once in a day the sheriff was a
big wheel in his community, with powers to match, today he
is reduced to the role of a mere boarding-house keeper for
drunks and an apologetic shuffler and server of papers mostly
for collection agencies and ~~the~~ loan sharks."

"Hear, hear!" I cheered, egging him on.

"His election has got to be nothing more than a popu-
larity contest with the marbles going to the entrant most
richly endowed with three things," he ran on, grinning evilly
and ticking 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 who has not the remotest knowledge

of law enforcement or about what the hell he is doing."

"Don't forget good old highway patrol," I reminded him.

"Ah, yes, thank you."

^ Though he and his deputies probably patrol more miles than any other cops in his bailiwick--for which they are elegantly reimbursed at so much per mile--to a man they seem hopelessly afflicted with a kind of motorized myopia, a professional astigmatism, before which all wrong-doers vanish into thin air. Perhaps he gets too preoccupied watching ^{that} the whirling cash register most of us call a speedometer. ^{Consequently} When a sheriff is forced to arrest a man on the complaint of others, he apologizes; on those rare occasions when he must do so on his own, he weeps. In short the modern sheriff has become the community symbol of the three wise monkeys: he hears no evil, sees no evil, speaks no evil."

"Amen," I said. "But aren't you overlooking those occasional good sheriffs like Abe Pequaming? Dedicated, intelligent guys who honestly try to do a decent job of law enforcement?"

"You can count 'em on the fingers of one hand," Parnell said. "Moreover, don't forget that for all his pains brother Pequaming quickly got his ass beat. People don't want a

good sheriff." He wagged his head. "It's the office that's
wrong, not ^{necessarily} the men who run for it."

"How come?"

"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, it's plain human nature."

"Then why do we keep the office?"

"Ah there you've put your finger on it, Polly," he
said, and began ticking ^{away he} ~~away~~ again. "Because the sheriff is
~~about~~ the only cop left that the people ^{themselves} ~~can~~ select. Because
he is ^{also} the people's sole remaining buffer between them and the
cool new breed of scientific cops. Because the sheriff not
only mediates but in a queer way represents the persistent
strain of rebellion and lawlessness in all of us. Because he
is the only cop left who must keep both his feet and his ears
to the ground. Because in his odd fashion he is the rough
litmus test of the community conscience. And finally because,
may the Lord save us, ~~I guess~~ we need the picturesque bastard."