

The Blind Eagle

Stories from the Courtroom



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The People v. Willie Monroe

It was all wrong. The woman had come to court expecting compensation for the victory won the week before when the young man, Willie, her 19-year-old son, came through the trial with a hung jury. No, she'd known the prosecutor wouldn't dismiss the charges against Willie as he might have. She'd known he prided himself on being hard nosed. Still, she told me, she believed the judge would let Willie out of jail until the case was retried, on his own recognizance, without having to pay, since she couldn't possibly raise bail. She had come expecting compensation, but now there was anger between her son and his lawyer.

The woman was in the front row, up against the rail, and her son was on the other side, close enough to reach out and touch her, and the lawyer was standing beside him, bending over, whispering so both could hear. The son, in the white county jail jumpsuit, had his eyes lowered.

Suddenly he jerked his head up and said something to the lawyer, and the lawyer replied, slapping the rail, and the son's face flushed with anger. I'd thought the reason the son was in court that day was to settle on a date for a new trial. Perhaps the lawyer was telling him he had to wait in jail. Perhaps there was more.

The trial had been only the week before, although it seemed longer

to me. I'd just begun covering the courts. I'd been wandering around the courthouse, up and down stairs, in and out of courtrooms off dark vestibules. I was hoping to see a trial from beginning to end, but all I found were trials in progress - judges sentencing prisoners, lawyers arguing cases, witnesses halfway through their stories. It wasn't until after lunchtime that I happened upon Willie's trial which was just beginning.

The courtroom looked like courtrooms you see on TV. The jury box was on the right. The clerk's desk was off to the left. There was a lot of dark, varnished paneling, and there was the bar, a wooden railing dividing off the spectators' section from the official part of the room. Out the windows, which must have been ten feet high, I could see the Oakland hills in the distance, small patches of eucalyptus and redwood against brown grass, tiny picture windows sparkling in the sun, facing toward San Francisco across the bay, looking out over the wide stretch of flatlands where children ran out of tumbledown houses to play in gravelly lots.

The prosecutor, a short muscular white man with thinning hair, was making his opening presentation to twelve white jurors, telling them what he thought the evidence was going to prove, and everyone - judge, jurors, Willie and his lawyer - seemed to be listening. Willie was black. So was his lawyer. They were sitting at the end of the lawyers' table furthest from the jury.

When the prosecutor was through, Willie's lawyer stood to say he wouldn't open until later. He was a wiry man with light brown skin, whom I immediately recognized as a local politician. His deep voice filled the courtroom, making me realize how quiet it was, with the judge placidly overseeing the proceedings, the reporter lightly tapping the keys of her steno machine, the clerk idle at his desk, the bailiff at his, and in the audience only Willie's mother and me. Willie's mother was in the front row directly behind her son. She was wearing a gold cross on a chain about her neck that slid in and out of the folds of her blouse marking the pattern of her breathing.

At a cue from the judge, the bailiff hurried out of the courtroom, returning a moment later with a slender white-haired woman who was neatly dressed in a green checked suit and who warmly shook the prosecutor's hand. Standing before the clerk, the woman said her name was Loretta Drummond, and she promised to tell the truth. Then the bailiff helped her into the witness chair.

The prosecutor took his place in front of Mrs. Drummond and began his questions, talking softly yet loud enough for the jury to hear. He asked her if she owned a pet shop in San Leandro, a white suburb adjacent to black East Oakland.

Mrs. Drummond replied that she did.

"Now, Mrs. Drummond, did something happen last July 27th?" the prosecutor asked.

"Yes," Mrs. Drummond replied.

"And can you tell us what it was?"

"Yes." Mrs. Drummond glanced around the courtroom, and then she bent forward closer to the microphone. "There were tiny crisscross lines along her mouth and down her cheeks. "It was in the afternoon," she began.

"Can you say what time in the afternoon?"

"Oh, I'd say one o'clock. Maybe it was one fifteen."

"And what happened at approximately one or one fifteen?"

"Well, I was alone and a young black came . . . a black man came in. He was wearing a cap, and it was pulled down over his ears, down around his face, and he had on a long coat. It came to his ankles. He stood there for a minute or two, and he looked around my shop, and he said, he said, 'Lady, I want your money.'"

"Now, this man who came in. Did he have anything in his hand?"

"Yes, he did. He had a gun. He had a gun in his hand. He pulled it out from under his coat."

"And what did he do then?"

"He said, 'Lady, I don't want to hurt you.' He told me, 'Just don't do anything.'"

"And what did you do?"

Mrs. Drummond shrugged. "I went to the register, and I took out all the money. I took it out and I gave it to him."

"How much money did you give him? How much was in the register?"

"There was twenty-two dollars."

"Twenty-two dollars. What happened next?"

"The man said, 'Lady, I'm sorry, but I need a shot,' and he made me sit in the chair, and don't do anything, and he stood. He just stood for a few minutes. Then he put his gun back under his coat and he left."

I imagined Mrs. Drummond in her store in the tidy shopping center with brown wood shake roofs, so close to East 14th Street in Oakland where windows were boarded up and paint was peeling. She was inside, straightening the pet dishes on the counter, arranging packages of bird seed on the shelf, eyeing the long-coated black stranger, watching his every move. I noticed Mrs. Drummond's hands shaking as she testified about the gun. They must have shaken that day too. They must have shaken when she sat rigid in the chair, staring at the faceless intruder, letting him see the fear in her eyes, watching him slip silently past glass counters and tanks of fat striped fish and cages of Buttery birds. Perhaps she had fingered the bow at the neck of her blouse as she was doing then on the stand. Perhaps she had counted the passing seconds.

"I heard a car start up outside and I got up."

"And what did you do after you were sure the robber had left?"

"I called the police."

"And what happened next?"

"They came to the shop. I told them what happened. They asked me a lot of questions, and I answered them all. I got a good look at him."

"Now, did an officer stop by your shop the following day and ask to look at some photographs?"

"Yes, he did."

"And were you able to make an identification from one of the pictures?"

"Yes, I was."

"What made you pick out that particular picture?"

"Because it resembled the young man."

"Were you sure it was the robber, Mrs. Drummond?"

"I was sure." Mrs. Drummond was nodding her head. She was sitting on the edge of the chair, which made her look taller. Her hands weren't shaking any more. She said she went downtown a few days afterwards and picked the robber out of a lineup. "He was number two. I knew him immediately. I only glanced at the other four men."

"Mrs. Drummond, do you see that man in court today?" The prosecutor stepped back, out of the jury's line of vision.

"Yes, I do," Mrs. Drummond replied. The jurors all turned their heads when she pointed at Willie.

"Was the robber wearing gloves?" the prosecutor asked. He was

at an angle now, facing Mrs. Drummond and the jury, acting as a bridge.

"No," Mrs. Drummond said. "His hands were bare."

"What kind of gun was it?" the prosecutor asked.

"I think it was a rifle. I really don't know very much about guns."

"Was the robber wearing a cap like this?" The prosecutor fished a navy blue knit cap out of a large paper bag on the clerk's desk, and then he stepped back to his place in front of the witness, dangling the cap in the air.

"Yes, the cap was like that," Mrs. Drummond replied.

"Was the gun similar to this one?" The prosecutor picked up a rifle off of the clerk's desk and held it in both hands over his head.

"Yes, it was similar."

The back-and-forth between the witness and the prosecutor took on such a compelling rhythm that I felt cut off from everything else inside and outside the courtroom - even from my own thoughts. It was as though the prosecutor were working some kind of magic. After he ended his questions and sat down, the defender stood and began cross examination without breaking the spell.

"Now, Mrs. Drummond, what time was it that you were robbed?" the defender asked, speaking more kindly than I thought he would have had Mrs. Drummond been twenty years younger.

"One twenty, around then," Mrs. Drummond replied.

"So there was sunlight in the store?"

"Yes. There were fluorescent lights on too."

"Where was the sunlight coming from in relation to the robber?"

"From the back of him."

"Could you see his face?"

"Yes."

"How old was the robber?"

"Nineteen, twenty."

"And was his face narrow or wide?"

Mrs. Drummond glanced at Willie and then at the defender. "It was narrower than most," she said.

"And his eyes?"

Again Mrs. Drummond looked at Willie and then back at the defender. "His eyes were large."

"You didn't tell the police that, did you?"

"Yes, I said that to the officer."

"Did the robber have hair on his face?"

"Yes, some." There was another stolen glance in Willie's direction. She seemed determined to identify him as the robber. "There was hair on his chin, but it didn't look like it had been growing for very long," she said.

The defender turned around and picked up a sheet of paper from the lawyers' table. Facing Mrs. Drummond again, he asked, "Why didn't you tell the police that he had facial hair?" He was pointing to the paper, which I assumed was the police report.

"I did," Mrs. Drummond responded evenly.

"Why didn't you tell the police the robber wore a moustache?" the defender persisted, now facing the witness squarely, his voice a good deal sterner than it had been before.

"I did."

"Isn't it true your identification wasn't positive?"

"No." Mrs. Drummond was insistent.

"Isn't it true there was a glare from the sun shining on the large display window?"

"No." Mrs. Drummond said she was sure that wasn't true.

"The sun was coming from the back of the robber. Wasn't it in your eyes?"

"No." Mrs. Drummond insisted she saw the robber clearly.

"Didn't you pick Mr. Monroe out of the lineup because you remembered his face from the photograph the officer showed you?"

"No." Mrs. Drummond said she was sure that wasn't true either, and the more the defender tried to cast doubt on her testimony, the surer she became.

"Was there another black man who came into the shop before the robbery?" Willie's lawyer asked.

"Yes. There was a nice young man who came in the shop, it must have been an hour before. He asked me if I had any puppies."

"What was *that* man wearing?"

"He was wearing a white T-shirt."

"Did he look at the fish?"

"Yes. He stayed a while looking at the fish."

"And the snakes?"

"No, he didn't look at the snakes."

"What did he look like?"

"He was just a nice clean-cut young man."

"Was it the defendant?"

"No."

"Are you certain, Mrs. Drummond?"

"Yes. His hair was cut short." Mrs. Drummond's eyes shifted momentarily to Willie. "Shorter than Mr. Monroe's."

Mrs. Drummond tucked a stray wisp into the fine mesh of her bouffant hairdo and stared at the jury. She didn't seem to be surprised that the defender knew a second black man had been in her store. She seemed as unruffled as she had earlier when she contradicted the police report. Perhaps she felt safe only so long as she remained convinced that Willie was guilty and would go to jail. She certainly seemed to need him to be the robber.

"I've been to court so many times since they took Willie. I pray a lot," Mrs. Monroe told me as we waited in the marble hallway for the elevator which was forever in coming. She was a small woman who wore her short hair in a pageboy. She told me she went to church every day. She held out a Bible.

There was an uneasy pause as we both fumbled for something to say. Mrs. Monroe broke the silence. "Willie's a quiet boy," she almost whispered. "He doesn't say much, but he likes to tease." She smiled shyly. Then, seeing my smile, she laughed. "He'll start wrassling with his baby sister, and I'll tell him to stop, and he'll come over and pick me way up in the air." She continued on with stories about her son and I realized it was the first time since I'd entered the courtroom that Willie had been presented to me as a person.

Mrs. Monroe grasped her gold cross and ran it up and down along her cheek. She looked around the hallway, at the locked doors, at the bare marble walls. "You know, Willie told me he wanted a puppy," she murmured. "He always liked snakes and fish. He was always bringing those things home, and I'd get all upset and tell him to get them out of the house." She was looking at me again, and her eyes were sparkling.

Then she was serious. I was startled by the sharpness of her voice.

"That boy in the shop? The one who was there an hour before the robbery ever took place?"

"It was Willie, wasn't it?" I asked.

Mrs. Monroe nodded. "Mrs. Drummond got the two of them confused," she said. "She thinks all black boys look alike."

The trial resumed the next morning at ten o'clock sharp. Willie was beside his lawyer, looking freshly scrubbed, wearing an orange and beige knit shirt. A policeman was on the stand confirming that Mrs. Drummond *had* identified Willie from a mug shot. On cross examination the officer admitted that Mrs. Drummond asked to look at the photos outside her shop because she couldn't see well enough by the light inside. He said her identification hadn't been positive. She hadn't been sure because the man in the photo had a moustache.

The officer stepped down, and an insurance salesman, a balding man with a round face, took the stand. He said he owned a shop near Mrs. Drummond's and on the day of the robbery he saw a young black man hanging around the parking lot behind the store. "I went to see if anything was wrong," the salesman told the prosecutor. "The man said he was having trouble with his car. There was another man in the car with him."

"What time was that?" the prosecutor asked.

"I'm not sure, sir. It was sometime after twelve fifteen. I know because I'd closed up for lunch."

"And what happened after the man told you he was having car trouble?"

"They finally drove off."

"Can you identify who was driving the car?"

"No, not really. He looked something like the defendant there, sir, but I'm not sure."

"Can you remember what the driver was wearing?"

"Yes, I can. He was wearing dark glasses. Dark glasses and gloves."

The salesman didn't say anything definite. He said he couldn't be sure. But dark glasses and gloves, hanging around, trouble starting the car. That sounded suspicious. Two of the jurors shot glances at Willie.

The salesman stepped down, and Margaret Daniels, a plump middle aged woman with dark hair and olive skin, came hurrying down the aisle, leaving the bailiff behind, taking the stand, adjusting the microphone herself.

The prosecutor asked Mrs. Daniels where she lived.

"East Oakland," she said.

Had something happened to her on July 28th, the day after the pet store robbery? he asked.

"Yes," she said. "It was in the morning, about ten thirty. I was back from Lucky's. I had a car full of groceries. I was carrying a bag up the stairs to my house, and I glanced at a car parked there down 36th Avenue. I saw a man was in the car, he was in the front seat, he looked black, but I guess he was Mexican."

The prosecutor had Mrs. Daniels mark the location of the car on a large diagram he had felt-tipped pen. Then he asked, "Was this man alone in the car?"

"Yes, he was alone, but when I came back out for more groceries he wasn't. There was a second man in the car...him." Jurors' eyes followed as Mrs. Daniels jerked her head toward Willie.

The prosecutor asked Mrs. Daniels what the two men were doing.

"The weren't doing anything," she said. She said she went and got another bag of groceries, and they were still there, just sitting, the two of them.

"And what happened then?"

"Then finally they left where they were parked on 36th Avenue, and they went left at the post office over there on Case, and then they pulled into the lot at the back of the liquor store, off Case."

"Now, did you do anything at that point?"

"No, I just watched them for a few minutes, and then I decided this is too much, and I drove my car and turned down Case, and I parked right behind them. I ran across the street and knocked on my friend's door, but nobody was home, so I ran back to the car."

"And did either of the men get out of the car?"

"Yes. *He* did." Jurors' heads turned again as she pointed at Willie who was slouched in his chair.

"And then what happened, Mrs. Daniels?"

"He raised the hood, and he stood there looking under the hood. I drove back onto 36th, and I saw a policeman coming out of the liquor store, and I stopped and asked him to check out the car."

"Why did you ask him to do that?"

"Because he looked suspicious."

"Object! Irrelevant!" Willie's lawyer boomed out. He was standing.

"I object to this whole line of questioning. This has nothing to do with the charge against the defendant. It can only be prejudicing the jury!"

The judge gave the prosecutor a questioning look.

"I plan to tie it in, your honor."

"We'll let it stand for now," said the judge. He was a man with fine features and watery blue eyes who sounded so mechanical I realized the defender's loud objection was the first open display of emotion at the trial. The judge had been unobtrusive, the prosecutor controlled. With the exception of an old man in silver rimmed glasses who dozed through most of the testimony, the jurors had remained frozen. Yet underneath the restraint I sensed a tension. And there was Willie staring down at his lap and shifting about in his chair.

During cross examination the defender got Daniels to say she hadn't seen Willie or his friend going into the liquor store or doing anything illegal. Then he had her repeat parts of her story, and he had her make more marks on the diagram, showing where Willie's car was when she first saw it, and where it was when he raised the hood, and where she was and the route she took, but he wasn't able to get her to back down on a single point. Far from dispelling the suspicion she'd aroused, the repetition and having her put everything down in black and white made her testimony seem authentic.

Officer Damon, a slight dark man in a blue uniform who looked about Willie's age, testified after Mrs. Daniels. He was the policeman who had been in the liquor store, and he said that when Mrs. Daniels told him about her suspicions, he immediately got into his patrol car and drove around the corner to the rear of the liquor store where he saw "a male Negro, late teens, early twenties," across the street, closing the hood of his car.

"Do you see that man today in the courtroom?"

"Yes," the officer replied, and for a third time all eyes were on Willie Monroe.

Officer Damon said Willie got into the car. "We looked at each other for a few seconds. The defendant got into the car, and I made a U-turn to go talk to him." Officer Damon said the car took off and he pursued it.

"Was he speeding?" the prosecutor asked.

"I don't know if he was speeding or not, but I was under the impression he was trying to elude me," Officer Damon replied. He

said he called downtown for backup support, then he put on his flashing red light and siren and Willie pulled over to the curb. "He looked upset."

"Did you ask him for his ID?"

"Yes. He didn't have any. I had him step back to my vehicle, and, after my cover came, I asked him for his name and date of birth."

Officer Mingo was Officer Damon's cover. He testified too, following Damon so quickly it was as if one person were telling the story.

"When I got there Officer Damon was questioning the suspect," Mingo told the prosecutor. He said he began searching Willie's car. He reached through the open window to pull the keys out of the ignition, and he went around the back and opened the trunk where he found rifle shells loose on the floor. He looked down at the license plate too, and he found the numbers were altered with black tape. As the officer testified I studied Willie, craning my neck to see his face. I realized that nothing had happened in the courtroom to connect me to him as a person. There he was in his orange and beige shirt sitting like a lump of clay, waiting to take on whatever contours the witnesses and lawyers gave him. If I'd been a juror, I'd have found it hard not to imagine him in a long dark coat, slipping silently out of Mrs. Drummond's store.

Officer Mingo said he opened the driver's door, and he bent over to look inside the car. He found a blue knit cap and gloves and a woman's gold watch and an empty paper bag and a tape deck under the front seat and sunglasses on the dash and a roll of black tape which matched the tape on the license plate. He closed the door and told the suspect he was under arrest.

During the noontime break Mrs. Monroe and I took our sandwiches to the edge of the lake behind the courthouse where we basked in the sun and the stillness and watched ducks slip across the water leaving behind them a design of ever widening circles. "They're turning such small things into big things," she said sadly. "You know, Willie asked to have a lie detector test, but it costs too much." She stared ahead, seeming to have forgotten I was there.

All at once she pointed at a man walking down the path, maybe twenty feet away. "Do you see that man over there?" She tugged my

arm, not waiting for a reply. "Now, doesn't he look just like the judge, gray hair, dark suit and all? The other day I walked up to him and asked him when he was going to let Willie come home, and he said, 'What are you talking about?' He looked at me like I was crazy. I said, 'Aren't you the judge?' 'No,' he said, 'I'm not him.'" The words were lost in her laughter.

"And you were so positive," I said.

Mrs. Monroe nodded.

"You know, this morning's testimony left me completely confused," I told Mrs. Monroe. "I don't understand why the judge allowed it." I'd had time to think about what the witnesses had said. I realized I was angry. In a trial the burden of proof was supposed to be on the prosecution, or so I'd been taught, but here was Willie buried under a heap of innuendoes.

Willie acting suspiciously in the parking lot. Willie acting suspiciously behind the liquor store. Willie wearing dark glasses and gloves. Willie under arrest (the policeman never did explain why). Willie was going to be hard to defend. I wanted to tell Mrs. Monroe, but I was afraid I might upset her.

"I think the defender was right," I told her. "The prosecutor was trying to prejudice the jury."

"That prosecutor wants to win. He'll do anything he can to put Willie in jail." Mrs. Monroe shrugged. "He's trying to make Willie out to be a suspicious character."

"Yes," I agreed. "It doesn't seem to matter whether or not he has proof. He's making everything fuzzy." Like a tree in the fog, I thought. You can't see the bark or the leaves, and you imagine it's twice as big as it really is.

We returned from lunch early to find Willie already down from the courthouse jail on the tenth floor. Since no one else was in the courtroom, the bailiff let Willie sit near the bar where he could talk to his mother. He was neat and scrubbed, looking fresh in gray pants and a gray and white shirt, laughing, teasing, like his mother had said. It was almost time for him to testify in his own behalf, but if he was nervous about it he wasn't letting his mother know.

The clerk returned from lunch, followed soon after by the court reporter who stopped at the bailiff's desk to show him the afternoon paper. Pretty soon the two were talking excitedly, and the excitement grew when

the defender came in and everybody crowded around him and began shaking his hand. I later learned the afternoon papers announced his appointment to an office high up in the state bureaucracy.

Willie was back at the lawyers' table, the laughter drained from his face. I noticed a scar on his forehead angling down over his left eye like the edge of a thick knife. When he finally took the stand, he told his story quickly, leaning forward toward the microphone, his arms resting along the arms of the chair.

Yes, Willie said, he *had* been in the pet store, around noontime, about an hour before the robbery. He drove there with his friend, David Sanchez, in his mother's '63 Plymouth. He parked and went into the liquor store on the corner for a pack of gum, and then he went inside the pet shop looking for a puppy. When Mrs. Drummond told him she didn't have any puppies, Willie said he stayed for a few minutes to look at the fish and the snakes. He said he could remember tapping on the snake tank to make the snakes move. He and David went home to East Oakland for lunch. They listened to music for a while before driving off again to keep Willie's two o'clock court appointment in Berkeley.

"Were you on time for your appointment?" the defender asked.

"Yes," Willie replied.

"What were you wearing when you went into the pet store?" The defender had changed the subject. I wondered why he'd brought up Willie's court appointment if he wasn't going to have Willie explain what it was for.

"I was wearing a blue shirt and brown bell bottoms," Willie replied.

"Were you wearing a hat?"

"No. I *never* wear a hat unless my hair's not done up."

"How long have you been in jail?"

"For three months. Since they arrested me."

"Are you a dope addict?"

"No." Willie shook his head.

"Have you had any withdrawal symptoms?"

"No."

"Mr. Monroe. Can you tell the jury why you were outside the liquor store on 36th Avenue last July 28th?"

Willie explained that he had stopped in the store to buy a bottle of orange juice, and he was drinking the juice in his car. He said he was

with his friend David again, and the two of them were just sitting and talking. Willie said he didn't realize the policeman was following him until he heard the siren. He pulled over right away.

"Were you trying to run away?"

"No." Willie shook his head.

"Were you trying to change the numbers on your license plate?"

"No." Willie told the defender the sunglasses and the gloves the police found in his car were his, but the cap was David's. "I don't own a cap like that," Willie said.

"How were you wearing your hair last July?"

"A curly natural."

"Would you explain to the jury what that means?"

Willie described how his hair looked, shorter than it was now, and how black people fix their hair. One of the alder jurors looked down in her lap while Willie gave his explanation.

As the defender stepped back to his seat I thought about what Willie had said. The robbery was at one fifteen, which gave Willie about fifteen minutes more than he needed to make a two o'clock appointment in the Berkeley municipal courthouse. Willie wasn't going to have an alibi unless there was someone else to verify that he had stopped off at home long enough for lunch. Meanwhile, I wondered why he'd had to appear in court in Berkeley.

"How long have you known David Sanchez?" the prosecutor asked. It was his turn now for cross examination. He pushed back his chair and stood behind the lawyers' table, peering down at some notes.

"For six months," Willie replied.

"The police found bullets in the back of your car." The prosecutor's head was up and he was staring at Willie.

"Yes. They're for huntin'." Willie pressed up against the back of the chair.

"You own a gun?"

"Yes."

"Similar to this one?" The prosecutor stepped over the clerk's desk to pick up the gun that Mrs. Drummond had said looked like the one the robber used.

"I guess."

"When did you last see David Sanchez?"

"I seen him in jail." Willie was mumbling.

"Where? Speak up!" The prosecutor cupped his hand to his ear as he moved over by the railing in front of the jury box.

"I seen him in jail." Still barely audible.

"Do you know David Sanchez is waiting to go to trial for robbery?" The prosecutor quickly glanced down as the defender jumped up and, in a booming voice, demanded a mistrial, and the judge calmly told the jurors the prosecutor's question was improper. They should put it out of their minds.

Propping himself up on the edge of the lawyers' table closest to the jury box, the prosecutor had Willie retell his story. Was Willie the man the insurance salesman had seen in the parking lot, he asked. Yes, Willie replied. Why was Willie in the parking lot for so long, the prosecutor wanted to know. His car was stalled, Willie replied. Was he wearing sunglasses? Yes, he was. And gloves? Yes. Was the tape deck Officer Mingo found under the seat of the car his? Yes, the tape deck was his. And the knit cap? No, he didn't own a knit cap. ("Notice how he's not about the lady's gold watch," Mrs. Monroe whispered in my ear. "He was going to get the jury to wonder what's a poor black boy doing with a lady's gold watch, but I told him the watch was mine and Willie was taking it for me to get it fixed. Notice how he's not saying anything about that.")

The prosecutor moved closer to Willie. He asked him why Officer Damon found him in back of the liquor store looking under the hood of his car.

"I was fixin' the wire to the tail light."

"Did you check after you fixed it to see if the tail light was working?"

"No."

"No?" Grinning, the prosecutor glanced at the jury. "Why was it you had all those bullets in the trunk of your car?" he asked Willie.

"To go huntin'."

"Where?"

"Out to Martinez."

"Huntin' in Martinez?" The prosecutor's eyes bulged. "Do you go huntin' there often?" he chuckled and took a few steps back. The juror in the back row, the woman with short gray hair, looked at her hands in her lap and smiled.

"I never been huntin' before." Willie's knee was jogging up and down.

"When was the last time you used the gun?"

"On the Fourth of July. I shot it into the ground."

"You shot it into the ground! Don't you know that's a crime?"

Willie was clutching the arms of the chair. Two damp circles darkened the underarms of his fresh shirt, and drops of perspiration glistened along the edges of his scar.

On redirect examination the defender asked Willie if he'd worn a moustache the summer before (Willie said yes), and he had Willie explain that when he'd gone to court in Berkeley, the charges against him had been dismissed. The defender sat down. The prosecutor declined further cross examination. The judge excused Willie from the stand, and then the defender stood up again to announce that he had no more witnesses, catching me completely by surprise. I'd known Willie was going to be hard to defend, but I wasn't prepared for the defender to leave him seeming so guilty.

Out by the elevator I introduced myself to the defender. It was crowded and noisy. It seemed every courtroom had recessed at the same time. A crowd of people poured out of the elevator, a jury panel summoned to the courtroom across the hall. The defender agreed to answer my questions. As I was opening my notebook and fishing a pen out of my purse, a man with a briefcase approached him, congratulating him on his important new job. They talked for a moment. Then I began the interview.

I asked the defender why he had decided not to put other witnesses on the stand. Weren't there people who could have vouched for Willie's character? I told him Mrs. Monroe had told me Willie was back in school and he had a job at the cannery.

"No. You're opening up a can of worms. That wasn't last summer. He wasn't employed last summer. If I'd opened that up, then the prosecutor would have been able to bring out that on the day of the robber Willie wasn't enrolled in any school, and he was very much unemployed. He needed money."

"What about the gun." I asked. Where did it come from?" The defender had objected to the prosecutor displaying the gun, saying there was no evidence linking it to the robbery, but the judge had overruled the objection.

"The police found it when they searched the car," he replied.

"Why didn't the prosecutor have one of the witnesses say that?"

"Because the search was illegal. The police arrested Willie for illegal possession of a gun. But the search was illegal, and a public defender got the evidence suppressed and the charge dismissed. He didn't get the other evidence suppressed, the bullets and the hat, because it didn't seem important at the time."

"But even if the jury knew the gun was Willie's, there's still nothing linking it to the robbery."

"That's right."

A man brushed past me. I reached out to catch my purse strap a which began sliding off my shoulder. "Did you consider calling in an expert witness to explain to the jury how unreliable eye witness identifications usually are?" I asked. I'd read somewhere about a study which proved that.

"Experts cost a hundred dollars a day," he said. "This is man's defense. Poor people have to rely on the fairness of the jury."

"Why is the jury all white?" I asked the defender.

"Why? There were five blacks on the original panel. Two disqualified themselves, said they couldn't be fair. The prosecutor excused the rest. He told me afterwards he didn't think blacks could be objective when the defendant was black."

"Do you think Willie is guilty?" I asked.

"Not of *this* charge." The defender turned away to say hello to another man with a briefcase.

"An old woman afraid for her life. Does she remember the robber? There's no way she'd ever forget." The prosecutor was summarizing his case for the jury. He was pacing back and forth in front of the jury box, taking short bouncy steps. "What's a tape deck doing under the front seat?" he asked. "Why was the defendant wearing gloves and glasses? Don't you get the feeling he was staking out the liquor store?" The prosecutor stood still. He lowered his voice to a stage whisper. "Don't you get the feeling he was about to rob it? Wasn't that just like the day before when he was hanging around the parking lot behind the pet shop? Isn't that an MO? Isn't that the way he worked? When he was in the store asking about puppies, wasn't he really casing the place? And running away from the police like consciousness of guilt?"

Taking the rifle once again from the clerk's desk, and holding it out in one hand, the prosecutor resumed his parade in front of the jury. "Do you

really think Mrs. Drummond couldn't tell one black from another? If you were looking down the barrel of a gun, you wouldn't notice the hair on his face either."

The defender stood in front of the jury box to deliver his closing argument, emphasizing points by slapping his hand against the rail. "Now, the only direct evidence in this case is Mrs. Drummond's eye witness identification. What happened the next day only proves that Margaret Darnels thought somebody looked suspicious," he boomed. "What's so unusual about a friend leaving a hat in your car?" he asked. "Where's the evidence that .22 rifle was used in the holdup? Where's the prosecutor's case? The only direct evidence the prosecutor has is Mrs. Drummond's identification, but look carefully at that. She was looking into the sunlight. The robber was wearing a long coat and a hat down below his ears.

"The prosecutor is asking you to speculate," he concluded. "But there's no room for speculation at a trial. The burden of proof is on the prosecutor. Willie is innocent until the prosecutor proves he is guilty beyond a reasonable doubt."

The defender sounded eloquent to me, and the jurors seemed attentive, although I couldn't believe they'd vote to acquit. Willie *looked* too guilty. Everyone thought so - the policemen, the prosecutor, even his own lawyer. No, he didn't think Willie was guilty of holding up Mrs. Drummond, but he thought Willie was guilty of something, and perhaps that was all that mattered.

Willie seemed to have been mar marked from the beginning. Guilt seemed somehow tied to his being rather than to what he was supposed to have done. But if that were true, what was the point of the trial?

That had been the week before, although it seemed much longer. The jury had hung up ten to two for conviction - a victory for Willie when the odds were better than two to one that the vote against him would be unanimous. But that had been the week before, and now there was such anger between Willie and his lawyer. With purposeful strides, the defender walked into the judge's office. He returned. He bent down. He whispered to Willie and his mother, then went back to the judge's office, clearly a messenger. Willie wasn't in court to agree to a date for a new trial. I was sure the defender was sealing a bargain and Willie was about to plead.

Mrs. Monroe confirmed my suspicion when she sat down beside after the negotiations were over. A few minutes later the judge was at his desk, and Willie was standing beside the defender, waiving his right to the second jury trial. He told the judge, no, no one had threatened to hurt him if he didn't plead. He listened to the judge say he was letting Willie off easy because he had no prior record. He listened to the clerk read the terms of agreement: second degree robbery, three more months in jail, five years probation with intensive supervision . . .

"Five years probation! That lawyer didn't say anything about probation!" Mrs. Monroe grabbed my arm. "He said Willie should plead because he was going to be that long in jail anyway waiting for a new trial, and maybe the next time around he'd be convicted of first degree robbery, and where'd he be then. Willie kept saying no, he didn't want to say he did it when he didn't. But that lawyer talked us both down."

There were tears in Mrs. Monroe's eyes. "If I'd known about probation, I'd never have agreed to it. The police hounding him for five years." She clutched the cross at her neck. "Some lawyer," she finally said. She sounded tired. "He's just too busy for poor folk like us. He just wants to wrap everything up in a little bundle so he can get on to his big new job." She was gazing ahead at the flag on the back wall, at it or past it, I couldn't tell. "Six hundred dollars," she murmured so softly I wasn't sure she intended. "Willie would have done better with t the public defender."