

## Robinson's Metamorphosis

*mm*

LET ME SEE. LAWYERS." ROBINSON TURNED HIS chair around with his body and pulled a file off the shelf, then, swinging back, tossed a newspaper clipping across his desk. "Here"—he smiled—"you want lawyers? Here's a lawyer. A white shoe, metamerger, 'don't-you-love-the-Four-Seasons-Grill-Room?' attorney-at-law. In a state of lament. He's lamenting! What is he lamenting? The demise. Of what? The profession. The profession! Why? Greed. That's what he says—greed! Two wives, four cars, three houses, two precociously gifted Ivy League children, driven to and from work down Park Avenue every day in a stretch limousine by some greasy-looking Green Card, when, one sunny morning, our American Esquire awakens to—a vision! A veritable William Blake! In capital letters! LAWYERS AND

GREED! Lawyers and greed! And you watch! Guaranteed! On the Op-Ed page of the paper of record. His visions will multiply! LAWYERS AND—God, whatever happened to—COMMON SENSE! LAWYERS WHO—can you believe it?—SCREW THEIR CLIENTS! LAWYERS AND JUSTICE! Justice!”

“You keep a file on lawyers?” I asked. Robinson laughed. Then, with an unsettling quickness, his whole demeanor changed. His face grew long, his eyes softened, his body slumped. I’d noticed this kind of transformation in lawyers before.

“Here’s another one,” he said. “The Attorney Fucking—or, I should say, the Fucking Attorney—General of the United States. In a talk to the American Bar Association, she tells them she loves them. Loves them! I do believe”—Robinson’s voice quickened—“I love them, too! I am one, after all, now aren’t I? And do you know what? What I think? I think America in its heart of hearts loves its lawyers. How can it not? Christ, there’s one in nearly every family now! How can you help but love someone who knows how to drop the words ‘emotional distress’ into a conversation on the phone with some moron who’s telling him the computer says he’s not going to get the full amount of health insurance for the breast-cancer test his wife really didn’t have to have, when—presto!—three days later there’s a check in the mail for the full amount, with a letter of apology from the Empire State Blue Cross supervisor who, no doubt, is a lawyer himself, because you have to be a lawyer these days to even qualify for the job?”

Robinson sat back, gazing silently from his office window onto Lafayette Street. We’d gotten together

for lunch, which we hadn’t done in over a year. We knew each other from law school—Michigan, the early seventies. Robinson’s appearance hadn’t changed that much. Of medium height, he was still thin and wiry, and still had a shock of unkempt black hair. His arctic-blue eyes were, if anything, set deeper in his face. Robinson was a bit of a law-school legend. He used to carry around novels like E. L. Doctorow’s *The Book of Daniel* and Saul Bellow’s *Mr. Sammler’s Planet*, and subscribed to *The New York Times* and the *Financial Times* of London. He wore a long black leather coat—the kind Richard Roundtree wore in *Shaft*—and a wide-brimmed Borsalino. Drafted into the Army after graduating from Queens College, he’d seen action in Vietnam, rare among my classmates. When I asked him about it, he lectured me on—a phrase I still remember—“the reconciliation of freedom and the state.” His full name was Oliver Robinson—well, actually, C. Oliver Robinson, though everyone called him Robinson. No one knew what the C. stood for. Once, in property class, after he was called on and replied that he wasn’t prepared, the professor, who wasn’t much older than we were, looked at the seating chart and said, “Robinson, C. Robinson. What’s the C., Mr. Robinson?” Robinson shot back, “C., sir—C. As in C. C. Rider. You know, ‘see what you have done.’” A finalist in the Moot Court competition, during oral argument he summarized a United States Supreme Court opinion written by Justice Byron “Whizzer” White, who, it so happened, was right there staring at him, a Moot Court judge. White, interrupting him, said, “Counselor, I think you’ve misstated the rule. In fact, I

know you have. How do I know? Because I devised it." Without missing a beat, Robinson, stroking the goatee he wore back then, said, "I am, Your Honor, quite aware you devised it. But with all due respect, sir, I must say that your appreciation of the constitutional law from which you devised it was misplaced then, and—with all due respect, sir—it is misplaced now." Robinson then took a quick look at a portrait of Clarence Darrow—who went to the Law School—on the wall behind the Moot Court bench. White shook his head and grinned. The audience went wild.

While everyone was arguing about this or that, Robinson would wave his hand in dismissal. "It's crap," he'd say. "It's really quite simple. A real lawyer knows how to take care of a legal problem." He said it often—it was one of his maxims. After law school—this was seventy-five—Robinson returned to New York, not a popular spot then, the city on the edge of bankruptcy and all, to clerk for a federal judge in Brooklyn. He then worked as an assistant district attorney for New York County. "The technical designation for this, the—to quote the song—isle of joy, Manhattan," he'd say, laughing. After he took the job with the Manhattan D.A., I asked him why he wanted to be a prosecutor, which, I pointed out, involved putting people in jail. "Is that right?" he said mockingly. "I'm really glad you told me that. I hadn't realized that. Look," he went on, "at least I'll know how to try a case." In the early eighties, he left the D.A.'s office to work for the Securities and Exchange Commission in Manhattan. Then, after a short stint with the Federal Defender's office, he went out on his own. "I am a criminal lawyer," he once

told me after I asked about his practice. "I trust," he added with sarcasm, "the double meaning doesn't escape you." He does most of his work in federal court now. "I'm actually quite a successful federal court litigator," he said. I asked about his clients. "My clients? None of your fucking business, my clients. But if you really must know, as a rule I shy away from clients with money enough to put me on a retainer. If you have a criminal problem, and enough cash to put me on retainer, chances are you just might be involved in—what does R.I.C.O. mean again? Chances are you might just be involved in a racketeer-influenced corrupt organization."

"So you don't do R.I.C.O.?"

"Did I say that?" asked Robinson. "I don't think that's what I said." He paused. "Look," he went on, his voice softer. "It's simple. I don't like being beholden to anyone. It's as simple as that. I've got my limits. That's all. I live perfectly fine within my limits. I pretty much choose my clients. If you do this shit for as long as I have, and you're not a dumb fuck—which I am not—and you're not pigged-out on cash—which I am not—you find a niche. I got my niche.

"I will be the first to admit, though"—he rolled a pencil between his palms—"this has become one fucking incredible business. Two Decembers ago, the winter before last, two Decembers ago—I don't think I ever told you this. This client of mine—I do not lie—a twenty-year-old son of Fujianese and Serbian immigrants. Half, from what I can figure out, Fujianese, and half, on his father's side, fucking Serbian! So whose abode does this young American decide to enter one dark and dreary December morn? Are

you ready for this? The apartment of an Assistant United States Attorney for the Southern District of New York. The apartment of a federal prosecutor, a fucking D.A.!—and I don't mean duck's ass, either! Two o'clock, one December morning—it's freezing outside—this young citizen climbs up a fire escape and pries open what turns out to be the bedroom window of a federal fucking D.A., who happens to be in bed beside his wife, who happens to be an investment banker at one of the more renowned houses, their two-month-old baby daughter blissfully asleep in her crib. Suddenly our D.A. is awakened from his slumber by a noise at the window. There's a silhouette behind the Venetian blinds. What went through his mind?—what would go through the mind of any trained lawyer! Our D.A. has one of those new hand-sized automatics—licensed, of course—so he's not thinking about getting the fuck out of there or calling 911. He knows, as any good lawyer knows, he has the perfect civil right to kill this young American. But, as any ambitious assistant United States attorney would, he's also thinking what he ought to be thinking—about the kind of unfortunate publicity such an act would engender in the information capital of the world."

"You mean the kid . . ."

"It's exactly what I mean. Patience, will you? Please? Will you let me finish? So what does our federal D.A. do? He wakes his wife, calmly tells her to get the baby and go out into the hall, which she does. He gets his gun and waits beside the window. Our Sino-Serbian boy wonder begins his descent into the room when—lo and behold!—his hair is being pulled

out. I mean pulled out, literally, clumps of it, right out of his head, which our D.A. takes into his hands and beats several times against the wall. Don't laugh," Robinson said. "It's not funny! I know! You think our D.A. has a bit of pent-up rage?"

"How . . ."

"Patience!" Robinson said, tossing his pencil onto his desk, an expression of mock irritation on his face. "Will you let me finish? It gets better." He took a quick breath and sighed. "Well, of course, our D.A. has our boy arrested—et cetera, et cetera. One thing, though, is absolutely clear. Our D.A. wants our young American—well, to put it in the vernacular of the street—dead. He quite simply wants him dead. But as any officer of the court knows, when it concerns you directly, you have to be particularly careful about letting your personal feelings interfere with the cause of justice, right? It turns out—coincidence!—our federal D.A.'s brother-in-law is very high up in the Manhattan D.A.'s office, my former place of employ. I know the guy. One of those street-smart bluebloods—a dying breed—who makes his living protecting the commonwealth. The guy's good, too. So he—blue-blood—gets the case assigned to one of the best prosecutors in the office, a woman who's better-looking and more charming than the best of the male peacock jury ass-kissers, and twice as smart. One formidable lawyer who very well knows how to use everything to her advantage. Well, she does not fuck around. She manages—this is before I come into the picture—to get a grand jury to indict my boy on, in descending, or ascending, order, depending on how you look at it . . ."

Robinson stopped. "Oh, yes. I forgot to tell you. Our boy was also carrying one of these sleek, pretty eight-inch switchblades. With that little fact, this very sexy thirty-two-, thirty-three-year-old D.A. manages, with the assistance of testimony from her very credible Assistant United States Attorney witness, to seduce the grand jury into indicting our boy for—are you ready?" Robinson put his hand up, counting off five fingers as he spoke. "Attempted murder in the second degree, attempted robbery in the first degree, reckless-fucking-endangerment in the first degree, burglary in the first degree, criminal trespass in the first degree. Plus—I can't even remember them all—a slew of boilerplate offenses for concealing a deadly weapon.

"Well, after I inherit this—I don't even know what you'd call it—I, of course, want to plead. God, you should see this kid. *Dumb*. Not just dumb—*dumb*. Not one of the more intelligent among those who inhabit our criminal domain. He's got absolutely *no* clue. I mean, his home life is mainland Chinese and Serbian—his father is an accountant for some Pakistanis who run a limo service out on Roosevelt Avenue in Queens. The father actually has money. How? I know you're not ready for this—he plays the stock market! An investor in corporate equities! He hears about me from this . . . No"—Robinson laughed—"that I won't get into. The kid? He's not really a *bad* kid. A little hard to talk to, though. In fact, he doesn't talk—he more like grunts. Syllables. 'What happened?' 'Uh, uh, uh, uh.' There is *no* way I'm going to trial. But the prosecuting attorney, she's not thinking about a plea—she is thinking *blood*. She

looks me in the eye and says with this soft, sexy voice that the People have every intention of going to trial. If that was all—but how about this? The kid's old man refuses to help his boy meet bail!"

Robinson shook his head. "I am *not* making this up. He says he wants to instill some character in him. That's what he tells me. He's had enough, he doesn't know what to do with the boy—he wants to make a man out of him, to teach him a lesson. He says he's Old Country—an Old Country Serb. His dream was for his son to go into the Army—he says that he realizes this little episode has probably nixed the boy's chances. What am I supposed to say—it doesn't look as if junior's ever going to make general? Well, of course, I try to talk him out of it. I tell him his son could be locked up for a while—but, no, he's insistent, he says he's tried everything with the boy, that some time in jail might scare him into becoming a solid citizen. So"—Robinson shrugged—"the kid ends up on Rikers Island, with more than ample opportunity to meet some of his more manly fellow citizens. Ever seen Rikers?"

"From a distance," I said.

"From a distance? From a distance! Have you ever been in a jail?"

"No."

"You've never been in a jail?" Robinson's eyes widened. "Really? You've never been in a jail? Fuck! Well, I wouldn't feel too bad about it—though, actually, I don't know why you *would* feel bad about it. I'm sure you're aware that our correctional facilities aren't among our most pleasant public places. Don't"—Robinson put his hand up—"say it! I know.

Why should they be? Well, no need to worry. Rikers? Nice place, Rikers. How would you describe it? How about, gangs of murderers, rapists, drug addicts, and machine-gun-toting police to boot—in one wondrous place. The digs ain't cheap, either—more expensive a night than the Plaza.

“Which reminds me,” Robinson said. “Don't ask me why it reminds me, but it reminds me. A conversation I had last week with a federal prosecutor. I was dropping my usual ‘fuck-this’s’ and ‘fucking-that’s,’ when he says to me, ‘I'd appreciate it if you wouldn't be so vulgar.’ This piece of shit—he's, like, twenty-eight years old, some Harvard former Second Circuit clerk, whose daddy, who's a partner at Ellis Parkman, got him the job. The little twit interrupts me—he'd *appreciate* it if I wouldn't be so fucking vulgar. I live in a society where there are how many? Twenty thousand murders a year? That's two hundred thousand murders a decade! Two million murders a century. Now, that's not vulgar, is it? Do you know how many children every day are getting smacked to death? How many skulls are being fucking crushed? Not including, of course, all those neat little, quote unquote, nonviolent felonies committed by our sisters and brothers over here in the World Financial Center. I'm sitting there with this asshole, plea-bargaining for a client who's had his fingers cut off by one of his colleagues in crime—whom our Federal Bureau of Investigation has yet to arrest because, I'm sure, our finger-cutter is an informer, which . . .” Robinson put both his hands up. “Look! I'm a citizen. I'm not naïve. I understand. I realize, these

days, even the Department of Justice is required to operate on a cost-benefit basis. I looked at this fuck-head, George—that's his name, George. ‘George,’ I said, ‘I appreciate it. I appreciate your telling me. You're right, George—absolutely fucking right. I'm just a fucking vulgar guy.’ ”

Robinson paused. “Rikers,” he said. “It's an island.” He was smiling. “All these islands—Liberty, Ellis, Governors, Roosevelt, Staten, Manhattan, Rikers. Rikers is the third largest, after Manhattan and Staten. Population about twenty thousand, very few of whom attended their high school proms. The largest jail in the United States. I bet you didn't know it has its own bakery—croissants for breakfast! Its own mental-health facility—free psychotherapy! A full-time tailor—buttons sewed on for free! Your classmates stick razor blades up their asses so they'll have access to a weapon if things get rough. During visiting hours their girlfriends French kiss small balloons full of heroin into their boyfriends' mouths. Creative, huh? Balloons!”

Robinson stopped and sat back straight. He'd been leaning his head forward over his desk, his shoulders hunched over. His face was calm. “We should get going soon,” he said after taking a deep breath. “Before we do, though”—he motioned toward the window—“come look at this.” I edged my way between a row of file cabinets and his desk. “Right here,” he said, pointing out a stone figure—a young woman in a robe and veil, flying, her right hand raised beside a scale of justice—near the entrance to one of the city's courts. Beneath her on

one side was a serpent, on the other side an infant child.

“I hope you like Chinese,” Robinson said after I sat down again. “Because that is what we’re having. There’s a place I like on the corner of Bayard and the Bowery, New York Noodle Town.” I said that I’d heard of it, that it was supposed to be quite good. “Superb,” said Robinson. “Especially if you know how to order, which I know how to do. I read in a magazine—I don’t remember where—a leading French chef hangs out there when he’s in town. There’s a park behind the Tombs—we’ll eat outside.”

Robinson sat silently, rearranging some items on his desk. On it were a totem-like wood carving, a picture of his wife—a welfare administrator in the city’s Department of Human Resources—pictures of their two daughters, two Rolodexes, and a plastic container of sharpened pencils. He took two CDs—Van Morrison’s *Enlightenment* and Tori Amos’s *Little Earthquakes*—which had been on his desk, and placed them on top of one of the speakers of a small boom box on a small table. He then turned the air conditioner on full blast.

“The kid,” I said. “He wasn’t doing too well.”

“No,” Robinson said. He put his hand on his chin, shaking his head. “No, the kid wasn’t doing too well.”

The look on his face was tense. “Do you know what fucking amazes me?” he asked. “What simply fucking amazes me? How little anyone who isn’t a lawyer really knows about what comes down. I am simply fucking amazed. They all watch their lawyer TV

shows, read these shitty legal thrillers, like it’s one big, suspenseful, meaningful endeavor—some intricate mystery with a hidden truth revealed at the end of the final chapter. They hate lawyers more than anyone else in the world—but law? Law! They love the fucking law! You see it in jurors’ faces—even the most sophisticated and street-smart. They’re not only intrigued—they’re impressed! Reasonable doubt—they go fucking bananas! Just say the words and their eyes change. Most people have how many? one, maybe two, reasonable thoughts a day. But ask them if they have a reasonable doubt about, let’s say, the one person they love most in this world, and you’ll get this ‘what-the-fuck-does-that-have-to-do-with-it?’ look. The same thing with intent. Mens-fuckin’-rea! God, how jurors love mens-fucking-rea! Ask them, though, if they knowingly intended to commit one of their own secret little crimes, and they look at you like you’re some kind of pervert!”

Robinson’s voice was getting louder. “No fucking idea!” he said. “I’ve been reading this biography of Learned Hand. Now there, you must admit, was, all in all, one impressive manic depressive. On the bench how many years? Fifty? That famous line of his—dread. Something like, he’d dread a lawsuit more than anything else in the world except dying. Fuh-ucking A! Consider, for example, this happy thought—an action against you by the People of New York County. Sometimes I think I became a lawyer so I’d know what to do if one of New York City’s finest—for whatever reason strikes his or her fancy—decided I’d violated the Penal Law. Can you imagine not being a lawyer and getting dragged into this shit? You



believe—it doesn't matter who you are—the idealized crap, like, you're not going to get fucked over, when, suddenly, you're under arrest. Dread, brother—we are talking Kierk-e-fucking-gaardian *dread*! Why the secret? Why not just tell everyone? 'Every lawyer shall tell his or her client that becoming involved with the legal system is like three years of experimental chemotherapy, one hundred percent guaranteed not to work.' Put it in the Code of Professional Responsibility! Place it on the agenda of the next annual meeting of the City Bar! What do the med mal people call it? Informed consent. Every citizen has the right to be informed of the truth! Make it a constitutional amendment! The Hand Man postmodernized!"

"How about the kid?" I asked.

"The kid." Robinson sighed. "Our definitely dumb, not really bad, fucked-up, felon-kid. Well . . ." He took a breath and paused. "Well—how do I want to say this? The judge, it turns out, through various social circles, knows the foxy D.A. prosecuting the case, as well as our D.A. victim—so I let everyone know, in my own discreet way, that I know it, and that I'm not afraid to shoot major mouth. Our boy ended up doing close to a year. Fuck, it wasn't like the People didn't need the room—space, you know, is at a premium these days in our penal institutions. Supply and demand. When I used to take court-appointed cases, I had clients who *wanted* to do time. I don't know if you've heard of the phenomenon. It's proven quite troublesome for our social theorists on both the left and the right. The client's thinking, 'So, I do a little time—networking time. Beats the streets.' Clients, brother—you know, not only your corporate

clients lie. Clients down here in the nether regions know how to lie, too. Your client starts providing the prosecution with evidence that can be used against him—after a while you get the idea."

"What do you do?"

"What do you mean, what do I do?" Robinson stood up. "I do what I do. I'm Popeye the Sailor Man!" He was laughing again.

"I do the Popeye, that's what I do. Remember? The dance! 'Pop, pop, Popeye, that's the name of the dance.' " He was singing the song out loud. Meanwhile, stooped over, his body bobbing and weaving, head stuck out, he performed a series of alternating right- and left-hand salutes around his office.

**W**e went out onto Lafayette Street—a hot, muggy July afternoon. Robinson left the jacket of his tan suit in his office, rolling up his white shirt sleeves and loosening his tie. "This way," he said. We crossed the street and walked through a small park next to the courthouse we'd seen from Robinson's window. Cardboard boxes, shopping carts filled with old clothes, food, bottles, newspapers—people were living there. At Centre Street we came to the sixteen-story-high, Art Deco-style Criminal Courts building, built by the federal Public Works Administration in the late thirties and early forties—two whole city blocks large. The first jail in Manhattan was located across the street on a site now a parking lot. Designed like an Egyptian mausoleum, it was known as the Tombs. The name stuck to the part of the Criminal Courts building that remained a jail. Robinson hunched

over. “The *Toooooombs*,” he said. “You probably don’t remember—you never were into the criminal shit—when we were in Ann Arbor, sitting in Kamisar’s Con Law class, the jail, which is on this side of the building”—Robinson pointed to his left—“was shut down. By order of a federal court. Said to have simply defied the human mind. Sealed cellblocks—virtually no ventilation. The noise was incredible—it fucking used to ricochet off the steel-and-tile surfaces. It’s right in the court’s opinion—a finding of fact—suicides, caused by the noise. There’s also a description of the cellblocks at night—there was a sea of rats. A sea of wall-to-wall big fat gray jail rats!”

I asked if there was still a jail in the building. “Sure is,” Robinson said. “Carpeting, air-conditioning, a rec room—state of the fucking art! Do you know what’s also there? What will never change? What is forever? Besides”—Robinson broke into a smile—“the diamond in the front tooth of a client I once had? What even the most potent janitorial cleansers permitted pursuant to regulations promulgated by the Secretary of Labor under the Occupational Safety and Health Act will never get rid of? The *smell*. Years of accumulated, unwashed, human smell. Leftover piss-smell. It’s still throughout the entire building. In the D.A.s’ offices, which”—Robinson pointed to our right—“are over here, on this side of the building, and”—he pointed straight ahead—“in the courtrooms, which are here. A couple of which—the lobster shift—are open all night. Arraignments. You want to see a sorry-assed scene! Soda cans, coffee cups, potato chip, Dorito bags on the floor. The people, man! Jimmy Barnabooth—I’ve known him from

way back when. He’s in his fifties and still doing court-appointed lobster shift. I ran into him over on Hogan Place the other afternoon—he had on a checked tie, with pictures of Bugs Bunny in the little boxes. I was looking at it and Barnabooth laughed—he told me not to worry, that he wasn’t in court that day. That’s where you can still really smell the Tombs—the lobster shift. That damp, musty, almost puky smell—no question about it, it’s still there. Any undertaker will tell you that you never get the smell completely out of a tomb.

“Look up there,” said Robinson. The words EQUAL AND EXACT JUSTICE TO ALL MEN OF WHATEVER STATE OR PERSUASION. JEFFERSON were etched on the building’s façade. “To all men—right on! Just a reminder that our founders’ original intent did not include women. As for our Africano sisters and brothers—fuck, they didn’t even count as ‘whatever’! Not to deny, of course—like Martin Luther King once said—though the law ain’t much for justice, at least it can stop lynching. You could legally lynch someone in several of these United States not even fifty years ago. Not anymore. In the early sixties California made it a crime to be addicted to a controlled substance. Unconstitutional. That you can’t do. Today? Today”—Robinson shrugged—“the state of an undue percentage of the persuasion of our citizens descended from our slaves is, simply, that they are poor.”

We walked on Centre toward Canal Street. A woman came up to us, said “Immigration,” and Robinson pointed downtown. “Do you know what this is?” he asked when we came to a passageway con-

necting the old Tombs with a new building. "The Bridge of Sighs. No, really, that's what it's called. Like in Venice. A bridge between the old jail and the new one—that's what this new building is—a new Tombs. It was a big controversy in the late eighties—what it would do to the neighborhood. How about this?" He pointed to a bas-relief of Buddha on the passageway. "Did you know Buddha has one hair between his eyebrows that sends out a constant buzz? Buuuzzzz! Spiritual energy! Why are you laughing? You're such a fucking cretin. Of course, the more immediate reason for this bit of spiritual iconography is that the new Tombs is—like the old one—part of Chinatown."

We walked under the passageway over to Baxter Street, then several blocks to New York Noodle Town. Robinson recommended one dish of eggplant stuffed with fish, the shredded roast duck with garlic chives, and a rice dish with Chinese sausage and broccoli. We waited for our order at the side of the cash register. "Illegal," Robinson said in a near-whisper, with a quick nod toward a boy in his late teens sitting at a table across from us, his hair matted, his eyes darting back and forth, wearing a Harvard College T-shirt. "How can you tell?" I asked. "Fear," said Robinson. "Look at him. He's in a chronic state of terror."

We got our food and walked on Bayard to Columbus Park, which we'd passed on our way to the restaurant. We found a table of sorts—a slab of concrete, with chess and backgammon boards in colored stone embedded in its surface. There were benches on each side, which Robinson covered with

napkins before we sat down. Most of the nearby tables were occupied by Chinese women, bags of food and vegetables beside them. Some were playing cards. "Look," Robinson said, "over there." He tilted his head toward the Tombs. "Human beings detained— isn't that a wonderful word, detained?—detained there right now. Someone right now may be looking out a window and watching us eat this outstanding—the Chinese sausage is delectable, isn't it?—haute cuisine. So might"—he nodded at the other side of the Criminal Courts building—"some A.D.-fucking-A. Over here," he said. He looked toward the new United States courthouse, some twenty stories high, on the south side of the park. "Cherrywood-lined elevators, white Vermont marble courtrooms, private kitchenettes and showers, brass doorknobs. Power—as we used to say—to the people. How is that for social space?"

"You know," I said, "I've never been able to figure you criminal-law types out."

"Figure this," Robinson said, lifting his middle finger.

"Seriously," I said. "It's not only that you're always around crime, which is one thing. But you're always around criminals. No matter which side you're on."

"We're always around police," Robinson said. He was sweating. "What you don't realize . . ."

He stopped. "Do you know what?" He took a handkerchief from his breast pocket, unfolded it, wiped his face, then, refolding it, carefully put it back. "The fuck if I know. I don't know if there is anything to figure out. Some deep personal pathology,

maybe. Maybe something to do with my father. Or maybe it's just some deep need to get as close as I can to the whole thing. To the essence of the *thang*. The essence of the"—he smiled—"thaaaang. I can't remember where I saw it. Somewhere along the way. 'The criminal law represents civilization's pathology.' If you ask me, that's what should be written across the front of the Tombs. Tattooed on your Buddha! Maybe I'm just trying to figure civilization out. A noble purpose, after all!"

"What are murderers like?" I asked.

Robinson started to laugh. "Well, I've known a few."

"No, really. What are they like?"

"What do you mean, really, what are they like? What the fuck do you think they're like? They're insane, that's what they're like. It doesn't take too much to figure that out, does it? Premeditated murder. The idea of forming the intent to kill another human being—not in self-defense, not in war, which is a form of collective self-defense—it implies, doesn't it, that the mind of the murderer is capable of human thought, of human feeling? Doesn't it? But is anyone with a mind capable of human thought, of human feeling, capable of forming the intent to kill anyone? If you answer yes, what happens to our—what? Civilization? Our idealized sense of what makes us human? Look. Don't kid yourself. When we put people who murder other people in prisons—where, believe me, many of them, indeed, do belong—we don't do it because they're sane. We do it for other reasons."

Robinson wiped the sweat off his face with his

hand. "So what else do you want to know about murderers?"

I didn't answer.

"Well," Robinson went on, "I'll tell you something else about murderers. You know what about murderers? There's always an explanation. Always a reason why."

He stopped again. He seemed to be having trouble breathing. "Are you all right?" I asked.

"No," he said. He took a deep breath. "I'm going to stroke out on you, right here. Ruin your afternoon even more than I already have. Murderers!" He paused. "Murderers. A pleasant topic of discussion. You want to know the truth?—I try not to make it a personal thing. When I was with the defenders' office, years ago, there was a lawyer—this guy was really good, I respected him a great deal—I asked him how he dealt with rapists. To be honest, I've never particularly cared for rapists. In fact, I don't particularly care for human beings who torture, who enjoy torturing, other human beings. This person I asked—he's one of the most conscientious human beings I've ever met—says to me, 'Some of the kindest people I've ever known are rapists, and some of the most despicable animals on the face of the earth are rapists.' Pithy, no? Well, I've never forgotten it."

"You have to think about crime all the time."

"Never!" Robinson laughed. "But probably less than you think," he added. "Or probably more than I think." He stopped and continued eating. "Damn! This is the best roast duck in Chinatown, if you ask me. I can tell you this, though"—he swallowed a

spoonful of rice—"not that it matters, but I will say this. It's its own thing. Do you understand what I'm saying? Crime. It's its own thing. Its own nature. And it changes, too. I will be the first to admit that things have gotten increasingly bizarre. I had a client who claimed he couldn't show up for a hearing because he had bubonic plague. Put that in an affidavit! And guns. Uzis, for example. Do you know what an Uzi is? It's a fucking submachine gun. You ask the resident surgeons in the emergency O.R. at Bellevue, they'll tell you about health care—the health care of machine guns. A twelve-year-old, who's not all there to begin with—add a hot temper and his own private Uzi. Nice! Plus the fact everyone in the whole damn society thinks they're watching themselves on TV or on a VCR—it doesn't matter who you are, what your purported ideology is. TV, video—they're sustenance. For the poor, for those of us who aren't poor—everybody's got to have it! It doesn't take a genius to figure out that if you're criminally disposed, and your mind's eye has turned into a moving camera, the human and inhuman intensity, the involvement in an act of physical violence, just might turn out differently than it used to—that a different kind of social sense is involved, or has evolved. Or look at it this way. Can civilization's pathology—our criminal law, remember—keep up with the pathology of our criminals? Have you ever wondered which pathology will prevail, have you ever felt that what we're really in is a war of . . ."

Robinson leaned back, taking several quick breaths. "God," he said, "I'm hyperventilating

again." He sat for a moment. "I'm sorry," he said, shaking his head. "I'm probably not making much sense." He stood up, gathered together the empty food containers, and threw them into a trash bin. We started back to his office.

The afternoon air had turned into solid heat. We walked past the federal courthouse, then around to Foley Square. "I recently came across a book, *Conversations with Kafka*, by the son of a colleague of Franz's," Robinson said. "Do you know what Kafka did for a living? Workers' comp! It's true! He worked for the Bohemian Workers' Compensation Bureau. One of the first places there was workers' comp, in fact. Bismarck initiated it back in the eighteen-eighties. Today Kafka would be one of those lawyers—I mentioned that he was a lawyer, didn't I?—who works for a state department of labor, overseeing the workers' comp system. That's what Kafka did. He wrote reports on factory conditions. Workers' lungs destroyed by silicon. He knew the system cold."

We'd walked through Tom Paine Park and were standing at the corner of Worth and Lafayette. "You know what I realized?" Robinson asked. "I never really cared that much for Kafka. Admired, yes—but liked? Really liked? Never, really. Too much dream-like fantasy crap for my taste. Too imprecise. But in the middle of this not uninteresting book, Franz tells this young sycophant—or this young sycophant remembers Kafka telling him—'I am, after all, a lawyer. I am never far from evil.' Right-fucking-on, heh? I have to admit that I've always liked 'The Metamorphosis.' At least the idea of it. A guy gets up one

morning from a night of horrendous dreams and finds himself changed in his bed into some kind of monstrous vermin.”

“A cockroach.”

“I don’t think it’s ever made clear—it’s Kafka, remember? Vermin, monstrous vermin—you know, like in those landlord-tenant cases. The implied covenant of habitability and all that crap. What degree of vermin—aren’t there degrees of vermin you need before you can get a constructive eviction? Well,” said Robinson—we’d crossed Worth and were walking on Lafayette—“although you didn’t ask, metamorphosis has always intrigued me.”

“Your own?”

“My own what?”

“Your own metamorphosis.”

“If the question is, yes or no, have I ever thought about my own metamorphosis, the answer is no. Except at one point I was tracking what you might call a more collective metamorphosis.”

“Collective?”

“You could call it that. There was a point I was watching it but could never determine when exactly it was. When the number of lawyers and the number incarcerated in every prison and jail in the country—federal, state, municipal—was the same. I kept a file on it. I thought when the numbers matched up it might be a nice switch. Every lawyer metamorphosed into a prisoner, every prisoner into a lawyer.

“Well,” Robinson said, “it went right past me. The numbers, I mean. Incarceration just took off. It’s not even close anymore. We’ve got now—you’d be surprised, no one really knows the exact number—

somewhere between nine hundred thousand and a million lawyers, up around fifty thousand a year. Prisoners? Out of fucking sight! A million six and counting—a hundred-thousand-or-so increase a year. It’s a major growth industry. It’s why my business has been so good.”

We were approaching Robinson’s building—we were in front of the windowless block-long black granite Manhattan Family Court building—when a slender young woman called out from the other side of Lafayette, then dashed across the street and greeted Robinson with a kiss on the cheek. Robinson introduced us, then turned aside, talking with her intensely. “Nice to meet you,” she said to me, moving her hand through her short sandy-colored hair. She then kissed Robinson again and ran against the light back across Lafayette. “A beautiful woman,” Robinson said. “A federal defender. She’s still learning how profoundly fucked-up it is. You have to learn the delay game—she hasn’t yet learned how to be patient. She’s got this fucking informant drug-dealing case. I don’t do drug cases anymore. Not if I can help it. No fucking more.

“Well, anyway”—Robinson grinned—“the collective metamorphosis. The numbers weren’t right. So I rethought it. Why not, if you’re a lawyer, then you metamorphose into a prisoner, and if you’re a prisoner, then you metamorphose into a lawyer. A tax lawyer in Washington, D.C., wakes up after a night of weird, nasty dreams and finds himself in an Arkansas penitentiary. He’s there the next God-knows-how-many years for second-degree attempted arson—he fucked up trying to set fire to an empty

apartment building. You go to sleep in your jail cell in Odessa, Texas, waiting to be arraigned for auto theft, and wake up, after the most horrendous nightmares of your life, a lawyer representing a body-piercing operation in Escondido—you know, outside San Diego—two hours before you've got a deposition, for which you're not at all prepared, in a malpractice case. One of your client's employees didn't properly disinfect one of those jeweled barbells—a twenty-year-old girl's nasal membrane is permanently damaged. Get the idea?"

"You realize," I said, "that you'd be increasing the number of lawyers."

"I hadn't thought of that," Robinson said. "Come to think of it, you'd be decreasing the number of prisoners, too. You always could, of course, metamorphose them back—status quo ante. What's wrong with that?" he asked. He took out his handkerchief and wiped the sweat from his forehead. "Lawyer becomes prisoner, prisoner lawyer—metamorphosed back into who you were. A form of exact—maybe exacting would be a better word—justice, that's all it would be," he said, his eyes squinting from the glare of the sun. "No more than a form of exacting justice."

## Something Split

