

WILLIAM LANDAY

DEFENDING
JACOB

A Novel



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a novel



DELACORTE BOOKS
NEW YORK

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Published in the United States by Delacorte Press, an imprint of The Random House Publishing Group, a division of Random House, Inc., New York.

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Library of Congress Cataloging-in-Publication Data

Landay, William.

Defending Jacob: a novel / William Landay.

p. cm.

eISBN: 978-0-345-52759-2

1. Public prosecutors—Fiction. 2. Murder—Investigation—Fiction. 3. Massachusetts—Fiction. I. Title.

PS3612.A5477D44 2011

813'.6—dc22 2011011623

www.bantamdell.com

v3.1

Contents

Cover
Title Page
Copyright

Part One

- 1 In the Grand Jury
- 2 Our Crowd
- 3 Back to School
- 4 Mindfuck
- 5 Everyone Knows You Did It
- 6 Descent
- 7 Denial
- 8 The End

Part Two

- 9 Arraignment
- 10 Leopards
- 11 Running
- 12 Confessions
- 13 179 Days
- 14 Questioning
- 15 Playing Detective
- 16 Witness
- 17 Nothing's Wrong with Me!
- 18 The Murder Gene, Redux
- 19 The Cutting Room
- 20 One Son Was Here, the Other Was Gone
- 21 Beware the Fury of a Patient Man
- 22 A Heart Two Sizes Too Small
- 23 Him

Part Three

- 24 It's Different for Mothers
- 25 The Schoolteacher, Glasses Girl, the Fat Somerville Guy, Urkel, the Recording Studio Guy, the Housewife, Braces Woman, and Other Oracles of Truth
- 26 Someone Is Watching
- 27 Openings

28 A Verdict

29 The Burning Monk

30 The Third Rail

31 Hanging Up

32 The Absence of Evidence

33 Father O'Leary

34 Jacob Was Mad

35 Argentina

36 Helluva Show

Part Four

37 After-Life

38 The Policeman's Dilemma

39 Paradise

40 No Way Out

Other Books by This Author

About the Author

Part ONE

“Let us be practical in our expectations of the Criminal Law.... [For] we have merely to imagine, by some trick of time travel, meeting our earliest hominid ancestor, Adam, a proto-man, short of stature, luxuriantly furred, newly bipedal, foraging about on the African savannah three million or so years ago. Now, let us agree that we may pronounce whatever laws we like for this clever little creature, still it would be unwise to pet him.”

—REYNARD THOMPSON,
A General Theory of Human Violence (1921)

Mr. Logiudice: State your name, please.

Witness: Andrew Barber.

Mr. Logiudice: What do you do for work, Mr. Barber?

Witness: I was an assistant district attorney in this county for 22 years.

Mr. Logiudice: "Was." What do you do for work now?

Witness: I suppose you'd say I'm unemployed.

In April 2008, Neal Logiudice finally subpoenaed me to appear before the grand jury. By then it was too late. Too late for his case, certainly, but also too late for Logiudice. His reputation was already damaged beyond repair, and his career along with it. A prosecutor can limp along with a damaged reputation for a while, but his colleagues will watch him like wolves and eventually he will be forced out, for the good of the pack. I have seen it many times: an ADA is irreplaceable one day, forgotten the next.

I have always had a soft spot for Neal Logiudice (pronounced *la-JOO-dis*). He came to the DA's office a dozen years before this, right out of law school. He was twenty-nine then, short with thinning hair and a little potbelly. His mouth was overstuffed with teeth; he had to force it shut, like a full suitcase, which left him with a sour, pucker-mouthed expression. I used to get after him not to make this face in front of juries—nobody likes a scold—but he did it unconsciously. He would get up in front of the jury box shaking his head and pursing his lips like a schoolmarm or a priest, and in every juror there stirred a secret desire to vote against him. Inside the office, Logiudice was a bit of an operator and a kiss-ass. He got a lot of teasing. Other ADAs tooled on him endlessly, but he got it from everyone, even people who worked with the office at arm's length—cops, clerks, secretaries, people who did not usually make their contempt for a prosecutor quite so obvious. They called him Milhouse, after the dweeby character on *The Simpsons*, and they came up with a thousand variations on his name: LoFoolish, LoDoofus, Sid Vicious, Judicious, on and on. But to me, Logiudice was okay. He was just innocent. With the best intentions, he smashed people's lives and never lost a minute of sleep over it. He only went after bad guys, after all. That is the Prosecutor's Fallacy—*They are bad guys because I am prosecuting them*—and Logiudice was not the first to be fooled by it, so I forgave him for being righteous. I even liked him. I rooted for him precisely because of his oddities, the unpronounceable name, the snagged teeth—which any of his peers would have had straightened with expensive braces, paid for by Mummy and Daddy—even his naked ambition. I saw something in the guy. An air of sturdiness in the way he bore up under so much rejection, how he just took it and took it. He was obviously a working-class kid determined to get for himself what so many others had simply been handed. In that way, and *only* in that way, I suppose, he was just like me.

Now, a dozen years after he arrived in the office, despite all his quirks, he had made it, or nearly made it. Neal Logiudice was First Assistant, the number two man in the Middlesex District Attorney's Office, the DA's right hand and chief trial attorney. He took over the job

from me—this kid who once said to me, “Andy, you’re *exactly* what I want to be someday.” should have seen it coming.

In the grand jury room that morning, the jurors were in a sullen, defeated mood. They sat thirty-odd men and women who had not been clever enough to find a way out of serving, crammed into those school chairs with teardrop-shaped desks for chair arms. They understood their jobs well enough by now. Grand juries serve for months, and they figure out pretty quickly what the gig is all about: accuse, point your finger, name the wicked one.

A grand jury proceeding is not a trial. There is no judge in the room and no defense lawyer. The prosecutor runs the show. It is an investigation and in theory a check on the prosecutor’s power, since the grand jury decides whether the prosecutor has enough evidence to haul a suspect into court for trial. If there is enough evidence, the grand jury grants the prosecutor an indictment, his ticket to Superior Court. If not, they return a “no bill” and the case is over before it begins. In practice, no bills are rare. Most grand juries indict. Why not? They only see one side of the case.

But in this case, I suspect the jurors knew Logiudice did not have a case. Not today. The truth was not going to be found, not with evidence this stale and tainted, not after everything that had happened. It had been over a year already—over twelve months since the body of a fourteen-year-old boy was found in the woods with three stab wounds arranged in a line across the chest as if he’d been forked with a trident. But it was not the time, so much. It was everything else. Too late, and the grand jury knew it.

I knew it too.

Only Logiudice was undeterred. He pursed his lips in that odd way of his. He reviewed his notes on a yellow legal pad, considered his next question. He was doing just what I’d taught him. The voice in his head was mine: Never mind how weak your case is. Stick to the system. Play the game the same way it’s been played the last five-hundred-odd years, use the same gutter tactic that has always governed cross-examination—lure, trap, fuck.

He said, “Do you recall when you first heard about the Rifkin boy’s murder?”

“Yes.”

“Describe it.”

“I got a call, I think, first from CPAC—that’s the state police. Then two more came in right away, one from the Newton police, one from the duty DA. I may have the order wrong, but basically the phone started ringing off the hook.”

“When was this?”

“Thursday, April 12, 2007, around nine A.M., right after the body was discovered.”

“Why were you called?”

“I was the First Assistant. I was notified of every murder in the county. It was standard procedure.”

“But you did not keep every case, did you? You did not personally investigate and try every homicide that came in?”

“No, of course not. I didn’t have that kind of time. I kept very few homicides. Most assigned to other ADAs.”

“But this one you kept.”

“Yes.”

“Did you decide immediately that you were going to keep it for yourself, or did you only

decide that later?”

“I decided almost immediately.”

“Why? Why did you want this case in particular?”

“I had an understanding with the district attorney, Lynn Canavan: certain cases I would try personally.”

“What sort of cases?”

“High-priority cases.”

“Why you?”

“I was the senior trial lawyer in the office. She wanted to be sure that important cases were handled properly.”

“Who decided if a case was high priority?”

“Me, in the first instance. In consultation with the district attorney, of course, but things tend to move pretty fast at the beginning. There isn’t usually time for a meeting.”

“So *you* decided the Rifkin murder was a high-priority case?”

“Of course.”

“Why?”

“Because it involved the murder of a child. I think we also had an idea it might blow up and catch the media’s attention. It was that kind of case. It happened in a wealthy town, with a wealthy victim. We’d already had a few cases like that. At the beginning we did not know exactly what it was, either. In some ways it looked like a schoolhouse killing, a Columbian thing. Basically, we didn’t know what the hell it was, but it smelled like a big case. If it had turned out to be a smaller thing, I would have passed it off later, but in those first few hours I had to be sure everything was done right.”

“Did you inform the district attorney that you had a conflict of interest?”

“No.”

“Why not?”

“Because I didn’t have one.”

“Wasn’t your son, Jacob, a classmate of the dead boy?”

“Yes, but I didn’t know the victim. Jacob didn’t know him either, as far as I was aware. I never even heard the dead boy’s name.”

“You did not know the kid. All right. But you did know that he and your son were in the same grade at the same middle school in the same town?”

“Yes.”

“And you still didn’t think you were conflicted out? You didn’t think your objectivity might be called into question?”

“No. Of course not.”

“Even in hindsight? You insist, you— Even in hindsight, you *still* don’t feel that the circumstances gave even the *appearance* of a conflict?”

“No, there was nothing improper about it. There was nothing even unusual about it. The fact that I lived in the town where the murder happened? That was a *good* thing. In small counties, the prosecutor often lives in the community where a crime happens, he often knows the people affected by it. So what? So he wants to catch the murderer *even more*? That’s not a conflict of interest. Look, the bottom line is, I have a conflict with all murderers. That’s my job. This was a horrible, horrible crime; it was my job to do something about it. I would

determined to do just that.”

“Okay.” Logiudice lowered his eyes to his pad. No sense attacking the witness so early in his testimony. He would come back to this point later in the day, no doubt, when I was tired. For now, best to keep the temperature down.

“You understand your Fifth Amendment rights?”

“Of course.”

“And you have waived them?”

“Apparently. I’m here. I’m talking.”

Titters from the grand jury.

Logiudice laid down his pad, and with it he seemed to set aside his game plan for the moment. “Mr. Barber—Andy—could I just ask you something: why not invoke them? Why not remain silent?” The next sentence he left unsaid: *That’s what I would do.*

I thought for a moment that this was a tactic, a bit of playacting. But Logiudice seemed to mean it. He was worried I was up to something. He did not want to be tricked, to look like a fool.

I said, “I have no desire to remain silent. I want the truth to come out.”

“No matter what?”

“I believe in the system, same as you, same as everyone here.”

Now, this was not exactly true. I do not believe in the court system, at least I do not think it is especially good at finding the truth. No lawyer does. We have all seen too many mistakes, too many bad results. A jury verdict is just a guess—a well-intentioned guess, generally, but you simply cannot tell fact from fiction by taking a vote. And yet, despite all that, I do believe in the power of the ritual. I believe in the religious symbolism, the black robes, the marble-columned courthouses like Greek temples. When we hold a trial, we are saying a mass. We are praying together to do what is right and to be protected from danger, and that is worth doing whether or not our prayers are actually heard.

Of course, Logiudice did not go in for that sort of solemn bullshit. He lived in the lawyer’s binary world, guilty or not guilty, and he was determined to keep me pinned there.

“You believe in the system, do you?” he sniffed. “All right, Andy, let’s get back to it, then. We’ll let the system do its work.” He gave the jury a knowing, smart-ass look.

Attaboy, Neal. Don’t let the witness jump into bed with the jury—you jump into bed with the jury. Jump in there and snuggle right up beside them under the blanket and leave the witness out in the cold. I smirked. I would have stood up and applauded if I’d been allowed to, because I taught him to do precisely this. Why deny myself a little fatherly pride? I must not have been all bad—I turned Neal Logiudice into a half-decent lawyer, after all.

“So go on already,” I said, nuzzling the jury’s neck. “Stop screwing around and get on with it, Neal.”

He gave me a look, then picked up his yellow pad again and scanned it, looking for his place. I could practically read the thought spelled out across his forehead: *lure, trap, fuck*. “Okay,” he said, “let’s pick it up at the aftermath of the murder.”

April 2007: twelve months earlier.

When the Rifkins opened their home for the shiva, the Jewish period of mourning, seemed the whole town came. The family would not be allowed to mourn in private. The boy's murder was a public event; the grieving would be as well. The house was so full that when the murmur of conversation occasionally swelled, the whole thing began to feel awkwardly like a party, until the crowd lowered its voice as one, as if an invisible volumetric knob were being turned.

I made apologetic faces as I moved through this crowd, repeating "Excuse me," turning this way and that to shuffle by.

People stared with curious expressions. Someone said, "That's him, that's Andy Barber" but I did not stop. We were four days past the murder now, and everyone knew I was handling the case. They wanted to ask about it, naturally, about suspects and clues and all that, but they did not dare. For the moment, the details of the investigation did not matter, only the raw fact that an innocent kid was dead.

Murdered! The news sucker-punched them. Newton had no crime to speak of. What the locals knew about violence necessarily came from news reports and TV shows. They had supposed that violent crime was limited to the city, to an underclass of urban hillbillies. They were wrong about that, of course, but they were not fools and they would not have been so shocked by the murder of an adult. What made the Rifkin murder so profane was that it involved one of the town's children. It was a violation of Newton's self-image. For a while a sign had stood in Newton Centre declaring the place "A Community of Families, A Family of Communities," and you often heard it repeated that Newton was "a good place to raise kids." Which indeed it was. It brimmed with test-prep centers and after-school tutors, karate dojos, and Saturday soccer leagues. The town's young parents especially prized this idea of Newton as a child's paradise. Many of them had left the hip, sophisticated city to move here. They had accepted massive expenses, stultifying monotony, and the queasy disappointment of settling for a conventional life. To these ambivalent residents, the whole suburban project made sense only because it was "a good place to raise kids." They had staked everything on it.

Moving from room to room, I passed one tribe after another. The kids, the dead boy's friends, had crowded into a small den at the front of the house. They talked softly, stared. One girl's mascara was smeared with tears. My own son, Jacob, sat in a low chair, lank and gangly, apart from the others. He gazed into his cell phone screen, uninterested in the conversations around him.

The grief-stunned family was next door in the living room, old grandmas, baby cousins.

In the kitchen, finally, were the parents of the kids who'd gone through the Newton school with Ben Rifkin. This was our crowd. We had known one another since our kids showed up for the first day of kindergarten eight years earlier. We had stood together at a thousand morning drop-offs and afternoon pickups, endless soccer games and school fund-raisers and

one memorable production of *Twelve Angry Men*. Still, a few close friendships aside, we do not know one another all that well. There was a camaraderie among us, certainly, but no real connection. Most of these acquaintanceships would not survive our kids' graduation from high school. But in those first few days after Ben Rifkin's murder, we felt an illusion of closeness. It was as if we had all suddenly been revealed to one another.

In the Rifkins' vast kitchen—Wolf cooktop, Sub-Zero fridge, granite counters, English-white cabinets—the school parents huddled in clusters of three or four and made intimate confessions about insomnia, sadness, unshakeable dread. They talked over and over about Columbine and 9/11 and how Ben's death made them cling to their own children while they could. The extravagant emotions of that evening were heightened by the warm light in the kitchen, cast by hanging fixtures with burnt-orange globes. In that firelight, as I entered the room, the parents were indulging one another in the luxury of confessing secrets.

At the kitchen island one of the moms, Toby Lanzman, was arranging hors d'oeuvres on a serving platter as I came into the room. A dish towel was slung over her shoulder. The sleeves in her forearms stood out as she worked. Toby was my wife Laurie's best friend, one of the few enduring connections we had made here. She saw me searching for my wife, and she pointed across the room.

"She's mothering the mothers," Toby said.

"I see that."

"Well, we can all use a little mothering at the moment."

I grunted, gave her a puzzled look, and moved off. Toby was an incitement. My only defense against her was a tactical retreat.

Laurie stood with a small circle of moms. Her hair, which has always been thick and unruly, was swept up in a loose bun at the back of her head and held there by a black tortoiseshell hair clip. She rubbed a friend's upper arm in a consoling way. Her friend inclined toward Laurie visibly, like a cat being stroked.

When I reached her, Laurie put her left arm around my waist. "Hi, sweetie."

"It's time to go."

"Andy, you've been saying that since the second we got here."

"Not true. I've been thinking it, not saying it."

"Well, it's been written all over your face." She sighed. "I knew we should have come in separate cars."

She took a moment to appraise me. She did not want to go but understood that I was uneasy, that I felt spotlighted here, that I was not much of a talker to begin with—chitchat in crowded rooms always left me exhausted—and these things all had to be weighed. A family had to be managed, like any other organization.

"You go," she decided. "I'll get a ride home with Toby."

"Yeah?"

"Yeah. Why not? Take Jacob with you."

"You're sure?" I leaned down—Laurie is almost a foot shorter than me—to stage-whisper. "Because I'd love to stay."

She laughed. "Go. Before I change my mind."

The funereal women stared.

"Go on. Your coat's in the bedroom upstairs."

I went upstairs and found myself in a long corridor. The noise was muted here, which came as a relief. The echo of the crowd still murmured in my ears. I began searching for the coat. In one bedroom, which apparently belonged to the dead boy's little sister, there was a pile of coats on the bed, but mine was not in the pile.

The door to the next room was closed. I knocked, opened it, poked my head in to peek around.

The room was gloomy. The only light came from a brass floor lamp in the far corner. The dead boy's father sat in a wing chair under this light. Dan Rifkin was small, trim, delicate. Always, his hair was sprayed in place. He wore an expensive-looking dark suit. There was a rough two-inch tear in his lapel to symbolize his broken heart—a waste of an expensive suit, I thought. In the dim light, his eyes were sunken, rimmed in bluish circles like a raccoon's eye mask.

"Hello, Andy," he said.

"Sorry. Just looking for my coat. Didn't mean to bother you."

"No, come sit a minute."

"Nah. I don't want to intrude."

"Please, sit, sit. There's something I want to ask you."

My heart sank. I have seen the writhing of survivors of murder victims. My job forces me to watch it. Parents of murdered children have it worst, and to me the fathers have it even worse than the mothers because they are taught to be stoic, to "act like a man." Studies have shown that fathers of murdered children often die within a few years of the murder, often of heart failure. Really, they die of grief. At some point a prosecutor realizes he cannot survive that kind of heartbreak either. He cannot follow the fathers down. So he focuses instead on the technical aspects of the job. He turns it into a craft like any other. The trick is to keep the suffering at a distance.

But Dan Rifkin insisted. He waved his arm like a cop directing cars to move ahead, and seeing there was no choice, I closed the door gently and took the chair next to his.

"Drink?" He held up a tumbler of coppery whiskey, neat.

"No."

"Is there any news, Andy?"

"No. Afraid not."

He nodded, looked off toward the corner of the room, disappointed. "I've always loved this room. This is where I come to think. When something like this happens, you spend a lot of time thinking." He made a tight little smile: *Don't worry, I'm all right.*

"I'm sure that's true."

"The thing I can't get past is: why did this guy do it?"

"Dan, you really shouldn't—"

"No, hear me out. Just—I don't—I don't need hand-holding. I'm a rational person, that's all. I have questions. Not about the details. When we've talked, you and I, it's always about the details: the evidence, the court procedures. But I'm a rational person, okay? I'm a rational person and I have questions. Other questions."

I sank in my seat, felt my shoulders relax, acquiescing.

"Okay. So here it is: Ben was so good. That's the first thing. Of course no kid deserves this anyway. I know that. But Ben really was a good boy. He was so good. And just a kid. He was

fourteen years old, for God's sake! Never made any trouble. Never. Never, never, never. So why? What was the motive? I don't mean anger, greed, jealousy, that kind of motive because there *can't* be an ordinary motive in this case, there can't, it just doesn't make sense. Who could feel that kind of, of *rage* against Ben, against any little kid? It just doesn't make sense. It just doesn't make sense." Rifkin put the four fingertips of his right hand on his forehead and worked the skin in slow circles. "What I mean is: what *separates* these people? Because I've felt those things, of course, those *motives*—angry, greedy, jealous—you've felt them, everybody's felt them. But we've never killed anyone. You see? We never *could* kill anyone. But some people do, some people *can*. Why is that?"

"I don't know."

"You must have some sense of these things."

"No. I don't, really."

"But you talk to them, you meet them. What do they say, the killers?"

"They don't talk much, most of them."

"Do you ever ask? Not why they did it, but what makes them capable of it in the first place."

"No."

"Why not?"

"Because they wouldn't answer. Their lawyers wouldn't let them answer."

"Lawyers!" He tossed his hand.

"They wouldn't know how to answer, anyway, most of them. These philosophic murderers—Chianti and fava beans and all that stuff—it's bullshit. It's just the movie. Anyway, they're full of shit, these guys. If they had to answer, they'd probably tell you about their rough childhoods or something. They'd make themselves the victims. That's the usual story."

He nodded once, to urge me on.

"Dan, the thing is, you can't torture yourself looking for reasons. There are none. It's not logical. Not the part you're talking about."

Rifkin slid down in his chair a little, concentrating, as if he would need to give the whole thing more thought. His eyes glistened but his voice was even, controlled. "Do other parents ask these sorts of things?"

"They ask all kinds of things."

"Do you see them after the case is over? The parents?"

"Sometimes."

"I mean long after, years."

"Sometimes."

"And do they—how do they seem? Are they all right?"

"Some of them are all right."

"But some of them aren't."

"Some of them aren't."

"What do they do, the ones who make it? What are the key things? There must be a pattern. What's the strategy, what are the best practices? What's worked for them?"

"They get help. They rely on their families, the people around them. There are groups of people there for survivors; they use those. We can put you in touch. You should talk to the victims."

advocate. She'll set you up with a support group. It's very helpful. You can't do it alone that's the thing. You have to remember there are other people out there who have gone through it, who know what you're going through."

"And the other ones, the parents who don't make it, what happens to them? The ones who never recover?"

"You're not going to be one of those."

"But if I am? What happens to me, to us?"

"We're not going to let that happen. We're not even going to think that way."

"But it does happen. It does happen, doesn't it? It does."

"Not to you. Ben wouldn't want it to happen to you."

Silence.

"I know your son," Rifkin said. "Jacob."

"Yes."

"I've seen him around the school. He seems like a good kid. Big handsome boy. You must be proud."

"I am."

"He looks like you, I think."

"Yeah, I've been told."

He took a deep breath. "You know, I find myself thinking about these kids from Ben's class. I feel attached. I want to see them succeed, you know? I've watched them grow up, feel close to them. Is that unusual? Am I feeling that because it makes me feel closer to Ben? Is that why I'm latching onto these other kids? Because that's what it sounds like, doesn't it? It looks weird."

"Dan, don't worry about how things look. People are going to think whatever they think. The hell with 'em. You can't worry about it."

He massaged his forehead some more. His agony could not have been more obvious if he had been bleeding on the floor. I wanted to help him. At the same time, I wanted to get away from him.

"It would help me if I *knew*, if, if the case was resolved. It will help me when you resolve the case. Because the uncertainty—it's draining. It'll help when the case is resolved, won't it? In other cases you've seen, that helps the parents, doesn't it?"

"Yes, I think so."

"I don't mean to pressure you. I don't mean to sound that way. It's just, I think it will help me when the case is resolved and I know this guy is—when he's *locked up* and *put away*. I know you'll do that. I have faith in you, of course. I mean, *of course*. I'm not doubting you, Andy. I'm just saying it will help me. Me, my wife, everyone. That's what we need, I think. Closure. That's what we're looking to you for."

That night Laurie and I lay in bed reading.

"I still think they're making a mistake opening the school so soon."

"Laurie, we've been all through this." My voice had a bored tone. *Been there, done that*. "Jacob will be perfectly safe. We'll take him there ourselves, we'll walk him right up to the door. There'll be cops all over. He'll be safer in school than anywhere else."

"Safer. You can't know that. How could you know that? Nobody has any idea who this guy

is or where he is or what he intends to do next.”

“They have to open the school sometime. Life goes on.”

“You’re wrong, Andy.”

“How long do you want them to wait?”

“Until they catch the guy.”

“That could take a while.”

“So? What’s the worst that could happen? The kids miss a few days of school. So what? At least they’d be safe.”

“You can’t make them totally safe. It’s a big world out there. Big, dangerous world.”

“Okay, safer.”

I laid my book down on my belly, where it formed a little roof. “Laurie, if you keep the school closed, you send these kids the wrong message. School isn’t supposed to be dangerous. It’s not a place they should be afraid of. It’s their second home. It’s where they spend most of their waking hours. They *want* to be there. They want to be with their friends, not stuck at home, hiding under the bed so the bogeyman doesn’t get them.”

“The bogeyman already got one of them. That makes him not a bogeyman.”

“Okay, but you see what I’m saying.”

“Oh, I see what you’re saying, Andy. I’m just telling you you’re wrong. The number one priority is keeping the kids safe, physically. Then they can go be with their friends or do whatever. Until they catch the guy, you can’t promise me the kids’ll be safe.”

“You need a guarantee?”

“Yes.”

“We’ll catch the guy,” I said. “I guarantee it.”

“When?”

“Soon.”

“You know this?”

“I expect it. We always catch ’em.”

“Not always. Remember the guy who killed his wife and wrapped her in a blanket in the back of the Saab?”

“We *did* catch that guy. We just couldn’t—all right, *almost* always. We almost always catch ’em. This guy we’ll catch, I promise you.”

“What if you’re wrong?”

“If I’m wrong, I’m sure you’ll tell me all about it.”

“No, I mean if you’re wrong and some poor kid gets hurt?”

“That won’t happen, Laurie.”

She frowned, giving up. “There’s no arguing with you. It’s like running into a wall over and over again.”

“We’re not arguing. We’re discussing.”

“You’re a lawyer; you don’t know the difference. *I’m* arguing.”

“Look, what do you want me to say, Laurie?”

“I don’t want you to say anything. I want you to listen. You know, being confident isn’t the same as being right. Think. We might be putting our son in danger.” She pressed her fingertip to my temple and shoved it, a gesture half playful, half pissed off. “Think.”

She turned away, laid her book atop a wobbly pile of others on her night table, and laid

down with her back to me, curled up, a kid in an adult body.

“Here,” I said, “scotch over.”

With a series of body hops, she moved backward until her back was against me. Until she could feel some warmth or sturdiness or whatever she needed from me at that moment. I rubbed her upper arm.

“It’s going to be all right.”

She grunted.

I said, “I suppose make-up sex is out of the question?”

“I thought we weren’t arguing.”

“I wasn’t, but you were. And I want you to know: it’s okay, I forgive you.”

“Ha, ha. Maybe if you say you’re sorry.”

“I’m sorry.”

“You don’t sound sorry.”

“I am truly, deeply sorry. Truly.”

“Now say you’re wrong.”

“Wrong?”

“Say you’re wrong. Do you want it or not?”

“Hm. So, just to be clear: all I have to do is say I’m wrong and a beautiful woman will make passionate love to me.”

“I didn’t say passionate. Just regular.”

“Okay, so: say I’m wrong and a beautiful woman will make love to me, completely without passion but with pretty good technique. That’s the situation?”

“Pretty good technique?”

“Astounding technique.”

“Yes, Counselor, that’s the situation.”

I put away my book, McCullough’s biography of Truman, atop a slippery pile of slick magazines on my own night table, and turned off the light. “Forget it. I’m not wrong.”

“Doesn’t matter. You already said I’m beautiful. I win.”

Early the next morning there was a voice in the dark, in Jacob's room, a groan—and I woke up to find my body already moving, swinging up onto its feet, shuffling around the foot of the bed. Still dense with sleep, I passed out of the gloom of the bedroom, through the gray light of dawn in the hallway, then back into darkness again in my son's bedroom.

I turned on the wall switch and adjusted the dimmer. Jacob's room was cluttered with huge oafish sneakers, a MacBook covered with stickers, an iPod, schoolbooks, paperback novels, shoe boxes filled with old baseball cards and comic books. In a corner, an Xbox was hooked up to an old TV. The Xbox disks and their cases were piled nearby, mostly combat role-playing games. There was dirty laundry, of course, but also two stacks of clean laundry neatly folded and delivered by Laurie, which Jacob had declined to put away in his bureau because it was easier to pluck clean clothes right from the piles. On top of a low bookcase was a group of trophies Jacob had won when he was a kid playing youth soccer. He had not been much of an athlete, but back then every kid got a trophy, and in the years since he had simply never moved them. The little statues sat there like religious relics, ignored, virtually invisible to him. There was a vintage movie poster for a 1970s chop-socky picture, *Five Fingers of Death*, which featured a man in a karate outfit smashing his well-manicured fist through a brick wall. ("The Martial Arts Masterpiece! SEE one incredible onslaught after another! PALE before the forbidden ritual of the steel palm! CHEER the young warrior who alone takes on the evil war-lords of martial arts!") The clutter in here was so deep and permanent, Laurie and I had long since stopped fighting with Jacob to clean it up. For that matter, we had stopped even noticing it. Laurie had a theory that the mess was a projection of Jacob's inner life—thrusting into his bedroom was like stepping into his chaotic teenage mind—so it was silly to nag him about it. Believe me, this is what you get when you marry a shrink's daughter. To me, it was just a messy room and it drove me crazy every time I came into it.

Jacob lay on his side at the edge of his bed, not moving. His head was arched back and his mouth hung open, like a howling wolf. He was not snoring but his breathing had a clotted sound; he had been fighting a little cold. Between slippy breaths, he whimpered, "N—, n—
No, no.

"Jacob," I whispered. I reached out to soothe his head. "Jake!"

He cried again. His eyes fluttered behind the eyelids.

Outside, a trolley clattered by, the first train into Boston on the Riverside line, which passed every morning at 6:05.

"It's just a dream," I told him.

I felt a little gush of pleasure at comforting my son this way. The situation triggered one of those nostalgic pangs that parents are subject to, a dim memory of Jake as a three- or four-year-old boy when we had a bedtime routine: I would ask, "Who loves Jacob?" and he would answer, "Daddy does." It was the last thing we said to each other before he went to sleep each night. But Jake never needed reassuring. It never occurred to him that daddies might disappear, not his daddy at any rate. It was me that needed our little call-and-response. When I was a kid, my father was not around. I barely knew him. So I resolved that my own

children would never feel that; they would never know what it is to be fatherless. How strange that in just a few years Jake would leave *me*. He would go off to college, and more time as an everyday, active-duty father would be over. I would see him less and less, and eventually our relationship would wither to a few visits a year on holidays and summer weekends. I could not quite imagine it. What was I if not Jacob's father?

Then another thought, unavoidable in the circumstances: no doubt Dan Rifkin meant to keep his son from harm too, no less than I did, and no doubt he was as unprepared as I was to say good-bye to his son. But Ben Rifkin lay in a refrigerated drawer in the M.E.'s office while my son lay in his warm bed, with nothing but luck to separate the one from the other. I am ashamed to admit that I thought, *Thank God. Thank God it was his kid that got taken, not mine*. I did not think I could survive the loss.

I knelt beside the bed and circled my arms around Jacob and laid my head on his. I remembered again: when he was a little kid, the moment he woke up every morning Jake used to pad sleepily across the hall to our bed to snuggle. Now, under my arms he was impossibly big and bony and coltish. Handsome, with dark curly hair and a ruddy complexion. He was fourteen. Certainly he would never allow me to hold him this way if he was awake. In the last few years he had become a little surly and reclusive and a pain in the ass. At times it was like having a stranger living in the house—a vaguely hostile stranger. Typical adolescent behavior, Laurie said. He was trying out different personas, getting ready to leave childhood behind for good.

I was surprised when my touch actually settled Jacob down, stopped whatever bad dream he had been having. He drew in a single deep breath and rolled over. His breathing relaxed into a comfortable stride, and he settled into a deep sleep, deeper than I was capable of. (At fifty-one years old, I seemed to have forgotten how to sleep. I woke up several times a night and rarely got more than four or five hours of sleep.) It pleased me to think I had soothed him, but who knows? Maybe he did not even know I was there.

That morning the three of us were all skittish. The reopening of the McCormick School just five days after the murder had us all a little rattled. We followed our normal routine—showers, coffee and bagels, glance at the Net for email and sports scores and news—but we were tense and awkward. We were all up by six-thirty but we dawdled and found ourselves running late, which only added to the anxiety.

Laurie in particular was nervous. She was not only afraid for Jacob, I think. She was unnerved by the murder, still, as healthy people are surprised when they become seriously injured for the first time. You might expect that living with a prosecutor all those years would have prepared Laurie better than her neighbors. She ought to have known by then that—though she was hard-hearted and tone-deaf to point it out the night before—life *does* go on. Even the wettest violence, in the end, is cooked down to the stuff of court cases: a ream of paper, a few exhibits, a dozen sweating and stammering witnesses. The world looks away, and why not? People die, some by violence—it is tragic, yes, but at some point it ceases to be shocking, at least to an old prosecutor. Laurie had seen the cycle many times, watching over my shoulder, yet she was still thrown by the irruption of violence in her own life. It showed in her every movement, in the arthritic way she held herself, in the subdued tone of her voice. She was working to maintain her composure and not having an easy time of it.

Jacob stared into his MacBook and chewed his rubbery microwaved frozen bagel in silence.

Laurie tried to draw him out, as she always does, but he was not having any of it.

“How are you feeling about going back, Jacob?”

“I don’t know.”

“Are you nervous? Worried? What?”

“I don’t know.”

“How can you not know? Who else would know?”

“Mom, I don’t feel like talking now.”

This was the polite phrase we had instructed him to use instead of just ignoring his parents. But by this point he had repeated “I don’t feel like talking now” so often and so robotically that the politeness had drained out of it.

“Jacob, can you just tell me if you’re feeling all right so I don’t have to worry?”

“I just *said*. I don’t feel like talking.”

Laurie gave me an exasperated look.

“Jake, your mother asked you a question. It wouldn’t kill you to answer.”

“I’m *fine*.”

“I think your mother was looking for a bit more detail than that.”

“Dad, just—” His attention drifted back to his computer.

I shrugged at Laurie. “The child says he’s fine.”

“I got that. Thanks.”

“No worries, mother. Hunky-dory, end of story.”

“How about you, husband?”

“I’m *fine*. I don’t feel like talking now.”

Jacob shot me a sour look.

Laurie smiled reluctantly. “I need a daughter to even things up around here, give me someone to talk to. It’s like living with a couple of tombstones.”

“What you need is a wife.”

“The thought has occurred to me.”

We both accompanied Jacob to school. Most of the other parents did the same, and at eight o’clock the school looked like a carnival. There was a little traffic jam out front, heavy with Honda minivans and family sedans and SUVs. A few news vans were parked nearby, barnacled with dishes, boxes, antennae. Police sawhorses blocked either end of the circular driveway. A Newton cop stood guard near the school entrance. Another waited in a cruiser parked out front. Students wended their way through these obstacles toward the door, their backs bent under heavy packs. Parents loitered on the sidewalk or escorted their kids all the way to the front door.

I parked our minivan on the street almost a block away and we sat gawking.

“Whoa,” Jacob murmured.

“Whoa,” Laurie agreed.

“This is wild.” Jacob.

Laurie looked stricken. Her left hand dangled from the armrest, her long fingers and beautiful clear nails. She always had lovely, elegant hands; my own mother’s fat-fingered scrubwoman hands looked like dog’s paws beside Laurie’s. I reached across to take her hand, lacing my fingers in hers so that our two hands made one fist. The sight of her hand in mine

made me briefly sentimental. I gave her an encouraging look and jostled our knotted hands. This was, for me, a hysterical burst of emotion, and Laurie squeezed my hand to thank me for it. She turned to gaze through the windshield again. Her dark hair was threaded with gray. Faint wrinkles branched from the corners of her eyes and mouth. But, looking across, she seemed to see her younger, unlined face too, somehow.

“What?”

“Nothing.”

“You’re staring.”

“You’re my wife. I’m allowed to stare.”

“Is that the rule?”

“Yes. Stare, leer, ogle, anything I want. Trust me. I’m a lawyer.”

A good marriage drags a long tail of memory behind it. A single word or gesture, a tone of voice can conjure up so many remembrances. Laurie and I had been flirting like this for thirty-odd years, since the day we met in college and we both went a little love-crazy. Things were different now, of course. At fifty-one, love was a quieter experience. We drifted through the days together. But we both remembered how it all started, and even now, in the middle of my middle age, when I think of that shining young girl, I still feel a little thrill of first love, still there, still burning like a pilot light.

We walked toward the school, climbing the little mound the building is set on.

Jacob sloped along between us. He wore a faded brown hoodie, droopy jeans, and Adidas Superstar throwbacks. His backpack was slung over his right shoulder. His hair was a little long. It hung down over his ears, with a wing across his forehead nearly covering his eyebrows. A braver boy would have taken this look further and flaunted himself as a goth or a hipster or some other flavor of rebel, but that was not Jacob. A hint of nonconformity was all he would risk. There was a wondering little smile on his face. He seemed to be enjoying all the excitement, which, among other things, undeniably broke up the tedium of eighth grade.

When we reached the sidewalk in front of the school, we were absorbed into a group of three young mothers, all of whom had kids in Jacob’s class. The strongest and most outgoing of them, the implicit leader, was Toby Lanzman, the woman I’d seen at the Rifkins’ shiva the night before. She wore shimmery black workout pants, a fitted T-shirt, and a baseball cap with her ponytail threaded through a hole in the back. Toby was a fitness addict. She had a runner’s lean body and fatless face. Among the school fathers, her muscularity was both exciting and intimidating, but electric either way. Me, I thought she was worth a dozen of the other parents here. She was the type of friend you’d want in a crisis. The type who would stand by you.

But if Toby was the captain of this group of mothers, Laurie was its real emotional center—its heart and probably its brain too. Laurie was everyone’s confidante. When something went wrong, when one of them lost a job or a husband strayed or a child struggled in school, it was Laurie she called. They were attracted to the same quality in Laurie that I was, no doubt: she had a thoughtful, cerebral warmth. I had a vague sense, at emotional moments, that these women were my romantic rivals, that they wanted some of the same things from Laurie that I did (approval, love). So, when I saw them gathered together in their shadow family, with Toby in the role of stern father and Laurie the warmhearted mother, it was impossible not to

feel a little jealous and excluded.

Toby gathered us into the little circle on the sidewalk, welcoming each of us with a distinct protocol that I never got quite right: a hug for Laurie, a kiss on the cheek for me—*mwah*, she said in my ear—a simple hello for Jacob. “Isn’t this all just terrible?” She sighed.

“I’m in shock,” Laurie confessed, relieved to be among her friends. “I just can’t process this. I don’t know what to think.” Her expression was more puzzled than distressed. She could not make any logic of what had happened.

“How about you, Jacob?” Toby trained her eyes on Jacob, determined to ignore the age difference between them. “How are you doing?”

Jacob shrugged. “I’m good.”

“Ready to get back to school?”

He dismissed the question with another, bigger shrug—he jacked his shoulders up high then dropped them—to show he knew he was being patronized.

I said, “Better get going, Jake, you’re going to be late. You have to go through a security check, remember.”

“Yeah, okay.” Jacob rolled his eyes, as if all this concern for the kids’ security was yet another confirmation of the eternal stupidity of adults. Didn’t they realize it was all too late?

“Just get going,” I said, smiling at him.

“No weapons, no sharp objects?” Toby said with a smirk. She was quoting a directive that had gone out from the school principal via email, which spelled out various new security measures for the school.

Jacob thumb-lifted his backpack a few inches off his shoulder. “Just books.”

“All right, then. Get going. Go learn something.”

Jacob offered a wave to the adults, who smiled their benevolence, and he shambled on past the police sawhorses, joining the tide of students headed for the school door.

When he was gone, the group abandoned their pretense of cheerfulness. The full weight of worry descended on them.

Even Toby sounded beleaguered. “Has anyone reached out to Dan and Joan Rifkin?”

“I don’t think so,” Laurie said.

“We really should. I mean, we have to.”

“Those poor people. I can’t even imagine.”

“I don’t think anyone knows what to say to them.” This was Susan Frank, the only woman in the group dressed in work clothes, the gray wool skirt-suit of a lawyer. “I mean, what can you say? Really, what on earth can you say to someone after that? It’s just so—I don’t know—overwhelming.”

“Nothing,” Laurie agreed. “There’s absolutely nothing you can say to make it right. But it doesn’t matter what you say; the point is just to reach out to them.”

“Just let them know you’re thinking of them,” Toby echoed. “That’s all anyone can do, let them know you’re thinking of them.”

The last of the women present, Wendy Seligman, asked me, “What do you think, Andy? You have to do this all the time, don’t you? Talk to families after something like this.”

“I don’t say anything, mostly. I just stick to the case. I don’t talk about anything else. The other stuff, there’s not a lot I can do.”

Wendy nodded, disappointed. She considered me a bore, one of those husbands who mu

be tolerated, the lesser half of a married couple. But she revered Laurie, who seemed to excel in each of the three distinct roles these women juggled, as wife, mother, and only lastly herself. If I was interesting to Laurie, Wendy presumed, then I must have a hidden side that I did not bother to share—which meant, perhaps, that I considered *her* dull, not worth the effort that real conversation required. Wendy was divorced, the only divorcée or single mother in their little group, and she was prone to imagine that others studied her for defects.

Toby tried to lighten the mood. “You know, we spent all those years keeping these kids away from toy guns and violent TV shows and video games. Bob and I didn’t even let our kids have water guns, for God’s sake, unless they looked like something else. And even then we did not call them ‘guns’; we called them ‘squirters’ or whatever, you know, like the kids wouldn’t *know*. Now this. It’s like—” She threw up her hands in comic exasperation.

But the joke fell flat.

“It’s ironic,” Wendy agreed somberly, to make Toby feel heard.

“It’s true.” Susan sighed, again for Toby’s benefit.

Laurie said, “I think we overestimate what we can do as parents. Your kid is your kid. You get what you get.”

“So I could have given the kids the damn water guns?”

“Probably. With Jacob—I don’t know. I just wonder sometimes if it ever really mattered all the things we did, all the things we worried about. He was always what he is now, just smaller. It’s the same with all our kids. None of them are really all that different from what they were when they were little.”

“Yes, but our parenting styles haven’t changed either. So maybe we’re just teaching them the same things.”

Wendy: “I don’t have a parenting style. I’m just making it up as I go.”

Susan: “Me too. We all are. Except Laurie. Laurie, you probably have a parenting style. Toby, you too.”

“I do not!”

“Oh, yes, you do! You probably read books about it.”

“Not me.” Laurie put up her hands: *I’m innocent*. “Anyway, the point is, I just think we flatter ourselves when we say we can engineer our kids to be this way or that way. It’s mostly just hardwired.”

The women eyed one another. Maybe Jacob was hardwired, not their kids. Not like Jacob anyway.

Wendy said, “Did any of you know Ben?” She meant Ben Rifkin, the murder victim. They had not known him. Calling him by his first name was just a way of adopting him.

Toby: “No. Dylan never was friends with him. And Ben never played sports or anything.”

Susan: “He was in Max’s class a few times. I used to see him. He seemed like a good kid, I guess, but who ever knows?”

Toby: “They have lives of their own, these kids. I’m sure they have their secrets.”

Laurie: “Just like us. Just like us at their age, for that matter.”

Toby: “I was a good girl. At their age, I never gave my parents a thing to worry about.”

Laurie: “I was a good girl too.”

I said, intruding, “You weren’t *that* good.”

“I was until I met you. You corrupted me.”

“Did I? Well, I’m quite proud of that. I’ll have to put it on my résumé.”

But the kidding felt inappropriate so soon after the mention of the dead child’s name, and I felt crude and embarrassed before the women, whose emotional sensibilities were so much finer than mine.

There was a moment’s silence then Wendy blurted, “Oh my God, those poor, poor people! That mother! And here we are, just ‘Life goes on, back to school,’ and her little boy will never, never come back.” Wendy’s eyes became watery. *The horror of it: one day, through no fault of your own—*

Toby came forward to hug her friend, and Laurie and Susan rubbed Wendy’s back.

Excluded, I stood there a moment with a dumb, well-meaning expression—a tight smile, softening around the eyes—then I excused myself to go check on the security station at the school entrance before things devolved into more weepiness. I did not quite understand the depth of Wendy’s grief for a child she did not know; I took it as yet another sign of the woman’s emotional vulnerability. Also, that Wendy had echoed my own words from the night before, “Life goes on,” seemed to align her with Laurie in a tiff that had only just been resolved. All in all, an opportune moment to take off.

I made my way to the security station that had been set up in the school foyer. It consisted of a long table where coats and backpacks were inspected by hand and an area where Newton cops, two male, two female, swept the kids with metal-detecting wands. Jake was right: the whole thing was ridiculous. There was no reason to think anyone would bring a weapon into the school or that the murderer had any connection to the school at all. The body had not even been found on school grounds. It made sense only as a show for the anxious parents.

As I arrived, the Kabuki ritual of searching each student had come to a stop. In a rising voice, a young girl negotiated with one of the cops while a second cop looked on, his wand held across his chest at port arms as if he might be called upon to club her with it. The trouble, it became clear, was her sweatshirt, which read “F-C-U-K.” The cop had deemed the message “inciteful” and thus, according to the school’s improvised security rules, forbidden. The girl explained to him that the initials stood for a brand of clothing that you could find in any mall, and even if it did suggest a “bad word” how could anyone be *incited* by it? and she was not giving up her sweatshirt which was very expensive and why should she let some cop throw an expensive sweatshirt in a Dumpster for no good reason? They were at an impasse.

Her adversary, the cop, had a stooped posture. His neck craned forward so that his head rode out in front of his body, giving him a vulturous look. But he straightened when he saw me approach, drawing his head back, causing the skin under his chin to fold over itself.

“Everything okay?” I asked the cop.

“Yes, *sir*.”

Yes, *sir*. I hated the military mannerisms adopted by police departments, the bogus military ranks and chain of command and all that. “At ease,” I said, intending it as a joke, but the cop looked down at his feet, abashed.

“Hi,” I said to the girl, who looked like she was in seventh or eighth grade. I did not recognize her as one of Jacob’s classmates, but she might have been.

“Hi.”

“What’s the problem here? Maybe I can help.”

“You’re Jacob Barber’s dad, aren’t you?”

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