

The Ehrengraf Defense

Martin Ehrengraf, #1

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“And you are Mrs. Culhane,” Martin Ehrengraf said. “Do sit down, yes, I think you will find that chair comfortable. And please pardon the disarray. It is the natural condition of my office. Chaos stimulates me. Order stifles me. It is absurd, is it not, but so then is life itself, eh?”

Dorothy Culhane sat, nodded. She studied the small, trimly built man who remained standing behind his extremely disorderly desk. Her eyes took in the narrow mustache, the thin lips, the deeply set dark eyes. If the man liked clutter in his surroundings, he certainly made up for it in his grooming and attire. He

wore a starched white shirt, a perfectly tailored dove gray three-button suit, a narrow dark blue necktie.

Oh, but she did not want to think about neckties—

“Of course you are Clark Culhane’s mother,” Ehrengraf said. “I had it that you had already retained an attorney.”

“Alan Farrell.”

“A good man,” Ehrengraf said. “An excellent reputation.”

“I dismissed him this morning.”

“Ah.”

Mrs. Culhane took a deep breath. “He wanted Clark to plead guilty,” she said. “Temporary insanity, something of the sort. He wanted my son to admit to killing that girl.”

“And you did not wish him to do this.”

“My son is innocent!” The words came in a rush, uncontrollably. She calmed herself. “My son is innocent,” she repeated, levelly now. “He could never kill anyone. He can’t admit to a crime he never committed in the first place.”

“And when you said as much to Farrell—”

“He told me he was doubtful of his ability to conduct a successful defense based on a plea of innocent.” She drew herself up. “So I decided to find someone who could.”

“And you came to me.”

“Yes.”

The little lawyer had seated himself. Now he was doodling idly on a lined yellow scratch pad. “Do you know much about me, Mrs. Culhane?”

“Not very much. It’s said that your methods are unorthodox—”

“Indeed.”

“But that you get results.”

“Results. Indeed, results.” Martin Ehrengraf made a tent of his fingertips and, for the first time since she had entered his office, a smile bloomed briefly on his thin lips. “Indeed I get results. I must get results, my dear Mrs. Culhane, or else I do not get my dinner. And while my slimness might indicate otherwise, it is my custom to eat very well indeed. You see, I do something which no other criminal lawyer does, at least not to my knowledge. You have heard what this is?”

“I understand you operate on a contingency basis.”

“A contingency basis.” Ehrengraf was nodding emphatically. “Yes, that is precisely what I do. I operate on a contingency basis. My fees are high, Mrs. Culhane. They are extremely high. But they are due and payable only in the event that my efforts are crowned with success. If a client of mine is found guilty, then my work on his behalf costs him nothing.”

The lawyer got to his feet again, stepped out from behind his desk. Light glinted on his highly polished black shoes. “This is common enough in negligence cases. The attorney gets a share in the settlement. If he loses he gets nothing. How much greater is his incentive to perform to the best of his ability, eh? But why limit this practice to negligence suits? Why not have all lawyers paid in this fashion? And doctors, for that matter. If the operation’s a failure, why not let the doctor absorb some of the loss, eh? But such an arrangement would be a long time coming, I am

afraid. Yet I have found it workable in my practice. And my clients have been pleased by the results.”

“If you can get Clark acquitted—”

“Acquitted?” Ehrengraf rubbed his hands together. “Mrs. Culhane, in my most notable successes it is not even a question of acquittal. It is rather a matter of the case never even coming to trial. New evidence is discovered, the actual miscreant confesses or is brought to justice, and one way or another charges against my client are dropped. Courtroom pyrotechnics, wizardry in cross-examination—ah, I prefer to leave that to the Perry Masons of the world. It is not unfair to say, Mrs. Culhane, that I am more the detective than the lawyer. What is the saying? *The best defense is a good offense*. Or perhaps it is the other way around, the best offense being a good defense, but it hardly matters. It is a saying in warfare and in the game of chess, I believe, and neither serves as the ideal metaphor for what concerns us. And what does concern us, Mrs. Culhane—” and he leaned toward her and the dark eyes flashed “—what concerns us is saving your son’s life and securing his freedom and preserving his reputation. Yes?”

“Yes. Yes, of course.”

“The evidence against your son is considerable, Mrs. Culhane. The dead girl, Althea Patton, was his former fiancée. It is said that she jilted him—”

“He broke the engagement.”

“I don’t doubt that for a moment, but the prosecution would have it otherwise. This Patton girl was strangled. Around her throat was found a necktie.”

Mrs. Culhane’s eyes went involuntarily to the lawyer’s own blue tie, then slipped away.

“A particular necktie, Mrs. Culhane. A necktie made exclusively for and worn exclusively by members of the Caedmon Society at Oxford University. Your son attended Dartmouth, Mrs. Culhane, and after graduation he spent a year in advanced study in England.”

“Yes.”

“At Oxford University.”

“Where he became a member of the Caedmon Society.”

“Yes.”

Ehrengraf breathed in through clenched teeth. “He owned a necktie of the Caedmon Society. He appears to be the only member of the society residing in this city and would thus presumably be the only person to own such a tie. He cannot produce that tie, nor can he provide a satisfactory alibi for the night in question.”

“Someone must have stolen his tie.”

“The murderer, of course.”

“To frame him.”

“Of course,” Ehrengraf said soothingly. “There could be no other explanation, could there?” He breathed in, he breathed out, he set his chin decisively. “I will undertake your son’s defense,” he announced. “And on my usual terms.”

“Oh, thank heavens.”

“My fee will be seventy-five thousand dollars. That is a great deal of money, Mrs. Culhane, although you might very well have ended up paying Mr. Farrell that much or more by the time you’d gone through the tortuous processes of trial and appeal and so on, and after he’d presented an itemized accounting of his expenses.

My fee includes any and all expenses which I might incur. No matter how much time and effort and money I spend on your son's behalf, the cost to you will be limited to the figure I named. And none of that will be payable unless your son is freed. Does that meet with your approval?"

She hardly had to hesitate but made herself take a moment before replying. "Yes," she said. "Yes, of course. The terms are satisfactory."

"Another point. If, ten minutes from now, the district attorney should decide of his own accord to drop all charges against your son, you nevertheless owe me seventy-five thousand dollars. Even though I should have done nothing to earn it."

"I don't see—"

The thin lips smiled. The dark eyes did not participate in the smile. "It is my policy, Mrs. Culhane. Most of my work, as I have said, is more the work of a detective than the work of a lawyer. I operate largely behind the scenes and in the shadows. Perhaps I set currents in motion. Often when the smoke clears it is hard to prove to what extent my client's victory is the fruit of my labor. Thus I do not attempt to prove anything of the sort. I merely share in the victory by collecting my fee in full whether I seem to have earned it or not. You understand?"

It did seem reasonable, even if the explanation was the slightest bit hazy. Perhaps the little man dabbled in bribery, perhaps he knew the right strings to pull but could scarcely disclose them after the fact. Well, it hardly mattered. All that mattered was Clark's freedom, Clark's good name.

"Yes," she said. "Yes, I understand. When Clark is released you'll be paid in full."

"Very good."

She frowned. "In the meantime you'll want a retainer, won't you? An advance of some sort?"

"You have a dollar?" She looked in her purse, drew out a dollar bill. "Give it to me, Mrs. Culhane. Very good, very good. An advance of one dollar against a fee of seventy-five thousand dollars. And I assure you, my dear Mrs. Culhane, that should this case not resolve itself in unqualified success I shall even return this dollar to you." The smile, and this time there was a twinkle in the eyes. "But that will not happen, Mrs. Culhane, because I do not intend to fail."

It was a little more than a month later when Dorothy Culhane made her second visit to Martin Ehrengraf's office. This time the little lawyer's suit was a navy blue pinstripe, his necktie maroon with a subdued below-the-knot design. His starched white shirt might have been the same one she had seen on her earlier visit. The shoes, black wing tips, were as highly polished as the other pair he'd been wearing.

His expression was changed slightly. There was something that might have been sorrow in the deep-set eyes, a look that suggested a continuing disappointment with human nature.

"It would seem quite clear," Ehrengraf said now. "Your son has been released. All charges have been dropped. He is a free man, free even to the extent that no shadow of suspicion hangs over him in the public mind."

"Yes," Mrs. Culhane said, "and that's wonderful, and I couldn't be happier about it. Of course it's terrible about the girls, I hate to think that Clark's

happiness and my own happiness stem from their tragedy, or I suppose it's tragedies, isn't it, but all the same I feel—"

"Mrs. Culhane."

She bit off her words, let her eyes meet his.

"Mrs. Culhane, it's quite cut and dried, is it not? You owe me seventy-five thousand dollars."

"But—"

"We discussed this, Mrs. Culhane. I'm sure you recall our discussion. We went over the matter at length. Upon the successful resolution of this matter you were to pay me my fee, seventy-five thousand dollars. Less, of course, the sum of one dollar already paid over to me as a retainer."

"But—"

"Even if I did nothing. Even if the district attorney elected to drop charges before you'd even departed from these premises. That, I believe, was the example I gave at the time."

"Yes."

"And you agreed to those terms."

"Yes, but—"

"But what, Mrs. Culhane?"

She took a deep breath, set herself bravely. "Three girls," she said. "Strangled, all of them, just like Althea Patton. All of them the same physical type, slender blondes with high foreheads and prominent front teeth, two of them here in town and one across the river in Montclair, and around each of their throats—"

"A necktie."

"The same necktie."

"A necktie of the Caedmon Society of Oxford University."

"Yes." She drew another breath. "So it was obvious that there's a maniac at large," she went on, "And the last killing was in Montclair, so maybe he's leaving the area, and my God, I hope so, it's terrifying, the idea of a man just killing girls at random because they remind him of his mother—"

"I beg your pardon?"

"That's what somebody was saying on television last night. A psychiatrist. It was just a theory."

"Yes," Ehrengraf said. "Theories are interesting, aren't they? Speculation, guesswork, hypotheses, all very interesting."

"But the point is—"

"Yes?"

"I know what we agreed, Mr. Ehrengraf. I know all that. But on the other hand you made one visit to Clark in prison, that was just one brief visit, and then as far as I can see you did nothing at all, and just because the madman happened to strike again and kill the other girls in exactly the same manner and even use the same tie, well, you have to admit that seventy-five thousand dollars sounds like quite a windfall for you."

"A windfall."

"So I was discussing this with my own attorney—he's not a criminal lawyer, he handles my personal affairs—and he suggested that you might accept a reduced fee by way of settlement."

“He suggested this, eh?”

She avoided the man’s eyes. “Yes, he did suggest it, and I must say it seems reasonable to me. Of course I would be glad to reimburse you for any expenses you incurred, although I can’t honestly say that you could have run up much in the way of expenses, and he suggested that I might give you a fee on top of that of five thousand dollars, but I am grateful, Mr. Ehrengraf, and I’d be willing to make that ten thousand dollars, and you have to admit that’s not a trifle, don’t you? I have money, I’m comfortably set up financially, but no one can afford to pay out seventy-five thousand dollars for nothing at all, and—”

“Human beings,” Ehrengraf said, and closed his eyes. “And the rich are the worst of all,” he added, opening his eyes, fixing them upon Dorothy Culhane. “It is an unfortunate fact of life that only the rich can afford to pay high fees. Thus I must make my living acting on their behalf. The poor, they do not agree to an arrangement when they are desperate and go back on their word when they are in more reassuring circumstances.”

“It’s not so much that I’d go back on my word,” Mrs. Culhane said. “It’s just that—”

“Mrs. Culhane.”

“Yes?”

“I am going to tell you something which I doubt will have any effect upon you, but at least I shall have tried. The best thing you could do, right at this moment, would be to take out your checkbook and write out a check to me for payment in full. You will probably not do this, and you will ultimately regret it.”

“Is that... are you threatening me?”

A flicker of a smile. “Certainly not. I have given you not a threat but a prediction. You see, if you do not pay my fee, what I shall do is tell you something else which will lead you to pay me my fee after all.”

“I don’t understand.”

“No,” Martin Ehrengraf said. “No, I don’t suppose you do. Mrs. Culhane, you spoke of expenses. You doubted I could have incurred significant expenses on your son’s behalf. There are many things I could say, Mrs. Culhane, but I think it might be best for me to confine myself to a brisk accounting of a small portion of my expenses.”

“I don’t—”

“Please, my dear lady. Expenses. If I were listing my expenses, dear lady, I would begin by jotting down my train fare to New York City. Then taxi fare to Kennedy Airport, which comes to twenty dollars with tip and bridge tolls, isn’t that exorbitant?”

“Mr. Ehrengraf—”

“Please. Then airfare to London and back. I always fly first class, it’s an indulgence, but since I pay my own expenses out of my own pocket I feel I have the right to indulge myself. Next a rental car hired from Heathrow Airport and driven to Oxford and back. The price of gasoline is high enough over here, Mrs. Culhane, but in England they call it petrol and they charge the earth for it.”

She stared at him. His hands were folded atop his disorderly desk and he went on talking in the calmest possible tone of voice and she felt her jaw dropping but could not seem to raise it back into place.

“In Oxford I had to visit five gentlemen’s clothiers, Mrs. Culhane. One shop had no Caedmon Society cravats in stock at the moment. I purchased one necktie from each of the other shops. I felt it really wouldn’t do to buy more than one tie in any one shop. A man prefers not to call attention to himself unnecessarily. The Caedmon Society necktie, Mrs. Culhane, is not unattractive. A navy blue field with a half-inch stripe of royal blue and two narrower flanking stripes, one of gold and the other of a rather bright green. I don’t care for regimental stripes myself, Mrs. Culhane, preferring as I do a more subdued style in neckwear, but the Caedmon tie is a handsome one all the same.”

“My God.”

“There were other expenses, Mrs. Culhane, but as I pay them myself I don’t honestly think there’s any need for me to recount them to you, do you?”

“My God. Dear God in heaven.”

“Indeed. It would have been better all around, as I said a few moments ago, had you decided to pay my fee without hearing what you’ve just heard. Ignorance in this case would have been, if not bliss, at least a good deal closer to bliss than what you’re undoubtedly feeling at the moment.”

“Clark didn’t kill that girl.”

“Of course he didn’t, Mrs. Culhane. Of course he didn’t. I’m sure some rotter stole his tie and framed him. But that would have been an enormous chore to prove and all a lawyer could have done was persuade a jury that there was room for doubt, and poor Clark would have had a cloud over him all the days of his life. Of course you and I know he’s innocent—”

“He is innocent,” she said. “He is.”

“Of course he is, Mrs. Culhane. The killer was a homicidal maniac striking down young women who remind him of his mother. Or his sister, or God knows whom. You’ll want to get out your checkbook, Mrs. Culhane, but don’t try to write the check just yet. Your hands are trembling. Just sit there, that’s the ticket, and I’ll get you a glass of water. Everything’s perfectly fine, Mrs. Culhane. That’s what you must remember. Everything’s perfectly fine and everything will continue to be perfectly fine. Here you are, a couple of ounces of water in a paper cup, just drink it down, there you are, there you are.”

And when it was time to write out the check her hand did not shake a bit. Pay to the order of Martin H. Ehrengraf, seventy-five thousand dollars, signed Dorothy Rodgers Culhane. Signed with a ball-point pen, no need to blot it dry, and handed across the desk to the impeccably dressed little man.

“Yes, thank you, thank you very much, my dear lady. And here is your dollar, the retainer you gave me. Go ahead and take it, please.”

She took the dollar.

“Very good. And you probably won’t want to repeat this conversation to anyone. What would be the point?”

“No. No, I won’t say anything.”

“Of course not.”

“Four neckties.” He looked at her, raised his eyebrows a fraction of an inch. “You said you bought four of the neckties. There were—there were three girls killed.”

“Indeed there were.”

“What happened to the fourth necktie?”

“Why, it must be in my bureau drawer, don’t you suppose? And perhaps they’re all there, Mrs. Culhane. Perhaps all four neckties are in my bureau drawer, still in their original wrappings, and purchasing them was just a waste of time and money on my part. Perhaps that homicidal maniac had neckties of his own and the four in my drawer are just an interesting souvenir and a reminder of what might have been.”

“Oh.”

“And perhaps I’ve just told you a story out of the whole cloth, an interesting turn of phrase since we are speaking of silk neckties. Perhaps I never flew to London at all, never motored to Oxford, never purchased a single necktie of the Caedmon Society. Perhaps that was just something I trumped up on the spur of the moment to coax a fee out of you.”

“But—”

“Ah, my dear lady,” he said, moving to the side of her chair, taking her arm, helping her out of the chair, turning her, steering her toward the door. “We would do well, Mrs. Culhane, to believe that which it most pleases us to believe. I have my fee. You have your son. The police have another line of inquiry to pursue altogether. It would seem we’ve all come out of this well, wouldn’t you say? Put your mind at rest, Mrs. Culhane, dear Mrs. Culhane. There’s the elevator down the hall on your left. If you ever need my services you know where I am and how to reach me. And perhaps you’ll recommend me to your friends. But discreetly, dear lady. Discreetly. Discretion is everything in matters of this sort.”

She walked very carefully down the hall to the elevator and rang the bell and waited. And she did not look back. Not once.

