

The Ehrengraf Presumption

Martin Ehrengraf, #2

by Lawrence Block, 1938-

Published: 1978 ?



“Now let me get this straight,” Alvin Gort said. “You actually accept criminal cases on a contingency basis. Even homicide cases.”

“Especially homicide cases.”

“If your client is acquitted he pays your fee. If he’s found guilty, then your efforts on his behalf cost him nothing whatsoever. Except expenses, I assume.”

“That’s very nearly true,” Martin Ehrengraf said. The little lawyer supplied a smile which blossomed briefly on his thin lips while leaving his eyes quite uninvolved. “Shall I explain in detail?”

“By all means.”

“To take your last point first, I pay my own expenses and furnish no accounting of them to my client. My fees are thus all-inclusive. By the same token, should a client of mine be convicted he would owe me nothing. I would absorb such expenses as I might incur acting on his behalf.”

“That’s remarkable.”

“It’s surely unusual, if not unique. Now the rest of what you’ve said is essentially true. It’s not uncommon for attorneys to take on negligence cases on a contingency basis, participating handsomely in the settlement when they win, sharing their clients’ losses when they do not. The principle has always made eminent good sense to me. Why shouldn’t a client give substantial value for value received? Why should he be simply charged for service, whether or not the service does him any good? When I pay out money, Mr. Gort, I like to get what I pay for. And I don’t mind paying for what I get.”

“It certainly makes sense to me,” Alvin Gort said. He dug a cigarette from the pack in his shirt pocket, scratched a match, drew smoke into his lungs. This was his first experience in a jail cell and he’d been quite surprised to learn that he was allowed to have matches on his person, to wear his own clothes rather than prison garb, to keep money in his pocket and a watch on his wrist.

No doubt all this would change if he were convicted of murdering his wife. Then he’d be in an actual prison and the rules would most likely be more severe. Here they had taken his belt as a precaution against suicide, and they would have taken the laces from his shoes had he not been wearing loafers at the time of his arrest. But it could have been worse.

And unless Martin Ehrengraf pulled off a small miracle, it would be worse.

“Sometimes my clients never see the inside of a courtroom,” Ehrengraf was saying now. “I’m always happiest when I can save my clients not merely from prison but from going to trial in the first place. So you should understand that whether or not I collect my fee hinges on your fate, on the disposition of your case—and not on how much work I put in or how much time it takes me to liberate you. In other words, from the moment you retain me I have an interest in your future, and the moment you are released and all charges dropped, my fee becomes due and payable in full.”

“And your fee will be—?”

“One hundred thousand dollars,” Ehrengraf said crisply.

Alvin Gort considered the sum, then nodded thoughtfully. It was not difficult to believe that the diminutive attorney commanded and received large fees. Alvin Gort recognized good clothing when he saw it, and the clothing Martin Ehrengraf wore was good indeed. The man was well turned out. His suit, a bronze sharkskin number with a nipped-in waist, was clearly not off the rack. His brown wing-tip shoes had been polished to a high gloss. His tie, a rich teak in hue with an unobtrusive below-the-knot design, bore the reasonably discreet trademark of a genuine countess. And his hair had received the attention of a good barber while his neatly trimmed mustache served as a focal point for a face otherwise devoid of any single dominating feature. The overall impression thus created was one of a man who could announce a six-figure fee and make you feel that such a sum was altogether fitting and proper.

“I’m reasonably well off,” Gort said.

"I know. It's a commendable quality in clients."

"And I'd certainly be glad to pay one hundred thousand dollars for my freedom. On the other hand, if you don't get me off then I don't owe you a dime. Is that right?"

"Quite right."

Gort considered again, nodded again. "Then I've got no reservations," he said. "But—"

"Yes?"

Alvin Gort's eyes measured the lawyer. Gort was accustomed to making rapid decisions. He made one now.

"You might have reservations," he said. "There's one problem."

"Oh?"

"I did it," Gort said. "I killed her."

"I can see how you would think that," Martin Ehrengraf said. "The weight of circumstantial evidence piled up against you. Long-suppressed unconscious resentment of your wife, perhaps even a hidden desire to see her dead. All manner of guilt feelings stored up since early childhood. Plus, of course, the natural idea that things do not happen without a good reason for their occurrence. You are in prison, charged with murder; therefore it stands to reason that you did something to deserve all this, that you did in fact murder your wife."

"But I did," Gort said.

"Nonsense. Palpable nonsense."

"But I was there," Gort said. "I'm not making this up. For God's sake, man, I'm not a psychiatric basket case. Unless you're thinking about an insanity defense? I suppose I could go along with that, scream out hysterically in the middle of the night, strip naked and sit gibbering in the corner of my cell. I can't say I'd enjoy it but I'll go along with it if you think that's the answer. But—"

"Don't be ridiculous," Ehrengraf said, wrinkling his nose with distaste. "I mean to get you acquitted, Mr. Gort. Not committed to an asylum."

"I don't understand," Gort said. He frowned, looked around craftily. "You think the place is bugged," he whispered. "That's it, eh?"

"You can use your normal tone of voice. No, they don't employ hidden microphones in this jail. It's not only illegal but against policy as well."

"Then I don't understand. Look, I'm the guy who fastened the dynamite under the hood of Ginnie's Pontiac. I hooked up a cable to the starter. I set things up so that she would be blown into the next world. Now how do you propose to—"

"Mr. Gort." Ehrengraf held up a hand like a stop sign. "Please, Mr. Gort."

Alvin Gort subsided.

"Mr. Gort," Ehrengraf continued, "I defend the innocent and leave it to more clever men than myself to employ trickery in the cause of the guilty. And I find this very easy to do because all my clients are innocent. There is, you know, a legal principle involved."

"A legal principle?"

"The presumption of innocence."

"The presumption of—? Oh, you mean a man is presumed innocent until proven guilty."

“A tenet of Anglo-Saxon jurisprudence,” Ehrengraf said. “The French presume guilt until innocence is proven. And the totalitarian countries, of course, presume guilt and do not allow innocence to be proved, taking it for granted that their police would not dream of wasting their time arresting the innocent in the first place. But I refer, Mr. Gort, to something more far-reaching than the legal presumption of innocence.” Ehrengraf drew himself up to his full height, such as it was, and his back went ramrod straight. “I refer,” he said, “to the Ehrengraf Presumption.”

“The Ehrengraf Presumption?”

“Any client of Martin H. Ehrengraf,” said Martin Ehrengraf, “is presumed by Ehrengraf to be innocent, which presumption is invariably confirmed in due course, the preconceptions of the client himself notwithstanding.” The little lawyer smiled with his lips. “Now,” he said, “shall we get down to business?”

Half an hour later Alvin Gort was still sitting on the edge of his cot. Martin Ehrengraf, however, was pacing briskly in the manner of a caged lion. With the thumb and forefinger of his right hand he smoothed the ends of his neat mustache. His left hand was at his side, its thumb hooked into his trouser pocket. He continued to pace while Gort smoked a cigarette almost to the filter. Then, as Gort ground the butt under his heel, Ehrengraf turned on his own heel and fixed his eyes on his client.

“The evidence is damning,” he conceded. “A man of your description purchased dynamite and blasting caps from Tattersall Demolition Supply just ten days before your wife’s death. Your signature is on the purchase order. A clerk remembers waiting on you and reports that you were nervous.”

“Damn right I was nervous,” Gort said. “I never killed anyone before.”

“Please, Mr. Gort. If you must maintain the facade of having committed murder, at least keep your illusion to yourself. Don’t share it with me. At the moment I’m concerned with evidence. We have your signature on the purchase order and we have you identified by the clerk. The man even remembers what you were wearing. Most customers come to Tattersall in work clothes, it would seem, while you wore a rather distinctive burgundy blazer and white flannel slacks. And tasseled loafers,” he added, clearly not approving of them.

“It’s hard to find casual loafers without tassels or braid these days.”

“Hard, yes. But scarcely impossible. Now you say your wife had a lover—a Mr. Barry Lattimore.”

“That toad Lattimore!”

“You knew of this affair and disapproved.”

“Disapproved! I hated them. I wanted to strangle both of them. I wanted—”

“Please, Mr. Gort.”

“I’m sorry.”

Ehrengraf sighed. “Now your wife seems to have written a letter to her sister in New Mexico. She did in fact have a sister in New Mexico?”

“Her sister Grace. In Socorro.”

“She posted the letter four days before her death. In it she stated that you knew about her affair with Lattimore.”

“I’d known for weeks.”

"She went on to say that she feared for her life. 'The situation is deteriorating and I don't know what to do. You know what a temper he has. I'm afraid he might be capable of anything, anything at all. I'm defenseless and I don't know what to do.' "

"Defenseless as a cobra," Gort muttered.

"No doubt. That was from memory but it's a fair approximation. Of course I'll have to examine the original. And I'll want specimens of your wife's handwriting."

"You can't think the letter's a forgery?"

"We never know, do we? But I'm sure you can tell me where I can get hold of samples. Now what other evidence do we have to contend with? There was a neighbor who saw you doing something under the hood of your wife's car some four or five hours before her death."

"Mrs. Boerland. Damned old crone. Vicious gossiping busybody."

"You seem to have been in the garage shortly before dawn. You had a light on and the garage door was open, and you had the hood of the car up and were doing something."

"Damned right I was doing something. I was—"

"Please, Mr. Gort. Between tasseled loafers and these constant interjections—"

"Won't happen again, Mr. Ehrengraf."

"Yes. Now just let me see. There were two cars in the garage, were there not? Your Buick and your wife's Pontiac. Your car was parked on the left-hand side, your wife's on the right."

"That was so that she could back straight out. When you're parked on the left side you have to back out in a sort of squiggly way. When Ginnie tried to do that she always ran over a corner of the lawn."

"Ah."

"Some people just don't give a damn about a lawn," Gort said, "and some people do."

"As with so many aspects of human endeavor, Mr. Gort. Now Mrs. Boerland observed you in the garage shortly before dawn, and the actual explosion which claimed your wife's life took place a few hours later while you were having your breakfast."

"Toasted English muffin and coffee. Years ago Ginnie made scrambled eggs and squeezed fresh orange juice for me. But with the passage of time—"

"Did she normally start her car at that hour?"

"No," Gort said. He sat up straight, frowned. "No, of course not. Dammit, why didn't I think of that? I figured she'd sit around the house until noon. I wanted to be well away from the place when it happened—"

"Mr. Gort."

"Well, I did. All of a sudden there was this shock wave and a thunderclap right on top of it and I'll tell you, Mr. Ehrengraf, I didn't even know what it was."

"Of course you didn't."

"I mean—"

"I wonder why your wife left the house at that hour. She said nothing to you?"

"No. There was a phone call and—"

"From whom?"

Gort frowned again. "Damned if I know. But she got the call just before she left. I wonder if there's a connection."

"I shouldn't doubt it." Ehrengraf continued to probe, then he asked who inherited Virginia Gort's money.

"Money?" Gort grinned. "Ginnie didn't have a dime. I was her legal heir just as she was mine, but I was the one who had the money. All she left was the jewelry and clothing that my money paid for."

"Any insurance?"

"Exactly enough to pay your fee," Gort said, and grinned this time rather like a shark. "Except that I won't see a penny of it. Fifty thousand dollars, double indemnity for accidental death, and I think the insurance companies call murder an accident, although it's always struck me as rather purposeful. That makes one hundred thousand dollars, your fee to the penny, but none of it'll come my way."

"It's true that one cannot profit financially from a crime," Ehrengraf said. "But if you're found innocent—"

Gort shook his head. "Doesn't make any difference," he said. "I just learned this the other day. About the same time I was buying the dynamite, she was changing her beneficiary. The change went through in plenty of time. The whole hundred thousand goes to that rotter Lattimore."

"Now that," said Martin Ehrengraf, "is very interesting."

Two weeks and three days later Alvin Gort sat in a surprisingly comfortable straight-backed chair in Martin Ehrengraf's exceptionally cluttered office. He balanced a checkbook on his knee and carefully made out a check. The fountain pen he used had cost him \$65. The lawyer's services, for which the check he was writing represented payment in full, had cost him considerably more, yet Gort, a good judge of value, thought Ehrengraf's fee a bargain and the pen overpriced.

"One hundred thousand dollars," he said, waving the check in the air to dry its ink. "I've put today's date on it but I'll ask you to hold it until Monday morning before depositing it. I've instructed my broker to sell securities and transfer funds to my checking account. I don't normally maintain a balance sufficient to cover a check of this size."

"That's understandable."

"I'm glad something is. Because I'm damned if I can understand how you got me off the hook."

Ehrengraf allowed himself a smile. "My greatest obstacle was your own mental attitude," he said. "You honestly believed yourself to be guilty of your wife's death, didn't you?"

"But—"

"Ah, my dear Mr. Gort. You see, I knew you were innocent. The Ehrengraf Presumption assured me of that. I merely had to look for someone with the right sort of motive, and who should emerge but Mr. Barry Lattimore, your wife's lover and beneficiary, a man with a need for money and a man whose affair with your wife was reaching crisis proportions.

"It was clear to me that you were not the sort of man to commit murder in such an obvious fashion. Buying the dynamite openly, signing the purchase order with

your own name—my dear Mr. Gort, you would never behave so foolishly! No, you had to have been framed, and clearly Lattimore was the man who had reason to frame you.”

“And then they found things,” Gort said.

“Indeed they did, once I was able to tell them where to look. Extraordinary what turned up! You would think Lattimore would have had the sense to get rid of all that, wouldn’t you? But no, a burgundy blazer and a pair of white slacks, a costume identical to your own but tailored to Mr. Lattimore’s frame, hung in the very back of his clothes closet. And in a drawer of his desk the police found half a dozen sheets of paper on which he’d practiced your signature until he was able to do quite a creditable job of writing it. By dressing like you and signing your name to the purchase order, he quite neatly put your neck in the noose.”

“Incredible.”

“He even copied your tasseled loafers. The police found a pair in his closet, and of course the man never habitually wore loafers of any sort. Of course he denied ever having seen the shoes before. Or the jacket, or the slacks, and of course he denied having practiced your signature.”

Gort’s eyes went involuntarily to Ehrengraf’s own shoes. This time the lawyer was wearing black wing tips. His suit was dove gray and somewhat more sedately tailored than the brown one Gort had seen previously. His tie was maroon, his cuff links simple gold hexagons. The precision of Ehrengraf’s dress and carriage contrasted sharply with the disarray of his office.

“And that letter from your wife to her sister Grace,” Ehrengraf continued. “It turned out to be authentic, as it happens, but it also proved to be open to a second interpretation. The man of whom Virginia was afraid was never named, and a thoughtful reading showed he could as easily have been Lattimore as you. And then of course a second letter to Grace was found among your wife’s effects. She evidently wrote it the night before her death and never had a chance to mail it. It’s positively damning. She tells her sister how she changed the beneficiary of her insurance at Lattimore’s insistence, how your knowledge of the affair was making Lattimore irrational and dangerous, and how she couldn’t avoid the feeling that he planned to kill her. She goes on to say that she intended to change her insurance again, making Grace the beneficiary, and that she would so inform Lattimore in order to remove any financial motive for her murder.

“But even as she was writing those lines, he was preparing to put the dynamite in her car.”

Ehrengraf went on explaining and Gort could only stare at him in wonder. Was it possible that his own memory could have departed so utterly from reality? Had the twin shocks of Ginnie’s death and of arrest have caused him to fabricate a whole set of false memories?

Damn it, he remembered buying that dynamite! He remembered wiring it under the hood of her Pontiac! So how on earth—

The Ehrengraf Presumption, he thought. If Ehrengraf could presume Gort’s innocence the way he did, why couldn’t Gort presume his own innocence? Why not give himself the benefit of the doubt?

Because the alternative was terrifying. The letter, the practice sheets of his signature, the shoes and slacks and burgundy blazer—

"Mr. Gort? Are you all right?"

"I'm fine," Gort said.

"You looked pale for a moment. The strain, no doubt. Will you take a glass of water?"

"No, I don't think so." Gort lit a cigarette, inhaled deeply. "I'm fine," he said. "I feel good about everything. You know, not only am I in the clear but ultimately I don't think your fee will cost me anything."

"Oh?"

"Not if that rotter killed her. Lattimore can't profit from a murder he committed. And while she may have intended to make Grace her beneficiary, her unfulfilled intent has no legal weight. So her estate becomes the beneficiary of the insurance policy, and she never did get around to changing her will, so that means the money will wind up in my hands. Amazing, isn't it?"

"Amazing." The little lawyer rubbed his hands together briskly. "But you do know what they say about unhatched chickens, Mr. Gort. Mr. Lattimore hasn't been convicted of anything yet."

"You think he's got a chance of getting off?"

"That would depend," said Martin Ehrengraf, "on his choice of attorney."

This time Ehrengraf's suit was navy blue with a barely perceptible stripe in a lighter blue. His shirt, as usual, was white. His shoes were black loafers—no tassels or braid—and his tie had a half-inch stripe of royal blue flanked by two narrower stripes, one of gold and the other of a rather bright green, all on a navy field. The necktie was that of the Caedmon Society of Oxford University, an organization of which Mr. Ehrengraf was not a member. The tie was a souvenir of another case and the lawyer wore it now and then on especially auspicious occasions.

Such as this visit to the cell of Barry Pierce Lattimore.

"I'm innocent," Lattimore said. "But it's gotten to the point where I don't expect anyone to believe me. There's so much evidence against me."

"Circumstantial evidence."

"Yes, but that's often enough to hang a man, isn't it?" Lattimore winced at the thought. "I loved Ginnie. I wanted to marry her. I never even thought of killing her."

"I believe you."

"You do?"

Ehrengraf nodded solemnly. "Indeed I do," he said. "Otherwise I wouldn't be here. I only collect fees when I get results, Mr. Lattimore. If I can't get you acquitted of all charges, then I won't take a penny for my trouble."

"That's unusual, isn't it?"

"It is."

"My own lawyer thinks I'm crazy to hire you. He had several criminal lawyers he was prepared to recommend. But I know a little about you. I know you get results. And since I am innocent, I feel I want to be represented by someone with a vested interest in getting me free."

"Of course my fees are high, Mr. Lattimore."

"Well, there's a problem. I'm not a rich man."

"You're the beneficiary of a hundred-thousand-dollars insurance policy."

"But I can't collect that money."

"You can if you're found innocent."

"Oh," Lattimore said. "Oh."

"And otherwise you'll owe me nothing."

"Then I can't lose, can I?"

"So it would seem," Ehrengraf said. "Now shall we begin? It's quite clear you were framed, Mr. Lattimore. That blazer and those trousers did not find their way to your closet of their own accord. Those shoes did not walk in by themselves. The two letters to Mrs. Gort's sister, one mailed and one unmailed, must have been part of the scheme. Someone constructed an elaborate frame-up, Mr. Lattimore, with the object of implicating first Mr. Gort and then yourself. Now let's determine who would have a motive."

"Gort," said Lattimore.

"I think not."

"Who else? He had a reason to kill her. And he hated me, so who would have more reason to—"

"Mr. Lattimore, I'm afraid that's not a possibility. You see, Mr. Gort was a client of mine."

"Oh. Yes, I forgot."

"And I'm personally convinced of his innocence."

"I see."

"Just as I'm convinced of yours."

"I see."

"Now who else would have a motive? Was Mrs. Gort emotionally involved with anyone else? Did she have another lover? Had she had any other lovers before you came into the picture? And how about Mr. Gort? A former mistress who might have had a grudge against both him and his wife? Hmmm?" Ehrengraf smoothed the ends of his mustache. "Or perhaps, just perhaps, there was an elaborate plot hatched by Mrs. Gort."

"Ginnie?"

"It's not impossible. I'm afraid I reject the possibility of suicide. It's always tempting but in this instance I fear it just won't wash. But let's suppose, let's merely suppose, that Mrs. Gort decided to murder her husband and implicate you."

"Why would she do that?"

"I've no idea. But suppose she did, and suppose she intended to get her husband to drive her car and arranged the dynamite accordingly, and then when she left the house so hurriedly she forgot what she'd done, and of course the moment she turned the key in the ignition it all came back to her in a rather dramatic way."

"But I can't believe—"

"Oh, Mr. Lattimore, we believe what it pleases us to believe, don't you agree? The important thing is to recognize that you are innocent and to act on that recognition."

"But how can you be absolutely certain of my innocence?"

Martin Ehrengraf permitted himself a smile. “Mr. Lattimore,” he said, “let me tell you about a principle of mine. I call it the Ehrengraf Presumption.”

