

THE HONORABLE ALICIA BEAUCHAMP

SHE WAS LIKE MEDUSA, her husband had said to her the year before the divorce. Except the snakes coiled around her head weren't visible. If a man was caught by her glance, ultimately she would turn him to stone. It was a remark she'd never forgotten.

After their divorce, she found herself avoiding men of her age; she preferred the company of older men. It wasn't as painful, and as she too grew older she was beginning to become more adroit at avoiding pain. Instead she covered herself with work. She was a judge in the District Court in Milwaukee. Alicia Beauchamp was the youngest judge in the district. She was thirty-six when she was appointed by President Bush. Her auburn hair was worn very short in back with a crown of an extravagant red feather cut that made her look almost like an alert, angry bird. Her eyes, though, were soft and easily filled with humor. She had a short nose, pale skin, delicate cheekbones, and a small mouth. She preferred dark shades of lipstick and she seemed, when you approached her bench, strangely beautiful to be enrobed in black. Black, though, was the color of justice, she soon learned, and now, after almost two years on the Federal bench, her eyes, which had sparkled so easily into laughter, were no longer so easily animated.

This morning the clerk had called the first case: "United States of America vs. John Gakubiak, 90 C 126." The defendant and his attorney stepped forward. Her clerk handed the file up to her. She put her glasses on and looked at the file. The defendant, a short, bald man of about forty-five, with a heavy face and nervous darting eyes, stood with his hands clasped behind his back. John Gakubiak had been accused of counterfeiting government tax refund checks throughout the country. He was a Milwaukee resident, and the government had flown in a special prosecutor team from the Justice Department in Washington to handle the case. He was being defended by a Milwaukee lawyer she knew slightly from bar association functions.

"Good morning, Mr. Johnstone." She took off her glasses.

"Good morning, Your Honor."

"Good morning, sir," she nodded to the defendant.

"Where is the government," she asked, looking around the courtroom.

"I'm sorry, Your Honor," Johnstone turned to look at the lawyers seated in the courtroom. "I haven't seen them, but perhaps Your Honor would pass the case and call it again."

"No, I think not. We'll just wait a few moments." She looked at her watch. "It's 9:30. If they aren't here by 9:38, I'll send the jury back for reassignment and we'll not go forward this morning. So we'll wait several minutes." She looked up at the big clock on the side of the wall

and tapped her pen on her papers. Her mouth had compressed into a thin line and all the color had drained from her face.

There was no sound in the courtroom. None of the lawyers seated at the counsel tables spoke. Johnstone folded his hands and stood silently in front of her, as did the defendant, his head was bowed.

"It's now 9:34, gentlemen. We'll wait another four minutes." She looked at her watch again. The courtroom remained silent, while the four minutes passed.

"It's now 9:38. Will the clerk please dismiss the jury and send them back to the jury room for reassignment. Mr. Johnstone, can we agree on another date for status without bringing down another jury? Perhaps the 26th, at 9:30. Also, I'll entertain at that time a motion for costs against the government for your appearance here today. Call the next case."

"Central Chemical Consortium vs. The Omicron Corporation, 90 C 2312."

Another set of lawyers approached the bench. She quickly reached for the file. The government was always flying people in from Washington. Why did they need special counsel in *Gakubiak*? It wasn't that complicated. They could have handled the case in Milwaukee. Anyway, the Justice Department lawyers weren't going to keep her or her courtroom waiting. They would learn that she wasn't going to wait on them. She wasn't a handmaiden.

She looked down at the next group of lawyers. There were two women and two men, all smiling up at her. Did she recognize any of them? No, she didn't know them. The women looked familiar. She removed the briefs from the file. "I've looked over both parties' briefs in *Chemical Consortium*. The first thing I've noticed is that they both exceed fifteen pages, so I've automatically stricken them. You know that we don't permit briefs in excess of fifteen pages without court permission, and permission is seldom granted. I don't have to go into the reasons for this rule. We're inundated with briefs. The word is a misnomer because the legal profession is unaware of the concept of brevity. We'll continue this thirty days for ruling, each side to file new briefs within ten days. If the new filings exceed the court rule on brevity, there will be sanctions imposed against each side."

The lawyers looked at their feet. One young woman looked up at her and was about to say something, and finally said nothing.

The two women lawyers had looked so pale. Do I look that pale? Am I that exhausted? They must touch their faces with an expensive gray cosmetic. They both probably make more money than I do, two or three years out of law school. There was a poem of Yeats, "The Magi." ". . . gray-faced like . . ." No, "Now, as at all times, I can see in the mind's eye,

in their stiff painted clothes, the pale unsatisfied ones . . .” She stood up. “There will be a five-minute recess.” She quickly walked off the bench and back into her chambers.

She wasn’t going to quote them Yeats. She needed a vacation. She was exhausted. She began every day at eight with pretrial conferences. She often worked in her chambers until 10 or 11. She’d met a man recently, a man from India, a professor of economics at Marquette, and they were supposed to see each other tonight, Friday night. She was going to take two days Monday, but there was a judicial convention on Federal appellate practice in Madison Monday and Tuesday. She poured herself a cup of coffee and sat in the chair behind her desk.

Of course they all made more money than she did. Why should she delude herself? She *was* a handmaiden. She waited on corporations and their lawyers at their pleasure. Teams of young lawyers representing corporate clients would attend her status calls. The best young people in the profession were used by their firms to create unjustified billable hours. They spent endless hours in the firm libraries working until midnight, working on weekends, on Sundays, to bill more hours. She could always tell how much a male partner made, though, by looking at his shoes. If he wore loafers with tassels, he made more than \$200,000. If he only had a razor cut, a chalk pinstripe suit, and no loafers with tassels, he made \$150,000 to \$200,000. With rings on their fingers and bells on their toes, these men weren’t lawyers, they were corporate employees. She wasn’t going to quote them Yeats; she’d save Yeats for herself. The firms were cutting back anyway and many of the young lawyers would be let go. Where would they go? Legal Aid? The federal defender’s office? That’s where they were needed but they couldn’t afford to work there. Maybe she should quit and go to Ireland and visit Yeats’s swans at Coole. She sipped her coffee and put her feet up on her side table. She was so tired of all this, the endless paper chain of gray-clothed lawyers, the criminal defendants in their orange jumpsuits—they never stopped coming. Every cocaine dealer and runner in the city was passing through her courtroom. The more people she sentenced, the more appeared. Maybe she should really resign. Federal judges in Miami were resigning. They simply got tired of always being immersed in the drug culture. Where would she go? Back to her firm? She could probably teach in law school. She’d like to teach young people. She could take a sabbatical and then come back and open her own office and take only cases that merited a lawyer. Maybe she’d fall in love with someone. There were too many maybes.

She zipped up her judge’s robe and touched her hair and stared at herself in the mirror. She suddenly walked back into the courtroom, almost taking her clerk and the lawyers by surprise as she entered.

"Call the next case," she said.

She saw the two Justice Department lawyers enter the courtroom. They were wheeling a cart with stacks of files and paged law books. She didn't acknowledge them. The lead attorney shook his head at her as they sat down. They both had wet umbrellas.

"Is that it?" she asked the clerk.

"No, Your Honor, the government has appeared in *Gakubiak*."

"Call *Gakubiak*."

"United States of America vs. John Gakubiak, 90 C 126."

"Gentlemen."

"Good morning, Your Honor." They wheeled their cart close to the bench. "The United States is ready for trial," the lead attorney said. He had a bony, angular, thin face, with tiny, darting eyes behind thick rimless glasses. His accent was nasal and, he was about 33 and a real whiner.

"The United States is late for trial." She shot her hand out and looked at her watch. She wore a Minnie Mouse watch, and this morning Minnie was in good shape and smiling at her with her hands held at 10:00. "It's 10:00, Mr. Gibbons. The case was set for 9:30."

"Your Honor, the government apologizes for the delay. As you can see from our clothes and umbrellas, it's raining. We flew in from Washington this morning. We had difficulty getting a cab at the airport and got caught in traffic. We apologize to Your Honor. However, we are here and ready to go forward." His assistant, who was slight and blonde, about twenty-five, sniffed and stared at her. "Also, Your Honor," Gibbons continued, "we have this morning, before we proceed with the trial, the government's motion *in limine*." Gibbons glanced at his junior who immediately handed him the motion.

"Mr. Gibbons, this is no time to file a motion *in limine*, on the day of the trial. You can't seek to limit introduction of evidence by the defendant on the day of the trial. He has to be given the opportunity to respond. I have to consider each exhibit you seek to bar. This can't be done on the day you pick the jury. You know that. I suggest that by appearing here a half hour late and seeking to file a motion *in limine*, with a jury waiting to be examined and impaneled, you show absolute disrespect for this court and its procedures, a lack of respect almost bordering on contempt."

"Your Honor," Gibbons began to whine, "I have no lack of respect for the court. The trial hasn't begun, the jury hasn't been picked, there are no jurors in the box, the government has a right to file a motion *in limine*, we are prepared to do so." He began to hand the motion to her clerk.

"Denied."

“You’re denying the government the right to even file its motion?”

“Denied. Do you know what that means?”

“The government reserves the right to renew its motion and nevertheless is ready for trial.”

“There will be no trial this morning, Mr. Gibbons. The defendant was here at 9:30 with his counsel. The case was called, the government was not here. The jury was waiting to be brought in for questioning and to be impaneled. We held the case for several minutes. No one from the government appeared.”

“Your Honor, we are here now. We were unavoidably detained. I apologize to the court, but we are ready to go forward.”

“Well, the government’s case is not going forward today. Mr. Gakubiak has a bond for his appearance. The government will not be prejudiced. You were late, and my courtroom does not wait on the government or on any litigant. The government does not have a special status in my courtroom. The case was continued to the 26th. The status call is now completed.”

She stood. The clerk rapped her gavel. Judge Beauchamp walked out of the courtroom.

SHE TOOK OFF HER ROBE, washed her hands and face, and sprayed her wrists with cologne. Gibbons was really an offensive man. She couldn’t stand him. Her remark, though, about contempt wasn’t justified. Still, he had absolutely no sense of courtesy or civility. She combed her hair. She couldn’t call the chief judge and ask for another trial today because she’d have only the afternoon and then there would be the weekend and on Monday, the two-day conference.

She really didn’t want to go to the conference. But she’d volunteered to speak. There were no women on the Court of Appeals in this circuit, no women, no blacks, no Asians, no Hispanics, only white males. She wanted to have this chance to confront them. To her it was just another male club. They’d overruled and remanded at least five of her cases since she’d been appointed. She had recused herself on three of them. It was a cute but deadly game, and she played it as well as they did. She was surprised they’d even invited her. The title of her speech was “Appellate Review or Appellate Apartheid?” If you’re black or other minority in this circuit the review of your case on appeal will be by a panel of all-white male judges who are completely alien to your background and your culture. More than 90 per cent of the drug defendants are black or Hispanic and at least 25 per cent of her call involved drug cases. If you’re a black woman in prison, you’re up against the system alone and disadvantaged by gender as much as by skin color. When was the last time she’d taken an afternoon off? Two years ago?

She should just go home and go for a walk through the park along the lake and then do some shopping. She was supposed to meet the professor tonight at six at the Art Museum.

She put on her coat, turned off her desk lamp and picked up the phone and called her clerk. "Madelyn, I'm taking the afternoon off. Don't fall over in shock. In fact, I won't be back until Wednesday morning because of the conference. If you have to reach me, leave a message on my machine at home. I'll beep it this afternoon at 2:30 and then at 11 on Saturday and 2 on each day I'm gone. Please also post a notice on the board in front of the courtroom about my absence. Judge Swenson will be the emergency judge while I'm gone."

SHE WAS AT THE ART MUSEUM EARLY and went in to see some of the collection. She loved the three paintings of flowers by Emil Nolde, a German painter—this was a lovely place to wait for someone. She could see the lake framed in the huge glass window and sailboats heading out past the breakwater.

Then suddenly she saw him. He was standing in the corner of the gallery watching her. "You like Nolde, I see," he said to her.

"Yes, Nolde is marvelous. His flowers are almost translucent with light."

"Have you seen the Chagalls?" He reached out and touched her arm and led her to two Chagalls on the far wall. The large painting was of a man on a horse. The man wore a cape of flowers, the horse a bridle of flowers. The woman in the background held two babies. The smaller painting was of a bouquet of poppies.

"More flowers." He led her into another gallery where he showed her a large painting of a French peasant and a young girl, perhaps a grandfather and granddaughter, walking in the woods. The old man carried a large bundle of sticks on his back. The little girl had an angelic face and fine blonde hair and walked just ahead of him picking wild flowers.

"Père Jacques," he said, squinting at the painting. "Jules Bastien-Lepage, 1881. I think it's the most beautiful painting in the collection. The old woodcutter's face has the dignity of old age; his granddaughter looks like a young princess, standing in a field of flowers. She's such a beautiful child."

Neither of them spoke and as they stood together before the painting, she could feel a rush of longing, the scent and feel of desire for this man . . . his mouth, his eyes, the sound of his voice.

Later at the outdoor café at the old hotel on Wisconsin Avenue they talked. Rajiv Nair was a professor of economics and he was leaving for three months in Geneva where he was going to do a project for the

United Nations on food distribution in Third World countries. He would attend the conference and stay and write a paper. He was from Bangalore in the south of India and was a widower. His wife had died of malaria five years ago, and his mother was caring for their child, a girl of seven, in New Delhi.

“And you, Alicia, what is your occupation?” he asked, ordering a cappuccino for both of them.

“I work for the government.”

“What type of work do you do?”

“Well, it’s mostly legal and administrative. It’s very bureaucratic.”

“Government work is always bureaucratic.” He stopped asking questions and looked around them. “Milwaukee is a beautiful city, no? I hate to leave it. It’s very European and Old World. I love the buildings. They remind me of turn-of-the-century Vienna.”

“How long will you be gone, Rajiv?” It was the first time she’d used his name.

“Three months.”

“And then you’ll return to Marquette?”

“Yes, to Marquette. I’m quite happy there. I miss my daughter and my mother, but I might fly to India to see them as long as I’m in Europe. It’s a pity we’ve met just as I am leaving.”

After they finished the cappuccinos, they went across the street to a bookstore she knew. She bought a book of Yeats, a small, beautifully illustrated edition. They walked back down Wisconsin Avenue to the lakefront and into the park and sat on a bench and watched the people in the park, bicyclists, joggers, people out walking their dogs. Afterwards he walked her back to her apartment. They stood under some trees, and he asked if he could see her tomorrow evening. “Yes, I would like to see you again, Rajiv.”

“I’ll call you at five then,” he said, touching her hand, and turned away without looking back.

That night she read some of Yeats and also Emily Dickinson —“Hope is a thing with feathers.” Woody Allen has written, though, that “Hope is a thing without feathers.” She smiled to herself and fell asleep in the chair in the living room, holding the Dickinson poems and listening to Edith Piaf.

In the morning she walked along the lakefront and then had coffee and a bagel at a hotel drugstore, read the paper and lingered over breakfast. On weekdays she usually gulped down a cup of black coffee in the kitchen and drove to the court building and her morning court call. She never had time for breakfast. Even on the weekends she usually spent Saturday mornings reading pre-sentence reports and drafting preliminary orders in criminal cases. Most of the cases involved

narcotics. She had beeped her answering machine yesterday afternoon and there was nothing. This morning when she called from the hotel coffee shop, her clerk had left a message that the government had filed a motion in Gakubiak for certification of an interlocutory appeal. They had noticed it for Wednesday morning.

Rajiv came to pick her up at seven and they went to a play at the Milwaukee Repertory Center. Afterwards they ate at a small French restaurant he knew, and after dinner they returned to the same park bench and sat watching the boats in the harbor. He put his arm around her and she rested her head on his shoulder. She felt completely relaxed and safe with this man.

When they walked back to the apartment, she asked him if he would come up. She played her Piaf tape for him, and he looked at the books on her bookshelf. There was nothing in her apartment to show that she was a judge, just her briefcase by the door.

"You have *Alice's Adventures in Wonderland*, I see. I was going to buy that to send to my daughter. Do you think she'd like it? She's only seven."

"I don't know, I think she may be just a little young. I have almost all of Lewis Carroll."

"Do you know the tea party scene between the Mad Hatter, the Dormouse, the March Hare and Alice?" He found the place and began to read.

"Then you should say what you mean," the March Hare went on. "I do," Alice hastily replied, "at least—at least I mean what I say—that's the same thing, you know."

"Not the same thing a bit!" said the Hatter. "Why, you might just as well say that 'I see what I eat' is the same thing as 'I eat what I see!'"

He smiled at her and continued.

"You might just as well say," added the Dormouse, which seemed to be talking in his sleep, "I breathe when I sleep' is the same thing as 'I sleep when I breathe'."

She laughed and gave him an amaretto with ice.

"And of course, Alicia, the trial at the end of the book, with the crazy Queen of Hearts as the judge. Do you remember the Queen of Hearts? She was constantly crying 'Off with their heads!'"

She laughed again and tossed her head back. "Yes, off with their heads! Marvelous. The trial of the Knave of Hearts accused of stealing the Queen's tarts."

He lifted his drink to her. "In India we have a similar fable. I don't know if it was based on Carroll. I doubt it. But we have a fable of a young woman who disappears down a hole into a strange land."

"I would love to see India some day."

"Yes, you must come. I would love to show it to you."

He looked at her curiously and put his drink down and switched off the lamp above his head, and came over to her and took her in his arms and kissed her. It was a long and searching kiss, and finally she moved him away.

"I don't know, Rajiv."

"You don't know what?"

"I think maybe you should go."

"I will go, Alicia, but you must promise to see me Tuesday night. It will be my last night."

He leaned across and kissed her again and held her. She could feel the strength in his arms, and she whispered his name.

He stood away from her at the door and smiled at her.

"You are a very beautiful woman, Alicia. You will have your time in India someday, I know."

She slowly shut the door and looked at herself in the hallway mirror and touched the lines around her eyes. She had almost told him not to kiss her, not to get involved with her because she'd been alone too long and had forgotten how to love someone.

SHE DROVE TO MADISON for the two days of the conference and on Tuesday drove back to Milwaukee. Her speech had been poorly received; only a few people spoke to her afterwards. The judges mostly ignored her and went out to dinner with their wives. She took off her convention badge and went to a French film at the University Arts Club by herself. All weekend she felt she was two people: one, the judge, still moving to the rhythms of the office, and the other some detached, faceless woman curiously watching the judge, a woman dressed in a long, white, Victorian dress holding a white umbrella, standing in sunlight, but always faceless.

On Tuesday she met Rajiv Nair and they walked together down into the Third Ward, and had dinner at an Italian restaurant in an old renovated warehouse building. He laughed at her careful Italian pronunciation when she ordered for them. She felt flushed and excited like a student. She remembered eating at the little trattorias on the edge of the Arno in Florence. She could still hear the sounds of her Italian friends calling good night to each other. "Ciao, Serafina," "Ciao, Giulietta." "Ciao, Alicia." She had always wanted to go back to Florence. Someday she would.

Slowly they walked back to her apartment and stopped at the same bench. She took his hand and again sat watching the boats.

The old white-haired doorman in the lobby of her apartment building said, "Good evening, Judge," to her as he held the door for them. Rajiv was walking behind her and didn't hear him.

In her apartment she had chilled a bottle of wine. He picked up her new Yeats book and looked through it. He began to read her "Down by the Salley Gardens." She watched his mouth as he read in his English accent.

"Down by the salley gardens my love and I did meet;
She passed the salley gardens with little snow-white feet.
She bid me take love easy, as the leaves grow on the tree;
But I, being young and foolish, with her would not agree."

He closed the book and smiled at her. He had a gift for her, wrapped in pink tissue, that he removed from his jacket pocket. It was a silk scarf of flowers, from Bombay. "Here, let me put it on you, Alicia." He draped it over her head in the fashion of an Indian woman. He also had another small piece of blue tissue paper which he opened. There were earrings in the tissue, filigreed silver with dark red stones.

She went to the mirror and put on the earrings. She looked in the mirror and touched her hair and saw the woman in the white dress again, but now her face was visible and she wore the silk flowered scarf around her hair and silver earrings. She was beautiful, a beautiful mysterious woman, as intricate as the circles of filigreed silver in the lovely earrings.

He came to her and put his arms around her and stood behind her at the mirror. She turned to him and led him into her bedroom, and she made love for the first time in several years.

ON WEDNESDAY MORNING he was gone. She drove to the courthouse alone and she was wearing his scarf around her throat and the earrings. She looked at her wristwatch. Minnie Mouse seemed very happy. But Minnie was always happy. She listened to a Mozart tape as she drove. Had her life changed? Did she still have snakes in her hair? There were no snakes. Perseus had slain Medusa by diverting her gaze with the brightness of his shield and then he chopped off her head. So, she wasn't Medusa any more, or even the Queen of Hearts. She knew she was a complicated woman, but she also knew she was a woman who could still love and be loved.

"HEARYE, HEARYE, HEARYE, the United States Court for the Eastern District of Wisconsin is now in session, the Honorable Alicia Beauchamp,

Judge, presiding. Please rise. God save this honorable court and the United States.” The clerk rapped her gavel again, Judge Beauchamp sat down in her judge’s chair. She was wearing the earrings but she’d left the scarf in her chambers folded in a carved sandalwood box from India that she’d found in Madison.

“United States of America vs. John Gakubiak, 90 C 126.”

The clerk handed her the file.

She put on her glasses and smiled briefly at the lawyers and the defendant as they approached the bench. “Good morning, gentlemen,” she said. “I am going to deny the government’s motion for certification of an interlocutory appeal. There is no compelling question of law involved. If you want to appeal my ruling on the motion *in limine*, Mr. Gibbons, I suggest you do so after the trial, not before. You of course will have that opportunity. In any event, we’ll go forward on the 26th.”

“Your Honor, may I be heard?” Gibbons said. “After the trial will be too late, Judge. The damage will already have been done if the jury is given the opportunity to consider the exhibits.”

“Well, you can object to each one as it’s offered, and I’ll consider each objection. Anything that should be excluded will be excluded. Likewise Mr. Johnstone can object to each government exhibit as it’s offered.”

“That’s still not acceptable to the government, your Honor. We should have the right to prepare our case in advance of trial, knowing what evidence of the defendant will be excluded *a priori*.”

“What do you mean, *a priori*?”

“I mean ahead of time.”

“Why don’t you just say what you mean?”

“I apologize. Nevertheless, I object, Your Honor.”

“Gentlemen, both sides will be ready for trial on the 26th. I have twelve motions waiting for me on my 10:00 call and twenty cases on my 11:00 set call. Motion of the government denied.”

She stood up and the clerk rapped the gavel once.

Judge Beauchamp went back into her chambers and locked her door. She had been away for, what? Four days? Now she was back and nothing had changed. Black is the color of justice. Black will always be the color of justice. She opened her desk and removed the flowered scarf from the sandalwood box. She touched the silk scarf to her face and closed her eyes. The box would become the reliquary of her feelings for Rajiv, but life would not permit her that, and she knew that the texture of his presence was already disappearing and she was alone again.

