



MISSISSIPPI  
RECKONING

MITCHELL  
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PART ONE



At ten minutes before midnight, the prisoner sat in the last holding cell, at the end of the Row. He was wearing brand new denim trousers and the brand new work shirt they had given him twenty minutes earlier, pursuant to the official protocol.

The years and months and weeks, and the final days and hours in which others had struggled for him were ending.

The prisoner heard the clanking of the iron gate at the other end of the Row, and the sounds a group of men make even when none are talking. *A stay?*

His final meeting with his attorney.

*I killed, Gideon, so I got to pay the price. Maybe it ain't fair I got to die. But that's the way life is. Let it go, my man.*

From the mattress on the floor of the cell where he sat, he looked up. The warden, with several guards, stood close to the door.

*Gideon's last embrace. Knowing that, over so many years, Gideon was someone he had come to trust. That he had become capable of trusting.*

"It is time," said the warden.

He rose, his heart pounding, as a guard with handcuffs came forward and took out a key ring. For the last time, he turned around and put his hands behind him, to the opening in the cell door designed for this purpose, so they could handcuff him behind his back before opening the door.

For a moment an impulse to fight gripped him. He could hit one of these white motherfuckers before they took him away. Why should he go quietly? The impulse faded.

*I understand now. I'm not going to end hurting anyone again.*

*Just get it over with.*

He was six. Running wild in the kitchen late at night, knocking an open bottle of whiskey over onto the table. The smell of the spreading booze, his father's hands jerking out to right the bottle, then seizing him and shaking,

*– Look what the fuck you done, you little bastard you!*

*– Jason, baby, he was just . . .*

The door to his cell swung open and two large guards took him firmly by his shoulders as he emerged. They went toward a riveted iron door, and a man in a gray suit opened the door and they all went through.

*Helpless in his father's grip. His heart thumping, the ribs of the radiator against his back, the sharp place on one of them cutting, then the searing heat, his scream –*

The room they'd entered seemed to be made entirely of metal, painted light green up to the level of the top of the door. Like a hospital. On the wall to the right was a bank of three phones. One of them had a label that said "GOVERNOR'S OFFICE," and another, "SUPREME COURT." Both were silent. The warden lifted the third phone, which had no label, and spoke to someone to confirm that the witnesses and observers were ready. The hands of a clock on the wall pointed to two minutes before midnight.

*Momma's arm swinging, the crunch of the bottle shattering and dad slumping and blood flowing onto his own face and screams that seemed to be coming from somewhere else.*

Just ahead was the small octagonal room, built right into the wall, with a pyramidal roof. On top was a pipe that disappeared through the ceiling of the room. A guard had told him that the pipe was to carry the gas away afterward. On this side of the chamber was a panel with rows of buttons and switches. A large metal lever, painted red, was in the up position. Near the lever was a window covered by Venetian blinds, the same color green as the walls.

The door to the chamber was oval shaped, and there was a rubber ring where it would close, to ensure a good seal. A large wheel was mounted on the door, with spokes and handles at the ends like the wheel for steering a pirate ship, so they could cinch the door tight.

*The sparkle of light off the waves at Manhattan Beach, his mother's gasp as she pulled her face up from the water.*

Through the door he could see the windows in the front of the chamber, four big rectangular windows, each with a line of rivets and rubber gaskets around the rim. The windows faced where he would sit, so everyone on the other side would have a good view. He could see the bank of seats out there, and the people in them. He felt embarrassed and looked down.

Panic seized him and his heart sped. *You white bastards, you got me where you want me again.* They stepped into the chamber. In the center there was a chair with heavy leather straps and buckles.

A metal panel ran around the part of the chair below the seat, with a grillwork of holes for the gas to come through. Now they unlocked the cuffs and sat him in the seat, and buckled straps around him. Two straps for his chest. Another around his waist. Straps to hold his arms down. There were metal stirrups along where the backs of his legs rested, and two straps held each leg in place against the metal. The guard was getting the straps tight, but not so tight as to hurt him.

"Try to move," the guard said, stepping back.

*You goddamn . . .*

He calmed himself and did as he was told. He tested the straps around his chest and the ones that held his arms against the chair. They were tight. The leg ones too. But not so tight as to cut off his circulation. They were satisfied.

"Any final words?" the warden asked.

He shook his head.

"I'm sorry," he heard himself say softly. "I'm sorry for . . ."

It was too complicated to explain.

They left without another word. The wheel on the door screeched, as they sealed the room tight. Through the windows, he saw dozens of people, looking in at him, their faces vacant. Waiting. Someone from the victims' family must be there.

There was one face he knew. He looked into his lawyer's eyes, saw the pain in them, mouthed "Thank you" to him. Then he heard the clank of

the lever, and the quiet little splash as sodium cyanide pellets dropped into the vat of sulfuric acid under the chair. His eyes dropped.

They had told him if he breathed deeply, it would be over fast. The gas burned his lungs, and he gasped. He saw the interest in the eyes of the witnesses. Immediately there were sharp pains in his shoulders and chest, as though he were being squeezed by a great hand. *Like when Dad . . .* A crushing pain across the top of his chest. *No.* The pain was intense, *No*, and he tried to rise up, *please*, strained against the straps. But the buckles held, and then he couldn't feel his arms and legs. He could no longer see, there was nothing but the agony at the center. In his heart, the pain so intense, then –

\* \* \*

12:09 a.m. December 20, 1996. Charles Joshua Jackson, aka Kareem Jackson, was dead.

## 2

Gideon Roth lurched into the cold night outside the prison buildings. He passed through the gate in the high chain-link fence that secured the main prison complex, and, for the very last time, Gideon walked down the long path that ended at the heavy iron gates guarding the outer perimeter of San Quentin State Prison.

The guards he passed nodded respectfully, appearing content with the orderly achievement of the prison's mission that night. Gideon did not notice them. Before him were only images of the death chamber and Kareem's last moments.

He stumbled through the outer gate, pushing past thirty or forty prison guards and state police, massed by the gate as though they expected to have to repel an attack by the death penalty opponents who were still conducting their silent vigil.

Perhaps a dozen of the demonstrators remained, holding flickering candles, the flames shielded against the wind by little wax paper cups. Their

leader was trying to speak. But a group of young men with signs celebrating the execution were taunting him, chanting, "Inhale, Jackson, inhale!"

For a moment Gideon considered punching one of them, he thought how surprised the man would be when Gideon's fist smashed into the side of his head. But Gideon was too dazed to stay focused on these punks.

Gideon knew the organizer of the vigil, who beckoned to him, hoping he would have uplifting words for the demonstrators. He shook his head. As he advanced, a television reporter, a dazzling figure in a circle of klieg-light illumination, approached and asked Gideon to talk to the television audience.

"Mr. Roth, the Attorney General says the long wait of the victims' family for justice is finally over. Do you have any . . ."

Gideon seemed not to notice her and plodded obliviously past the camera crew and back into the darkness. They got him back in their lights, following his retreat as the reporter smoothly continued. "That was Gideon Roth, lawyer for Dark Nines killer Kareem Jackson, just now coming out of San Quentin. Some say that Mr. Roth was a callous advocate for his vilified client, others say he delayed justice for fourteen years with a series of frivolous appeals based on legal technicalities. But tonight Mr. Roth looks grim, understandably grim, after personally watching his client put to death in the gas chamber. Mr. Roth refused . . ."

Her voice faded as the cameramen abandoned their pursuit. Gideon was at last left alone.

He shambled down the street mechanically, passing under the freeway that ran toward the bridge to the East Bay. He reached a nearby parking area, now nearly empty, where he had left his car.

Gideon sat in the driver's seat with his keys in hand, exhausted from several nights without sleep.

He saw the gas chamber, Kareem mouthing the words, "Thank you," and responding, "I love you," before the gas hit. He saw Kareem contorted in pain. Kareem straining at the straps, convulsing, then slumping.

Afterward, Gideon had remained, frozen, in his seat. As the witnesses to the execution left, he heard the fan come on to carry the gas away. Some of the others turned to take a last look at the body. Finally, the guards re-

turned to the chamber. One shoved a broomstick against Kareem's chest to expel the remaining gas from his body. Then they noticed Gideon, and someone pulled the curtain across the windows, and they made him go.

Gideon wanted to strike out, but there was no target for his anger and despair. The long years he had struggled for Kareem Jackson were over. He had proven inadequate to the task.

Gideon took his cellphone from the glove compartment and opened it. He looked out into the night. Then he closed the phone. The other members of the defense team knew how it had ended. He had nothing more to say. Not for him to comfort them, nor to thank them for their efforts. Useless, like his own.

His wife Helen also knew—so many times over the years, she had warned him it would end this way.

He should go home to Atherton. But the drive was long, and what was at home for him? He closed his eyes.

Gideon woke twenty minutes later. His car was being rocked. The raucous pro-death group was celebrating, and one of them had recognized the graying, middle-aged man asleep inside the car as Kareem Jackson's lawyer. Several young men were pushing down on the hood together, then releasing it, then pushing down again, making the front of Gideon's car bob up and down. Now they ridiculed, "Inhale, Roth, inhale!"

Gideon opened the door, banging it into one of them, and he stepped out.

"Shut your idiot faces and get the fuck away from my car."

Laughing, they ignored him.

"I'm not going to tell you again," Gideon said.

"What are you going to do about it, you old fart?"

Gideon stepped up to the closest one, grabbed him by the back of his jacket collar and whirled him away from the hood and into a lamp post. The man gasped, lost his balance and tumbled to the ground.

He rose to his feet, slowly took off his coat, and handed it to a friend.

"Hey, mister," another said. "Maybe you should get out of here now. You don't want to fuck with Richie."

"Fuck you and fuck Richie."

Richie, a small but heavy-set man in his twenties, charged Gideon. Gideon tried to meet him with a punch, but the little man rushed through it, hitting Gideon in the mouth and knocking him down. It hurt, and Gideon tasted blood. "You and your fucking killers," Richie swore drunk-enly as he closed to stomp on Gideon's legs. "They should all die. You too, you fucking lawyer."

Richie swung his leg back to kick Gideon in the stomach but lost his footing. While he staggered, Gideon rolled away and scrambled to his feet. Before Richie regained his balance, Gideon waded into him, punching him savagely in the face. He took Richie's return blow without flinching, moved in close and stamped hard on Richie's foot. Richie cried out, and Gideon kneed him between the legs. Richie wilted, sliding to his knees. "Whoa!" someone said.

But Gideon did not stop. A slam to the side of Richie's head knocked him to the ground. Gideon dropped onto him, and raked the fallen man's injured nose and eye with more blows.

Two men tried to drag Gideon off Richie, but Gideon sprung at them ferociously. Suddenly a siren screamed.

A police cruiser was beside them, lights flashing. Two cops jumped out to break up the fight. One of them held Gideon's forearm in a tight grip. The second cop pushed the others back by the car.

"This bastard beat up our friend," one of the young men protested.

"You telling me he attacked someone half his age?" the cop asked. "With all you guys around?"

"Hey, just look at Richie. This guy's an animal."

"This guy in the classy suit and the nice tie, he jumped out of his BMW to mug Richie? For no reason. Maybe he wanted to take Richie's three-buck watch? I don't think so. Maybe you guys was trying to mug him and it didn't turn out so good?"

He looked toward Gideon, questioningly. Gideon shook his head. Disappointed, the cop let out a big breath, then looked back toward the young men.

"All right, getta the fuck outta here before I give you trouble."

Still holding Gideon, he waved the young men away.

“Come over here,” he said to Gideon, firmly moving him toward the patrol car. He opened the back door.

“Sid down for a minute.”

Gideon sat on the edge of the seat with the door open. The other cop took out their first aid kit and gave Gideon something to wipe his cuts with.

“Aw, you messed up your expensive suit,” said the first cop with mock sympathy, staring fixedly at Gideon. He waited, but Gideon said nothing. “I don’t know what happened here, but looks to me like you know how to take care of yourself, buddy. You know how to play a little rough, huh? Maybe you got a little out of control?”

Gideon still did not respond.

“Looks like it,” says the other cop. “Looks to me like this Richie started something and got more than he bargained for.” He chuckled softly.

They looked at Gideon, but Gideon remained silent. He winced as he tried to get dirt out of the abrasions on his cheek. He thought how he appeared to the cops—a gaunt, older man in a disheveled suit that now had a tear in the trouser leg. Smearred with grime from the parking lot, his face bruised, his salt-and-pepper hair and trim beard now grungy, his scraped knuckles bearing smudges of the younger man’s blood. Not the image of the distinguished 52-year-old attorney Gideon Roth was usually at pains to project.

The first cop asked, “You was the lawyer for Jackson, right?”

Gideon nodded.

“A rough night for you, buddy.”

He patted Gideon on the shoulder. “Jackson got what he deserved, but you was just doin’ your job.”

The cops turned away to talk. Then the first came back.

“We got to make a report whenever there’s a fight, but we’re not going to book you. You can go. See if you can stay out of trouble until morning. Or at least ‘til you get out of Marin County.”

## 3

Gideon drove over the Golden Gate Bridge. Across the water, ahead and to the left, he saw the lights of San Francisco. On the right, the never-ending blackness of the Pacific. His cellphone rang. He did not answer.

Kareem was dead. Killed before his eyes.

He remembered the years in which he thought he could save Kareem. He had pictured finding in the mail a large envelope with the return address, United States District Court, 312 N. Spring Street, Los Angeles, CA 90012. Almost against his will, because he had been afraid to hope, he had imagined opening the envelope and reading: "Order Granting Writ of Habeas Corpus," overturning the death sentence.

Writ granted! He had seen himself standing at the podium, speaking at a conference of death penalty lawyers, explaining how he'd done it.

When reality began to sink in, the grim reality against which Helen had so often warned him, the writ fantasies had turned into escape dreams. In some of his dreams, Gideon found Kareem standing beside him when he reached his car in the San Quentin parking lot, and Gideon had to figure out how to hide Kareem and where to take him. Once, in another dream, he saw Kareem sitting on a swing in the playground in Gideon's old neighborhood in the South Bronx, and he thought, *I've got to get him out of here!*

But Gideon had never had an execution dream in all those years.

He had tried to force himself to imagine opening the envelope and seeing, "Order Denying Writ of Habeas Corpus." So he would be ready for the worst. Yet over the long years, he had never been able to encompass the thought that his efforts would end in failure. Would end with the death of the man he had, over the years, grown close to.

Notwithstanding all his cynicism—notwithstanding his conviction that the politics of the death penalty had made it impossible to find fair judges in capital cases, or for fair judges to decide justly—he had never really believed Kareem would be executed.

Now he hated himself for having clung so long to the illusion that he could halt the machinery of death. Kareem's life had been in Gideon's

keeping. Now Kareem was gone. They had killed him. There was no way for Gideon to make it right.

Drained, Gideon drove through the city and into the lonely darkness of the freeway that ran above the Peninsula.

He drove slowly, scarcely focusing on the road. From time to time a car passed, the red glow of its rear lights swiftly shrinking into the distance. He slowed further and moved to the right lane. He needed a few more minutes of silence before he reached home and had to face Helen's sympathy.

He turned into a rest area. It looked over a narrow lake, a reservoir in the dark hills that shone in the quarter moon. But his mind was too turbulent to be stilled by a vista.

He thought of his life and saw a trail of failure. A former civil rights worker, anti-war activist and student radical, Gideon had watched with disgust as the country had become ever more conservative over the decades, and he felt responsible for not having done more to fight it. Instead of becoming a civil rights lawyer, as he had once intended, he had somehow turned into a copyright and trademark litigator at a high-powered and prosperous Silicon Valley law firm.

Kareem's case and the other pro bono cases he had handled over the years had helped him deal with these contradictions. Gideon's long struggle for Kareem spanned half of Gideon's adult life.

But now it was over.

#### 4

When Gideon reached home, the bruises on the side of his mouth had darkened, and his left eye and lips were swollen. Traces of blood still streaked his cheek, and he moved stiffly as he walked to the front door. Helen opened it and he entered.

"Good God, Gideon. What happened to you? Where have you been?"

"It's a long story, Helen. And it's not what's on my mind right now."

She moved toward him, but he stiffened, and she halted.

“Gideon, I haven’t seen you in a week. And you look like you’ve been mugged.”

“No, just brawling.”

“Brawling. I don’t understand.”

“Drop it, Helen.”

“I’m not supposed to notice or care?”

She followed as he went into the living room.

The mantle was adorned with Christmas greenery, amidst which stood sleigh and reindeer decorations, a small wooden Saint Nick, and red candles in heavy silver candlesticks. But the fireplace was cold and the room was dim.

Helen watched as Gideon threw his suit jacket onto a chair, and poured himself a large whiskey.

“Gideon, I am sorry. So sorry for how this ended. How it had to end. It must have been horrible.” She rested a hand gently against his back and spoke softly. “Kareem had the best lawyer in the world.”

“Kareem had a lawyer who lost his edge,” Gideon snapped. “A lawyer who failed. A lawyer whose last service was watching his client gassed to death.”

He dropped himself onto the sofa, sloshing some of his drink onto his pants.

“A lawyer who lost,” Gideon said. “Nothing else matters in the end.”

“No, that’s wrong, Gideon. You kept him alive for fourteen years—in the face of a system rigged for death.” She sat by him.

“Someone needs to pay,” he said, “for all the suffering and pain the system inflicts. For all the injustice. For the things Kareem suffered when he was just a child. But no one will.”

He swirled his drink round and round. He took a large sip, then limply rested the hand with his glass on his lap. A little more spilled.

“One of the losers,” Gideon said. “That’s all I was.”

“There’s more than one kind of winning in this kind of fight. You told me that yourself, years ago.”

“Tell that to Kareem.”

Helen recoiled.

*Why am I doing this?* he thought. He put his drink on the coffee table, stretched out a tentative hand to her.

“I’m sorry,” he said.

“Oh, Gideon. It’s gone on so long.”

*And are you relieved, now it’s finally over?*

Helen wrapped her arms around him and put her face against his chest. He tried to soften himself to receive her comfort, but could not let go his rigidity.

“Poor Kareem,” she said. “Poor Gideon. Poor all of us. So long and so horrible. To do that to a human being, in cold blood.” Her voice choked up. He looked down and saw tears on her cheek. Tears that ought to have been his.

## 5

Gideon lay next to Helen, sleepless despite his exhaustion. He thought of his first meeting with Kareem. *So long ago.*

He had known only the bare outline of the case when he accepted the California Supreme Court’s appointment to represent Kareem Jackson. The crime was a hideous double kidnapping and rape and murder – the victims, a young mother and her small daughter. And the killer had nearly slain someone else with a shotgun in the robbery spree that had led up to it. One of those cases notorious enough to get a nickname in the press, the Dark Nines Murder, after the Compton motel where the crime took place.

Gideon remembered the headlines:

NINE-YEAR-OLD AND MOM KIDNAPPED,  
MOTHER BUTCHERED IN DARK NINES HORROR

TERROR IN DARK NINES MOTEL:  
MOTHER RAPED AND SLAIN,  
DAUGHTER ASSAULTED

DA SEEKS GAS CHAMBER  
FOR DARK NINES KILLER-RAPISTJURY TO  
DARK NINES KILLER:  
D I E

A friend who had handled several death penalty appeals told Gideon there was nothing wrong with choosing a case where you had a chance of winning. Where the crime was not so shocking that you were bound to lose. But Gideon had been confident in his lawyering in those days, and he wanted to rescue someone from death row in a seemingly hopeless case.

Gideon did accept his friend's advice that it might be easier if he got to know the defendant as a person before he read the record, viewed the crime scene photos, held the murder weapon in his hand, handled the victims' blood-stained clothing. So, two days after he received the order appointing him as Jackson's counsel, Gideon wrote to introduce himself and to tell Jackson he would visit him at San Quentin the following week.

Gideon admitted to himself he was uneasy about meeting Jackson. Is a killer a person so different from ordinary humans that we won't speak the same language? he asked himself. Would he feel the same awkwardness, talking to Jackson, that people usually feel when they are forced to talk to someone who's had a death in the family?

Gideon was uneasy, but he found the rituals of entry into San Quentin State Prison exotic and intriguing. Driving up one foggy summer morning, he first saw the great iron outer gates, set in their stone pillars. Behind them, two hundred yards further away, stood the mist-shrouded prison itself.

Visitors did not pass directly through the main gates, but turned left down a short driveway that flanked the Visitor Processing building. Gideon parked in the lot below, picturesquely located along the water. From there he could see the yellow-brick prison, sitting atop a low bluff. On clear days, if you turned away from the prison, you'd enjoy a striking view of the northern part of San Francisco Bay.

Pursuant to prison regulations, he carried only two keys, his driver's

license and attorney identification, a file folder containing a yellow pad and some papers, a pen, and one twenty dollar bill. Also a pocket full of change for the food-and-drink machines. He had left his wallet and briefcase at the office, along with credit cards and other forbidden items.

Gideon had been told to go straight to the head of the line in the hallway of the entry building. Attorney visitors came before families and others, before the mostly black and Hispanic women with their children, who waited for hours to visit their incarcerated men.

The door into the visitor processing room was flanked by windows nearly entirely obscured with notices.

AN INMATE AND THEIR VISITOR MAY EMBRACE, INCLUDING  
A KISS, AT THE BEGINNING AND END OF EACH VISIT.  
NO OTHER PERSONAL PHYSICAL CONTACT IS PERMITTED.

Another notice set out clothing standards for visitors:

**PROHIBITED ATTIRE:**

- Clothing which exposes the breast/chest area, genitals or buttocks
- Tank tops, halter tops, slingshot shirts or sleeveless garments
- Sheer or transparent garments
- Clothing exposing the midriff area

Some of the signs presumably had to do with jailors' fears that prisoners might be given something that could help in an escape attempt:

“NO WIGS  
 “NO HAIRPIECES  
 “NO EXCEPTIONS”

Another sign confirmed:

ATTORNEYS TO HEAD OF LINE.

A small, makeshift cardboard box that was taped to the wall held blank Visitor Passes. It bore another instruction, “Fill Out Before Ringing Bell.” Gideon wrote down Kareem’s actual full name, Charles Joshua Jackson, and copied Kareem’s California Department of Corrections (“CDC”) number from his pad. He filled in his own name and business address. He signed an acknowledgment he would abide by CDC regulations.

Gideon pressed the bell only one time, as another sign commanded.

The door buzzed. Gideon pulled it open and entered.

He was in a large, mostly empty room with lockers along the wall near him. A chubby black woman in a khaki uniform sat on a tall stool at the far end, behind a narrow counter on which rested a computer monitor.

Crossing the room, Gideon thought for a moment of the “power offices” he visited, in which a generous distance from door to executive’s desk served to remind you that you were in the presence of the mighty. In this shabby room, the effect was parody.

The computer monitor was grungy with dust and grease from being handled for years. The walls bore the detritus of myriad Scotch-taped CDC notices. The shallow wooden box that sat on the counter was dull with the nicks and dents of thousands of keys, glasses, pens and shoes having been dropped into it for inspection over the years. The only plainly new items were the airport-style metal detectors next to the guard.

“Gideon Roth, here to see Kareem . . . Charles Jackson.”

“Let me see your driver’s license and bar card.”

He handed them to the guard, and she checked them against the list on her clipboard.

“First time here?” she demanded.

“Yes.” He tried to adopt a bright and friendly tone.

She showed her boredom in response.

“Put everything from your pockets, and everything metal, in the box. Shoes too. And let me see your jacket and the pad.”

She squeezed his jacket and peered into the folder, only enough to see that it contained nothing but papers. Meanwhile Gideon emptied his pockets into the wooden box that sat on the metal detector’s conveyer belt. He took off his shoes and balanced them on everything else. The guard pressed a button and the box moved through. No problem.

Then she instructed Gideon to walk through the gateway metal detector.

The gate buzzed.

“Take off your belt and your glasses.”

Gideon took them off and walked through again.

The gate buzzed again.

This time he removed a pen. Still the gate buzzed. Gideon pulled his pockets inside out and patted himself here and there.

“The only metal left is my wedding ring. The ring hasn’t been off in decades, and I don’t think I can get it off my finger.”

This had evidently come up before: “Try wrapping your other hand around the ring finger like this and stepping through.” Gideon followed the instructions and this time he passed through the gate without triggering the alarm.

The guard stamped Gideon’s Visitor Pass and handed it to him with his license and bar card. Gideon put on his shoes and jacket and refilled his pockets. The guard pointed him to the other door, into the prison grounds, and up the long walk toward the inner gate. Ahead he saw a five-story gun tower, which looked like traffic control at a small town airport, just past the nine-foot chain link fence.

At the end of the walk, at the gate, was a small booth, a sign-in sheet and another metal detector. A guard took Gideon’s papers and examined them against the list on his clipboard. Gideon emptied his pockets again,

put his watch and glasses into another old wooden box, and stepped through the second metal detector. This time, after it pinged, the guard just ran a hand-held detector along Gideon's body, satisfying himself that the beeps came only from Gideon's belt and ring. He stamped the back of Gideon's hand with yellow ultraviolet-light-sensitive ink.

The guard pointed Gideon toward the visitors' building, and Gideon crossed a small road bordered by well-tended grass next to the gun tower. He stood quietly before a door made of iron bars covered on each side with plexiglass. Abruptly, the door rumbled along its track to the right, and Gideon stepped into a small entryway. The door rumbled shut behind him, and Gideon found himself in a kind of visitors' air lock, with a similar door on a track in front of him. The sallyport.

To his left was a glass window into another guard's station. The window had a small opening along the bottom—like the ticket booth at the movies—for visitors to present their papers. The guard inspected Gideon's pass, compared Gideon to his driver's license photo, and held onto the papers.

"You'll be in cell number 4, Mr. Roth," the guard said with easy courtesy, for which Gideon was grateful. "Mr. Jackson will be down in a few minutes." The guard pressed a button, and the inner gate clanged open. Gideon walked through, and the gate closed behind him.

Twelve visitors cells were grouped together, six on each side, with a corridor running between them wide enough for two people. Each visiting cell was a small cage of metal bars, with plexiglass sheets affixed to both sides of the bars, so you could see into all of the cells from any side, but discussions could be private. While he waited for Jackson, Gideon bought cans of soda and juice, a cup of hot tea, and candy bars from the vending machine area outside the group of cells.

Visitor cell number 4 had an outside window with a view of the north bay and the Richmond – San Rafael Bridge. Gideon rested a hand on the many-times-painted-over window ledge and looked out. It had the aged feeling of his high school in the Bronx. Then he turned from the window and saw Kareem Jackson for the first time.

In years to come, Gideon must have been asked a hundred times whether he had met the condemned prisoner he represented. He had

thought it peculiar anyone would imagine that Gideon could represent someone for a decade or more without meeting him. He realized, finally, that they were titillated by the same concerns that had, unarticulated, pre-occupied Gideon before his first visit: whether this was like meeting with a monster—or with a dead man.

Kareem Jackson was a disappointingly ordinary looking black man of average height, perhaps a couple of inches shorter than Gideon's six feet, in his early twenties, with muscular arms and chest. He was looking down, and the top of his shaven, slightly beaten-up looking skull, shiny and very black, was prominent. His face was broad and his nose flat, and his jaw was square and solid. There were small scars near his eyes on one side. But his mouth was immobile, and a lack of expression robbed his face of any presence. His eyes, remote, flickered up toward Gideon for a moment.

Two enormous guards stood at Jackson's sides, men much larger than Jackson or Gideon, and he shambled because his steps were constricted by leg irons. His hands were cuffed behind his back, and the guards held his upper arms lightly. Gideon had no feeling that Jackson was a menacing person, but the two guards were clearly in control of him.

Gideon said "Hello," then fell silent. He was suddenly aware that ordinary social conventions could not apply here. For Gideon to introduce himself while Jackson was chained and handcuffed, while his jailors handled him like an object, was to become complicit in the definition of Kareem Jackson as something less than a person. Jackson may have been the perpetrator of horrible crimes. But he was still not an object. Gideon knew he must merely stand, he must say nothing until Jackson was unbound, and they were alone together.

Jackson stepped into the cell. A guard slid the heavy barred door closed with a clang, placed a massive padlock into the hasp, and snapped it shut.

The door had an opening to allow the guards to unlock an inmate's handcuffs after he had been secured with his visitor. The opening was about twelve inches wide and six inches high, and was covered by a metal flap with its own hasp and its own heavy padlock. The guard unhooked that padlock and dropped the flap. Jackson backed up and put his cuffed hands to the opening. The guard reached in, unlocked and re-

moved Kareem Jackson's handcuffs, and closed and padlocked the flap. He and the other guard departed. Jackson and Gideon were locked in together.

Jackson's leg irons were still on, but that didn't matter in this small space. Gideon and Jackson looked at each other. Gideon reached out his hand, and Jackson took it weakly.

"I'm Gideon Roth. I'm the lawyer the court appointed to represent you in your appeals. Call me Gideon. How are you doing?"

"Fine." Jackson spoke slowly, in a low voice. "I'm doin' just fine."

Gideon gestured to the sodas and the candy, as they sat down. "I wasn't sure what you might want to eat or drink."

"That's fine."

Gideon had prepared some chatter to keep things going until they could become more comfortable with each other. He hoped he had enough. Jackson looked at Gideon.

"I haven't received the record of the trial yet," Gideon said, "so I don't know all that much about the case or the trial, and I'm not in a position to talk to you right now about what kinds of issues we might be able to raise to challenge your conviction or the death sentence. But I thought it would be a good idea if we got together for a bit anyway. How are things going here?"

"No one's hassling me."

"How long have you been here?"

"Bout a month. Right after the judge sentenced me, they rush me here. Didn't have no chance to get my goods out of my cell in county jail."

"That's too bad." Gideon thought quickly about whether he should say he'd look into it, decided this was one of those things he probably could do nothing about. He let some silence accumulate, waiting to see whether Jackson would fill it. He didn't.

"I'll tell you about myself. I've been a lawyer for ten years. I've done quite a few appeals in federal and state court, though this is the first death penalty case I've had. I'll be pulling together a team of lawyers from my firm to work on your case. We're a fair sized firm, about a hundred lawyers, and some very good people are going to be fighting for you. There's

a resource center called the California Capital Project we're also going to be working with—"

He could see Jackson's eyes drifting off. What did "resource center" mean to Jackson? Gideon was losing connection with him, but wasn't sure what to do, so he rattled on.

"—they're really experts in death penalty law, and they'll be working with us, to help us spot all the issues."

Okay, start again. I'm being too abstract.

"Anyway. What can I tell you? Do you have any questions for me about all this, about what's going to happen?"

"How long is it gonna take?"

Gideon had been told this was one of the questions they always asked.

"Well, it's hard to say, depends on a lot of things, but I'll try to give you an idea. First thing, the record has to be certified and corrected. That means that the court reporter and the clerk in the trial court, the court where you were tried, are going to write up the transcript of what everyone said during the trial . . ."

Gideon explained what that was about, and started drawing a time line on his pad as he spoke, making the time and the process visible by drawing a vertical line next to the word "record," writing "6 - 9 mos" next to the line. He went on to talk about the perhaps-200-pages-long appeal brief ("1 yr," "Brief").

Gideon extended the line and jotted down more numbers as he described what was going to happen. Was Jackson following all this? He seemed to be trying hard to understand.

"That all adds up to, let's see, around four, four and half years. Might be less, could easily be more.

"What happens next depends on what they decide. Things can go different ways. There are different possible branches. If they reversed both your death penalty and your murder conviction, you would be entitled to a new trial on everything.

"If they said the murder conviction, for first degree murder, was right, but they overturned the death penalty, the state could decide whether to have a new trial, a new trial just on whether or not you should get the

death penalty. Maybe we would negotiate with them over whether we would agree not to appeal the conviction further if they agreed not to pursue the death penalty.”

“I’m not going to make any deal,” Jackson said. “I’m not gonna spend the rest of my life here.”

“Well, obviously, we’re going to fight as hard as we can for you. At this point, I don’t even know what the issues are going to be, and I just don’t have any idea at all what our chances are.”

“My chances, not your chances. You’re not the one they’re going to strap into the chair in the gas chamber. After I’m dead, you’ll be heading out for a weekend in Vegas on the money you get for defending me. . .”