

## 62. The Slap

When it comes to physical objects, family heirlooms, for example, they come with memories and sometimes stories attached. As they are passed from one generation to the other, the handlers can effortlessly add their embellishments, shaping the past into an understandable journey into a present that logically, it seems, leads to a future. Family photographs and portraits offer the same promise, and when connected to ancestry charts, provide some comfort for those who are convinced that, because there is a structured past, it must lead to a structured future. That future, however, cannot be known until it has passed.

I begin this case in this silly philosophical manner—I am after all a student of philosophy—because I have had to rely on the recollections of Colmes concerning the entire case because it occurred well before I joined him as his research assistant. A number of the other cases I have described relied somewhat on Colmes’s recollections, although they were, mostly, cases in which I may have been tangentially involved. Furthermore, this case is of considerable interest because, as far as I can establish, it was the first case that Colmes “solved” (a bit of an exaggeration), but certainly one that led him into the permanent role of problem solver for the university.

The case occurred in the 1970s in a class that Finneas O’Brien was teaching. He was then a professor who had been acting Dean of the School of Criminal Justice, and was about to be made permanent. A decade after that, he would become the President of Schumaker university. This was also in the era when the School of Criminal Justice was establishing itself as the top criminal justice program in America (there were only two or three others to compete with), and prided itself as the pioneer that actually invented the entire academic discipline of criminal justice. It was not a leader in its field. It *was* the field. At least that is how Finneas O’Brien portrayed it, and there was little of no opposition to this brazen self-promotion both of the School, and himself, being especially new to academia, who had never written a dissertation. (Okay, no snide remarks, that maybe

there's hope for me yet).

One of the interesting outcomes of this self-portrayal of the School was that it excitedly embraced all things new, not so much in criminal justice since the school was the icon of new-ness. Rather, it looked farther afield for ideas and research that could be imported into this new field, and those ideas naturally came from its academic siblings, the social sciences. One of those ideas, or rather fads we might call them now, was a new way of teaching, probably based on the popularity of Rogerian therapy whose single principle of therapeutic technique was to repeat as a kind of question exactly what the patient said. So if a patient said, "I have a terrible headache," the therapist would respond, "terrible headache?" and so on.

The new way of classroom teaching was called a T-Group. It went one step further than Rogerian therapy. The whole idea was to empower students to talk. The teacher was simply one might say, a "sounding board."

Now those of you who are or have been teachers or have worked with or within groups in various capacities will find this quite surprising. Imagine going into a class—a graduate class, with bright students, the professor famous in his own right, in which the professor sits down with the group of around a dozen—and starts the class without saying anything. Not even telling them "this is a T-group Class" or "This is a T-group class, and it's up to you to speak, not the professor."

Those of you have ever taught a class no matter at what level, would know that one must prepare for a class. Many teachers are very conscientious and have reams of notes and class lessons planned. Others wing it a little, but there is always some kind of syllabus or description of what topics the class will cover. Such preparations were dismissed by the proponents of T-groups on the grounds that they unnecessarily interfered with the initiative of the students. They argued that the whole goal of teaching was to get students to think for themselves, regardless of what the subject matter was.

I should also add that, to the extent Colmes described it, there was quite a lot of sniggering and criticism of O'Brien for teaching this class. This was because his fellow faculty came, with the occasional exception, from the criminal justice world, and therefore held a low opinion of anything that sniffed like

hand holding. According to Colmes, the rest of the faculty thought that the new teaching method came from O'Brien's academic background which was a masters degree in social work. Forget about the fact that he had run Sing Sing prison for a decade! Social workers were hand-holders and hand-wringers. And that was what T-Groups were all about.

Events would show that it was not quite like that.

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Those who have been or are teachers would know that you can walk into a classroom and within a few minutes or less, get a feeling for the atmosphere of a class. The atmosphere is essentially set by the teacher who is the acknowledged expert. That is, in academia especially, it is the professor who is assumed to contain the reservoir of knowledge, the students the sponges that are supposed to absorb it. There are certain signs and signals that one can depend upon; in fact, often these signs impart the atmosphere of the entire university.

The classic sign is the presence of a mini rostrum, an immovable lectern upon which the professors place their lecture notes, room behind it so that the professor may walk back and forth and around the rostrum, keeping a safe distance from the audience that, in its most developed form, appears like a theater. Indeed, many universities call them theaters. Which they are, of course, inviting the lecturer to play the part of expert, entertainer (to hold the students' attention) and messenger of the truth. If this sounds a little like going to church, this is no accident. The majority of modern universities have their roots in ancient religious orders, monks of a variety of religions, cloistered away, nestling with the knowledge that they believe to be the truth. Protecting it from the masses, imparting it only to the chosen.

In a complex way, the same system dominates universities. Certain examinations and accomplishments are required by all universities for entry (unless they are completely open, a system experimented with on occasion but usually abandoned as unrealistic). In the 1970s it was totally and completely impossible to accept the assertion by the generation of students of the Vietnam War era that chimed "never trust anyone over thirty." There were very few professors in the 1970s, at least full professors, who were under 30.

But unlike the direct attacks on authority of the Vietnam

War protests, the more insidious attack came in the form of a viral infection that quietly entered universities under a number of guises. The T-group was one such virus, spreading the doubtful ideas of the progressive psychiatrists of the time, translated into the classroom by teachers who perhaps had become disillusioned by the unrealistic expectations of their students. After all, professors were expected not only to produce new knowledge, but to impart old knowledge to an audience whose motto was “out with the old.”

I relate all of this just as Colmes told it to me. Today I have the advantage of hindsight and can write up the case dispassionately, at least I hope so. I can tell you that when Colmes was telling me all this he was quite excited, for him that is. I wanted to ask him whether he was involved in the Vietnam War, but I could never get up the courage to ask. I hoped that one day he would open up to me. In fact, much of his past is just as much a mystery to me, as it is to his opponents in the university of whom there are many, as I have at various times noted in the cases.

So now, imagine yourself in a classroom that is small with about thirty chairs set up in rows, arranged with the expectation that the professor will stand at the lectern out front, backed by a blackboard that runs the full length of the classroom. It is there that the professors will write the most important points they make as they lecture. If the professor is a stickler for time and the quantification of knowledge, they will disallow any questions during the lecture and only, if pressed, allow questions at the small amount of time saved at the end of the lecture. After the lecture they may or may not allow students to come up to the lectern with questions.

On this day, the third meeting of the class, the students trickled in. The last two meetings were disbanded after fifteen to twenty minutes of silence in which no student spoke. The students entered the classroom sauntering to-and-fro choosing a chair and then trying to set it up where a circle of chairs will be arranged. At last a more assertive student enters and takes charge of setting up the twelve chairs in a circle. O'Brien always comes at least five minutes late, thus forcing the students to arrange themselves without his having to assert his authority. He enters the classroom and finds that the students have set up the chairs

and seated themselves leaving one chair empty, obviously for him, thus acknowledging his place of authority at the “head” of the designated circle.

O’Brien limps in, leaning heavily on his walking stick, walks into the center of the circle—a mistake, or seeming so because it made him the sole focus of attention. Authority was very hard to get rid of! He glances around the circle of students, goes to the empty chair and with some difficulty lifts it up and takes it across to the other side of the circle and tries to push it in. The students of course, make room and there is a loud clatter and echoing dings as the metal legs of the chairs scrape on each other and on the linoleum covered floor. He hangs his walking stick over the back of his chair and there he sits, expressionless, though his intense gray eyes scan the circle of students.

Silence.

Not even a giggle as there were in the last two sessions.

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All of the above is how Colmes described it to me. Then, as if to emphasize the event, Colmes actually jumped up out of his chair and started walking back and forth telling me what happened next, throwing his long arms around as if he were announcing the winner of a wrestling match. I was on the edge of my wicker chair, just as excited as was he. But then he stopped, with a mischievous gleam in his eyes, and stood in front of me, his hands on his hips looking down.

“Now those twelve students,” he said, “they were a moribund lot. Pathetic! That’s how Finneas described them.”

“Before or after this supposedly memorable event?” I asked having trouble to hide my sarcasm.

“Before, Hobson, of course before!” said Colmes loudly. “And he told me there was only one that looked like she had any go in her, but even she never said anything.”

I was about to ask him who that might be, but he suddenly began walking to-and-fro again.

“You know, Hobson, they all said he brought it on himself,” Colmes cried with a frown. “It was nothing of the sort. Nothing of the sort!” Colmes gesticulated. I thought I even detected a little sweat on his forehead.

“Colmes! Calm down. What’s got into you?” I said in my most brotherly voice.

“So they called me in,” said Colmes, still walking back and forth.

“What for, Colmes? You still haven’t told me what happened. The event, Colmes. The event!” Now I was getting worked up.

Colmes stopped right in front of my wicker chair, leaned down and said right in my face, “she slapped him!” He raised his right hand and swung at to my face, stopping so that I received just a little tap.

I recoiled in horror. For a moment I thought—how could I have thought?— that he had slapped me over the face.

“Yes, Hobson, you have experienced the terrible event. After some twenty minutes of silence, and by the way Finneas had told me that this time he had resolved to sit there the whole three hours if he had to until a student talked.

Then a young woman somewhat older than the other students stood up noisily from her chair walked purposefully across to him from the opposite side of the circle of students, raised her hand and gave him a hard, sharp slap over the face, so hard it knocked off his glasses, he almost fell off the chair, and his walking stick flew off the back of the chair and fell to the floor with a clatter.”

“Good god!,” I exclaimed.

“And that’s not all,” continued Colmes more quietly and measured.

“She dropped her knitting when she hit him.”

“Oh no!” I gasped. “Rose! It was Rose the elder!”

“Indeed, indeed,” nodded Colmes as he went back to sit at his desk. “But that’s not the end of it,” continued Colmes, “it’s more like the beginning of it.” Colmes stopped, waiting for my predictable question.

“Really? Then what happened next? Certainly so far I am puzzled how you came to be involved,” I politely asked.

“Mind you,” warned Colmes, “I surely don’t have to remind you that I have put together this description of the event from talking to the students who were in the classroom when it all went down.”

“Go on, Colmes! Damn you!” I nagged. “Next, what happened next?”

“There is some disagreement about what happened next,

both from the rest of the students who were there, and from Rose and O'Brien. Anyway, the outcome was that Rose's face collided with O'Brien's walking stick as it flew off the back of the chair and ended up with a broken nose. The campus ambulance was called, and well, you have seen the rest. She ended up with a bit of a beak nose. The bone was smashed in several places. She had some sort of calcium deficiency that weakened the bones in her face, especially her nose."

"And she sued?" I guessed.

"Not quite!" answered Colmes teasing me no doubt.

"Colmes come on! Tell me the whole damn story," I pleaded.

"Finneas claims that he grabbed at the walking stick to steady himself and save him falling off the chair and on to the floor," said Colmes sitting back in his chair. "And Rose claimed that he wasn't trying to steady himself, that he clearly grabbed the walking stick and swung it directly at her face. It was certainly a terrible blow, according to Rose and some of the other students."

"So I can understand Rose thinking that O'Brien did it on purpose. What about the students?" I asked.

"As one would expect," answered Colmes. "Those dressed as males believed O'Brien's version. Those dressed as females agreed with Rose."

"If they thought he did it on purpose, did they call the cops?" I persisted.

"One of them called the campus police, who then called the campus ambulance. The medics came instantly, loaded Rose into the ambulance and took her off to the hospital, which is where I first met her," answered Colmes, a slight wistfulness in his voice.

I regretted pressing him so hard. I had not fully appreciated how much Rose meant to him, and she had passed away quietly a couple of years before Colmes told me of this case.

"Rose called you, to get advice on seeing O'Brien?" I persisted.

"Not at all. It was my old friend Finneas who called me in to manage the case and save all from embarrassment."

"You mean, just out of the blue? You were then one of the regular teaching faculty?" I asked a little astonished.

"Good god no!" exclaimed Colmes. "I thought you knew

that we became friends when he was warden of Sing Sing. I helped him deal with a lot of very nasty cases of crime and violence in and out of the prison.

“So, because it looked like a case of violence, the first person he thought of was you?” I asked with an approving voice.

“Probably,” mused Colmes, “probably.”

Colmes stood up from his desk and started to walk around the room again. I could tell that he was irritated, that maybe he regretted describing this case to me.

“We can stop there if you want,” I said to Colmes, putting aside my laptop. He ran his hand through his thinning hair, and was about to continue, I think, when Rose the younger appeared at doorway two with afternoon tea.

“It sounded like you needed this,” she said with a most endearing smile.

“My dear Rose,” said Colmes as a father would to a daughter, “indeed we do.” His Irish eyes twinkled a little, though his entire demeanor was quite subdued, even sad, I thought.

“Would you mind if I joined you?” asked Rose, putting down the tray in front of Colmes, and producing her knitting from her hair bundled on top of her head. “I have heard most of what you have been telling Hobson. Perhaps it has something to do with why I am here?” she asked mischievously.

“Here, take my wicker chair, and I will sit in the corner where I belong,” I said half-jokingly.

“Now, now Hobson. No whining...” scolded Colmes.

I was about to answer, “I’m not whining,” and fall into the trap of behaving like a pouting child, but stopped myself just in time.

Rose took her seat on my wicker chair, we all poured our tea from the floral teapot and our cups clinked on their saucers.

Colmes folded his arms, a sign some say, of defensiveness.

“Come on Colmes,” I said showing off to Rose, “out with it. How were you involved, how did it become one of your favorite cases?”

Colmes looked across to Rose, I have to say, a kind of prideful glow in those Irish eyes. I looked at Rose and decided that she also had those gray Irish eyes, did she not? Why was it that I was only now noticing this obvious detail after having talked and worked with Rose the younger for quite some time. I



tried to remember the color of Rose the elder's eyes, but admittedly I could not. Then I realized that it was difficult to make out the color of Rose the elder's eyes because she applied considerable powder and makeup to cover over her wrinkled face, and her cheeks were permanently swollen as though she had been hit hard in the nose and face by a football. I wondered whether this may have anything to do with O'Brien's walking stick.

Colmes leaned forward and continued his story. "According to Finneas and some other students who were willing to speak to me in private, Rose, after slapping Finneas hard over the face, was still inexplicably angry, and lunged at the walking stick. Finneas made a grab for it, but he was hampered without his glasses. His open hand grabbed instead a handful of Rose's breast, she screamed and pushed it away, and Finneas lost his balance, gripped her woolen skirt or dress or whatever it was, and pulled her down with him, she hitting her nose on the metal chair leg, the two of them ending up on the floor, Finneas half on top of her, his left hand still gripping her breast, his knee bent up in between her legs."

Now I could see where this was leading. Colmes coughed a little to clear his throat, and took a sip of his cup of tea.

"My poor old mom," cried Rose.

"She wasn't so old then," smiled Colmes and continued his story. "As it happened, I was a volunteer medic for the campus health service and I heard the call come in, but it was not my turn on ambulance duty, so I didn't think much of it. Soon after that, I received a call from Finneas asking me if I had heard anything. I asked, 'like what?' and he told me of the accident...."

Colmes stopped again, and took another sip of his tea. And then continued. "Finneas asked me to go to the hospital and make sure Rose was okay. She was a recent immigrant from Russia and probably had no one to look out for her. She was a bit older than the rest of the students so probably had no close friends."

"That was nice of him," said Rose with a sweet smile, as Colmes continued.

"I did as he requested and found Rose stuck in a cubicle in the emergency department of the hospital. She was in a kind of delirium, maybe caused by the drugs the medics gave her in the ambulance. Unfortunately, she was calling out in her loud

Russian accented voice that she had been raped. She tried to get up from the bed but fell back. Her face was barely visible under the bandages, now stained with blood, wound around her head to cover her nose, which, as it turned out was broken into many pieces. Naturally, when the medics heard the cry of rape, they rushed into the cubicle, pulling back the curtain that separated it from the rest of the emergency department. ‘O’Brien! That piece of shit! He tried to rape me!’ she cried.”

“Oh my God!” cried Rose the younger.

“The medic who entered was soon joined by the campus cop, Larry Cordner. You know him, of course, Hobson,” said Colmes.

“Indeed I do,” I replied.

“Fortunately, well, for this particular case I mean, in those days there was no such thing as a ‘rape kit’ or any set procedure for recording the complaints or accusations of rape by alleged victims. And, Rose was holding her crotch and calling out Rape! Rape! I looked at Cordner and told him that as far as I knew, there had been an accident in her class, that she had in fact attacked the professor completely out of the blue, they had both fallen down on to the floor and she banged her nose on the metal leg of the chair. There were twelve students in the class at the time, two of whom had informed me of the accident. This last part, of course was a lie, but I trusted Finneas’s account that it would be accurate.”

“And my mom? What did she do next? Or more accurately, what did you bastards do to her next?” asked Rose, knitting furiously.

“The medic gave her an injection that calmed her down, and as she dozed off she asked for her knitting. And it was at that point that I knew she was going to be okay,” answered Colmes.

“And that’s it?” I asked.

“Pretty much. After she dropped out of consciousness, the medic gave her a quick examination— Cordner and I turned our backs of course—and concluded that there was no evidence of rape. However, the accusation of rape was almost as bad as the real thing, against a person like Finneas, upwardly mobile as he was. So I stayed by Rose, and eventually convinced her that no good would become of publicizing this accusation, that it was made during a period of delirium. Cordner informed the medic

that he would take all necessary steps to investigate the rape charge, thus relieving the medic of any responsibility for the accusation. After all, Cordner was the police. And that was it.”

“You mean the medic examined her while she was out to it? Without her permission?” asked Rose the younger with a gasp of disbelief.

“Things have changed,” muttered Colmes.

Rose and I looked expectantly at Colmes. “Perhaps there is a little more you could tell us, Colmes? Especially for Rose here. It was her mum after all...” I immediately regretted my condescending manner.

“My word, Hobson, you are becoming quite offensive. I hope this is not an indication of what you will be like after I’m gone,” said Colmes, with the tiny hint of a smile.

“What? You’re not...” I stuttered.

“Of course not. My dear Hobson, you do take things much too seriously,” said Colmes as he smiled a bigger smile and looked directly at Rose, who looked up from her knitting and returned her much sweeter smile.

Colmes continued. “As I know you both must have observed, I was much attracted to Rose. She was admitted into the hospital and they did extensive surgery to repair her nose that was broken in many places. I stayed with her night and day, read Tolstoy to her—his *Confessions* she liked very much, though I don’t much care for them myself—then took her home here, in my office-come-home, which was built out of the generosity of my dear friend Finneas in appreciation of my having saved him from the dishonor that probably would have destroyed his chances of becoming president.”

“So you really are my Dad,” muttered Rose as she put down her knitting, the needles in her hair, and began gathering up the cups and saucers. And as she leaned over to take Colmes’s cup, he gently took her hand and pulled her to him, then kissed her lightly and gently on her cheek.

“Indeed, indeed,” he said.

