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## Larry Beinhart

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#### TO MITCHELL WOOD & VALERIE KOOYKER

Now that I can stand on my own two feet again and am alive, it seems faraway and melodramatic to say thank you for keeping me alive, and I could not have made it without you. But that does seem to have been the case, so thank you for that and this book as well.

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#### **ATTICA**

For the Defense: Paul Dean Whitney, Harvard 1940, number three in his class and Law Review. Assisted by Paul C. Chillgren III, Harvard '49, number five, Law Review; and Andrew Lande Depue, Yale '73, number seven, Law Review. As strong and classy a defense as any guy could ask for.

The team from the Manhattan D.A.'s office, the world's most prestigious place to public prosecute, was headed by Franco DeMattresse (Columbia '69, number fourteen), backed by Leonard Ginsberg (N.Y.U.'79, number four, Law Review) and Roosevelt Long (N.Y.U.'82, number twenty-seven). What they lacked in class and connections, they made up for in raw aggressiveness.

On the bench: His Honor Paul Stewart McCarthy, Brooklyn Law School. Night.

The client was clearly guilty. But the court world reflects the real world through doubled lenses that concentrate and distort with equal intensity. The rules of society, faults in the fate line, random events, skill and incompetence, precedent and the sins of omission all collide with anxious irrationality to produce nothing consistent. There was no reason, therefore, to expect or predict a verdict of guilty.

In spite of that, the verdict was "Guilty."
His Honor P. S. McCarthy pronounced sentence: "Three to five. Attica."

The entire defense team went into a state of shock even deeper than that day in 1957 when the first Jew had been admitted to the firm of Whitney, Whitney, Stanley and White. You could have heard a pin-stripe drop.

The prosecutors with their street smarts, wise-guy ways and ugly urban accents, already elated over victory, were shocked. Even the courthouse spectators, aficionados of aberration, were shocked.

But most deeply shocked of all was the defendant.

Attica. A nightmare. Attica. Why not say hell? Why not say Auschwitz? He was sixty. Was that old enough to save his pale white ass from rape? Big black street-fighting bodies were going to slam his office-pale, office-soft body against tiled walls in naked showers. Big fat fists. Heavy feet. Vindictive laughter as they bent him over to violate him and make him vile. Giggling and guffawing with the Joy of Destruction (fifth sequel to Joy of Sex, sixteen weeks N. Y. Times best-seller list). Attica. Nightmare. Bedspring knives in the hands of P.R. punks. "Gimme yo' cig'rettes, gimme yo' money. I pop yo' eyeballs, pop."

This was a white-collar crime. First offense. This was a lawyer. Upper-middle-class, middle-aged attorneys do not go to Attica. Did John Mitchell go to Attica? Dean? Haldeman? Erlichman? Attica was for the animals. The judge, he crazy, putting the pigeon in the cat cage. The Jungle Bunnies gonna eat him alive. Tear him up. Suck his blood. Then pluck his feathers, just for the fun of it.

"At-ti-ca! At-ti-ca! At-ti-ca!"

"Never. No. I'm not going to go!" the defendant yelled. He looked over at his former partners, they who had instigated this barbarity. "I'll get you all for this. I'll take you down, and that cock-sucker Charlie too!"

His Honor P. S. McCarthy banged his gavel. The defense

**Attica** 3

restrained the defendant. When the court quieted, the judge continued to expound, as is the judge's privilege and duty, on the ratiocination that had led him to this particular judgment. His logic was clear and precise. His reasoning was cogent and comprehensible. That too was unusual.

His Honor said: "I send guys up the river for stealing a fifteen-dollar radio. This guy stole eight million dollars. He's going to Attica."

The defendant's mind was screaming with rage and fear. The defendant Edgar Wood (an Ellis Island variant on Woiczkowsky) had been the attorney for Over & East, Inc.,

the giant conglomerate nicknamed "Takeover & Eat" on Wall Street.

The chairman of the board was Charles Goreman. This inspired more nicknames, for preppies thrive on nicknames, and every Wall Streeter is a prep school boy, none more so than the alumni of DeWitt Clinton in the Bronx or Franklin Roosevelt High in Detroit. Thus: "Gore & Glory: The Takeover Trail of Over & East,"1"Takeover & Eat, Still The Same Old Gory,"2 "Charles Blood & Gore' Goreman-Swashbuckling King of Speculators,"3 "Mergers & Manipulations-The Whole Gory Story,"4 "Captain Gore-The Last Pirate," "Gore Among the Bluebloods: A Social Takeover in the East."6

The world sucked Wood down, and the hand that should have saved him, the hand of Charles Goreman, did not reach out. They had been together since before the beginning. Wood was Goreman's personal attorney, as well as counsel to Over & East. He was on the board. He was on the boards of several subsidiaries. Together they had built an empire. Together, like Don Quixote and Sancho Panza, like Roy Rogers and Trigger, like Sergeant Preston and his lead dog King, like the Lone Ranger and Tonto. Now the white man had come for Tonto, and the Lone Ranger said, "It's every Indian for himself. Got it, Tonto?"

Fortune: S. 17 '73. 4Barrons: Jn. 6 '77. <sup>2</sup>Forbes: Ja. 8 '79. People: F. 17 '79. 3Wall St. Jrnl.: 11/6/75. 6Women's Wear Daily: 3/5/81. Wood saw, as in a vision, like a man going down for the third time, the road to salvation. The paving stones of the path were carved from vengeance, which made it sweeter still.

"Call the SEC," Wood told Whitney.

"What?"

"The SEC," Wood repeated. "Tell them I'm ready to deal. Tell them to keep me out of Attica and I will tell them everything that I and 'Gory' Charlie the Goreman did to turn Over & East into Takeover and Eat."

"Edgar, we have not exhausted by any means our normal, legal options." Whitney was somewhat patronizing. Patronization is an attorney-client privilege. "We can appeal both the sentence and the verdict."

"Listen to me, Whitney." Wood spoke like a man whose balls were being shaved by a burred blade. "Do it my way. The SEC has been after our ass for years."

"Listen to me," patronizing and patient, Whitney went on, "this is New York State Criminal Court. The key words are Criminal and State. The Security and Exchange Commission is not a judicial agency; it is a regulatory body of the federal government."

"No. You listen. We're going my way."

"I know you're upset; you're shocked by the verdict and even more by this obscene and unprecedented sentence. You are an excellent attorney, Edgar, but you are not a criminal attorney. We are. That's why you hired us. And we will go into Appeals Court with both guns blazing and we will knock the heck out of this business. Just you wait and see."

The bile churned upward like oil in a cracking plant; his blood pounded with neon Broadway rhythms: "At-ti-ca! Revenge! At-ti-ca! Revenge! At-ti-ca!"

"Whitney, go suck your own ivy-league, blue-blooded dick."

"What!" said Whitney. Only colored defendants and fellow Groton alumnae ever spoke to him like that. Even then, only if they had graduated in the same class and said it with a smile.

"This is what you are going to do. You will call the SEC. You will tell the SEC that I will testify to every dirty deed, every back-door deal. I will show them where the bodies are buried and the closets to open to find the skeletons. They will be delirious with joy. The first SEC investigation of Over & East was in '63. I stopped them. They've come back at us almost every goddamn year since, and every goddamn time I stopped them. Believe me, Whitney, bet your D.A.R. membership on it, those boys are going to sit up and beg."
"You're upset, Edgar. You don't really mean this."

"You can also tell them that I will give them, as a special bonus, Charlie 'Gory' Goreman on a big silver platter. With an apple in his mouth and subpoenas up the ass.'

"Edgar, take a couple of days to think about this. We have

a lot of alternatives. Believe me, I can get you out of this. At

least keep you out of Attica."
"Yes, you probably can . . ." Wood was almost dreamy now; his mind had come through a climax; he was post-orgasmic and his words came floating to Whitney, "... yes, you probably can. But it won't hurt Charlie at the same time . . . that's the beauty of my way. Don't you see the beauty of it?"

"There is no rush on this. I'm sure the judge will grant a continuance of bail while we appeal. . . ." Whitney regarded Wood critically while he spoke. His client looked calm and something close to content. Whitney wondered if he'd gone over the edge, and, if so, how long it would be before he returned.

"Not necessary," Wood's voice floated. "Call them after lunch, and they'll be on the two-thirty shuttle, plenty of time before the court closes. They will say: 'Please, please, Your Honor, this man is oh so very important to us. Please let him come and visit our Nation's Capital instead of that awful place upstate. We would like him to come and chat for a year or two or three."

"I'm not sure," said Whitney like a Cardinal gently chiding a subtle heresy, "that the SEC is qualified to plead as amicus curae in New York Criminal Court."

"Paul, my boy . . ." And hearing his Christian name Whitney understood it was irrevocable. When a patient calls his doctor by his first name, or the defendant the attorney, it means the dependent has taken his destiny out of the hands of those gods and into his own. ". . . do what I say. It's simpler than dismissing you and finding other counsel just to make one call."

Paul Dean Whitney was upset. He hated it when a client made decisions. Hated it even more than riding the subway. He was so upset that he began to search his pockets for change before he realized that Washington would be a credit-card call.

### **SQUASH**

Charles "Chip" Forte Riggins, a Yalie from his sideburnless cheeks to his Pumas with custom insoles and back to his square jaw, was born to sail, play squash and work for a Wall Street law firm. All of which he did. He was a young associate at Choate, Winkler, Higgiston, Hahn & Moore, all of whose names are on the masthead with "d'csd" next to them. You know you're in the presence of real class when every single name in the name is dead. It means the firm itself is so revered that the mention of a living attorney can only demean it.

No one has ever come to any firm conclusion about what I was born to do. I started playing squash because it was free. A friend at N.Y.U. taught me the game and fixed me up with a fake ID card. By the time he was thrown off the faculty, for reasons he never coherently explained, and my free-play days were gone, I was strung out on the game.

It always gave me a special glow and left Chip feeling disoriented when I beat him.

I beat him and he left his clothes in a sullen heap in the

locker room and went into the steam room wearing only a huff.

"What kind of cases do you really handle?" he asked me. He spoke without looking in my direction in case his eyes

should accidentally drift to my genitalia.

"Anything that pays." I thought for a moment, remembered that he worked for all deceased people and tripled my fee. "Seven hundred fifty dollars a day, for my time, plus costs which can include additional people, which I mark up. No OT on my own time, but any day that runs longer than fourteen hours, I charge two days."

"Your rate is not a problem," he said, being very serious.
"I want to know what sort of work you do."

He wanted to play "Say the secret word and you win a duck." There was an answer he wanted to a question I didn't know, and the reward would be a job, which I needed. I hate

the game.

"We're squash buddies," I said. "Nobody can be truer and more steadfast than squash buddies. If you were married I would say you want me to prove that your wife does awful things with small animals so you won't have to pay alimony. But you're not married. I don't think it's you that's in trouble, because I don't think you know how. So. Let us cut the crap; tell me what the problem is and I'll tell you if I can help."
"It's not for me. It's for . . . let's say a client. But I don't

want to waste your time if it's not in your line."

"Of course it's for a client. You're an attorney, Chip, remember."

"Yeah. Look . . . uh hah . . . I don't know how to say this. You're not the smoothest guy in the world. I mean I don't mind. That kind of thing doesn't matter to me. And if you're the right guy, it won't matter to . . . them. So I'm just trying to save everybody time and embarrassment."

"What the hell. I don't need your insults. I don't need

your job. You're lucky to get me."

"Then how come," he said, "I've had to pay for the court the last two weeks?"

You can't fool a squash buddy. Even when your touch on

the drop shot is picture perfect, he knows when you're broke. And the s.o.b. still wanted to play "Say the secret word."

"Awright, you wanna know. My work could be characterized as tough-guy eclectic. I chase bail skips. I discover disreputable dirt for divorces. I track down white-collared corporate crooks . . ."

I saw his eyebrow twitch. It was practically a clue. I was very, very close to the secret word.

"... some of my best cases have been beating the embezzler before he beats it to Brazil. I've done some very quiet stuff for politicians. I offer discretion, loyalty, superior intelligence and half a law degree."

"Half a law degree?"

"Yeah," I said, "I'm a law-school dropout. That has all the utility of being a beauty-school dropout, except I still can't do my own nails."

"Where," I knew he would ask, "did you go?"

My answer, I also knew, would clinch it. I didn't have the right kind of name, the right style or the right kind of look. But once in my life I had been in the right place.

"Yale," I said.

He sat back and pretended to ponder.

At 7 P.M. the next evening I got out of the subway at Wall Street.

I wore a suit and a rental tie. I had re-shaved at six and trimmed the burns. The woman I lived with had ironed my cleanest shirt. They were gonna love me.

The receptionist sat beneath a large, amorphous and contemporary painting that symbolized, I think, gray. I asked for Mr. Riggins. When I did not have to wait because he was in conference, on a conference call with a client or on long distance, I realized that he was really in a fit.

He looked me over and found me adequate. Not good enough to praise. Not bad enough to complain. So he led me on through the rabbit warren of Associates' territory. A clean undistinguished factory of the mind, still busy as the associates put in unpaid, but highly billed, overtime to prove their