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Symposium: Bruce Springsteen and the American Lawyer: "Meanness in This World"

Garrett Epps
University of Baltimore School of Law, gepps@ubalt.edu

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"MEANNESS IN THIS WORLD"

Garrett Epps*

I. MOST BARBAROUSLY LARGE AND FINAL

Nearly fifty years ago, the Texas novelist Billy Lee Brammer introduced his native state thus: "The country is most barbarously large and final." The words describe Texas; but they also describe the entire region West of the Mississippi. An English immigrant, well acquainted with the East, recently expressed to me her shock at her first coast-to-coast flight: "After you cross the Mississippi, you just look down at miles and miles and miles, and it’s all empty."

My acquaintance can be forgiven for mistaking distance for vacancy. Largeness is the central interpretive problem for Americans confronting the West; as a people, we saw a land of distance and imagined it to be empty. In fact, the West has always been full—not only of the Native people that call it home, but also

* Professor of Law, University of Oregon School of Law. To begin with, I want to thank my old friend, the novelist Kate Horsley, who years ago in her former life as a disk jockey invited me to come backstage with her after a Steelmill concert. I wish I had done it. I thank the editors of the Widener Law Journal and Professor Randy Lee of Widener University School of Law for inviting me to participate in this symposium even though I never met Steelmill. Thanks to my fellow participants, especially Samuel R. Bagenstos, Kenneth Gormley, Samuel J. Levine, Russell Pearce and Abbe Smith. Katherine Fulton, Ann Hubbard, David Ignatius and Rennard Strickland read earlier drafts and offered helpful comments. I thank my children for surviving despite their parents’ clumsiness, and my mother and brothers for loving me even though I am out of town. Finally, I thank my Muse. "Her voice belled forth, and the sunlight bent." WILLIAM STAFFORD, When I Met My Muse, in THE WAY IT IS: NEW AND SELECTED POEMS 222 (1998). Like everything I write, this is for her.

of the strange wildlife and plants that flourish in the difficult conditions there. But if it is neither vacant, nor barbarous, it is, as Brammer says, large and final; beyond that, much of it is fatal. What fills much of the landscape in these parts is bone.

This is as true of my home state, Oregon, as it is of the famous Badlands of South Dakota, the Malpais of New Mexico, or Death Valley in California. Oregon, to those who have not seen it, shimmers in the imagination as a green land of water and growth. Oregon’s forests are legendary (and today exist almost exclusively in legend). Much of the Willamette Valley, where I live, is so fertile that roses grow to the size of cabbages and wild berries flourish at the verge of every vacant lot. But Oregon, a state the size of Italy, supports only 3.5 million people—roughly the population of any two boroughs of New York City. Seen from above, the verdant Oregon is only a tiny island in a sea of desolation that spans three climatic zones: sheer mountain ranges, lava beds, vast expanses of sand dunes and high desert as dangerous and haunting as anything in the Southwest. And in all of it, the danger of the Western dream awaits the unwary migrant.

This essay considers the consequences of that distance and that fatality and asks itself what the music of Bruce Springsteen has to teach those who try to understand the peculiarities of Western life. As my fellow contributors have made clear, Bruce Springsteen’s music offers a uniquely varied set of imaginative views into the minds of "criminals," the people who find themselves enmeshed in the justice system and often cannot escape even with their lives, much less with their dignity. That exercise takes a unique kind of courage for those who have managed to stay on the "good" side of legal norms and institutions and to reap the rewards of being good children. Lawyers have a unique double role in dealing with "criminals," we must ourselves remain compliant and law-abiding; but we must—even to prosecute those criminally accused, much less to defend them—let ourselves feel the pressures and imperatives that have led them to cross the line

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2 See, e.g., Samuel J. Levine, Portraits of Criminals on Bruce Springsteen’s Nebraska: The Enigmatic Criminal, the Sympathetic Criminal, and the Criminal as Brother, 14 WIDENER L.J. 767 (2005); Abbe Smith, The Dignity and Humanity of Bruce Springsteen’s Criminals, 14 WIDENER L.J. 787 (2005).
between "good" and "bad" behavior. As Abbe Smith perceptively notes, Bruce Springsteen generally presents his "criminal" characters simply as people like ourselves who have undergone a traumatic shattering of the bonds that tether most of us to the safe side of the law. Our society is increasingly unwilling to make that imaginative leap—to conceive the "criminal" as a human being like the rest of us. And so, in the spirit of Bruce Springsteen, I will use this essay to explore what, if any, connections there may be between a man who commits an almost literally unimaginable crime—killing his family—and those of us who lived by the law. But to tell the story, I must begin with the place it happened. Oregon is large, final, and very far away.

I have to say at the outset that Oregon, for many who were born here, is an enchanted landscape sanctified by family history and shared mythology and, in human terms, as hospitable as Asbury Park or the streets of Philadelphia. The children of pioneers live here, and many of them have created a community as close and nurturing as anything in the East. But Oregon today is still for many the land at the end of the trail. In 2000, only 46.59 percent of Oregonians were born in Oregon; the national average by state was 59.96 percent.

A century and a half ago, Oregon was a destination for settlers who consciously left behind all ties of birth and family, knowing that they would never again in this life see those they left behind. The settlers reached the promised land by an arduous route that brought them in blistering midsummer along the Snake River in what is now Wyoming and Idaho. On this arid, forbidding plain, thousands died of snakebite, accident, disease, and poisoned water. Settlers during the days of the Oregon Trail came to call the bleakness that settled over them during the Snake crossing

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3 See Smith, supra note 2.
5 CARLOS SCHWANTES, THE PACIFIC NORTHWEST: AN INTERPRETIVE HISTORY 101-03 (2d ed. 1996). "The Oregon Trail has been called the world’s longest graveyard, with one body, on average, buried about every eighty yards." Id. at 103.
"seeing the elephant." Those who had seen it had paid the price of their new life in the West.7

Francis W. Parkman, who rode west during one of his Harvard summer vacations, wrote a prescient description of the settlers he met on their way West.8 At the "jump off" point of Westport, Missouri, Parkman scanned the settlers massed at the beginning of the Trail and noted that some were "sober-looking countrymen" and others were "some of the vilest outcasts in the country."9

I have often perplexed myself to divine the various motives that give impulse to this migration; but whatever they may be, whether an insane hope of a better condition in life, or a desire of shaking off restraints of law and society, or mere restlessness, certain it is, that multitudes bitterly repent the journey, and, after they have reached the land of promise, are happy enough to escape from it.10

Parkman, of course, never tested his hypothesis; like so many Harvard men since, he cashed in on his brief moment in the field and scurried back to Boston, where he lived for decades swaddled in a quaint and crowded blanket of family, society and ritual. But even at the outset of the Trail, he somehow sensed the shadow of the elephant waiting in the badlands. What does the Trail cost those who leave their old lives behind? Is the cost higher when, as is often the case, they are seeking at the same time to leave old lives, old flaws, old limits behind—to shed their skins as they cross the Snake?

The question haunts me; I followed the Trail west and saw the elephant myself, one day in August 1992. Thirteen years later, the family I brought with me to Eden on the Willamette has scattered to the winds. We will always be bound by unbreakable ties of love. But the vision that brought us west together—of a new home place where all could be together in shared intimacy and each could

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7 Id.
8 Francis Parkman, The Oregon Trail 17 (1950).
9 Id.
10 Id.
flourish free of the oppressions of the East—has melted in the winter rains.

Western life, for many, begins if not with loss than at least with change in the family. Ties and closeness that seemed solid are revealed in their complex fragility. Most migrants, whatever their initial pain, make their peace with distance: but for some, the trip is fatal.

These reflections are sparked by a story that Bruce has not sung—or more properly perhaps, has sung at most in embryo—but that seems to have become a refrain here in Oregon. Early in 2003, a spiteful commentator from Idaho announced what everyone out here already knew: that a particular kind of crime—a multiple killing in which a father murders his wife and all their children—"seems to be an emerging Oregon Christmas tradition."11

I will tell some fragments of the story of one of those fathers, a man named Christian Longo, who on April 16, 2003, was sentenced to death for the murder of his wife, MaryJane, and their three children, Zachery (age four), Sadie (age three), and Madison (age two).12 In even the shortest account of the Longo case, we encounter the difficulties lawyers—and poets—face in telling unimaginable stories. This story cannot be told in the way we tell the story of, say, Clarence Earl Gideon or Tom Joad. It is a story of distance and fatality, told best through silence and the sound of the Pacific wind.


II. MEANNESS IN THIS WORLD

Bruce Springsteen is a kind of American Homer. And it takes nothing away from his lifetime of accomplishment to note that most of those whose stories he tells live in regions more crowded than the Oregon of migrants like Christian Longo or myself. His stories are set in places where an old baseball player runs into the school beauty queen years later at the tavern, or where a father drives his son through a shared hometown, or even where a petty criminal and brawler can hope, in the moment of crisis, for leniency from a highway patrolman who is also his brother, because a man "turns his back on his family he ain’t no friend of mine."  

In only one Springsteen song that I am familiar with does the singer evoke the mystery of Western distance and fatality; and in that one, he evokes its menace largely through what he does not say. "Nebraska," from the album of the same name, tells the story of Charles Starkweather and his girlfriend-accomplice, Caril Anne Fugate, who in 1958 killed their way across Nebraska and into Wyoming, where they were captured in 1959 after murdering eleven people. Starkweather and Fugate have inspired at least four films—Badlands, Wild at Heart, Kalifornia and Natural Born Killers. It is easy to see why Starkweather is the American god of murder: a mysterious shape-shifter who embodies our darkest national impulses. He killed Caril Anne’s family and lived in the house a few days with their corpses simply placed in the outhouse; he killed strangers as part of robberies or even for no reason at all; and he killed an affluent family in what appears to have been a botched kidnapping and robbery. He is a perfect trinity of death,

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14 BRUCE SPRINGSTEEN, Highway Patrolman, on NEBRASKA (Columbia Records 1982).
15 BRUCE SPRINGSTEEN, Nebraska, on NEBRASKA (Columbia Records 1982).
18 See generally Bardsley, supra note 16.
Springsteen’s Starkweather explains himself only in the silences between the vacant clichés he offers as his account. "I can’t say that I’m sorry for the things that we done,"19 he says. "At least for a little while sir me and her we had us some fun."20 As he faces execution, Springsteen’s killer tries once more to make us see: "They wanted to know why I did what I did / Well sir I guess there’s just a meanness in this world."21

"Meanness in this world" is an intriguing explanation for a crime spree that ended a few hundred miles east of the Snake. It of course may refer to the stain of original sin, the "meanness" that each of us brings into the world. It could also refer to the shabbiness or poverty of the landscape through which Starkweather drove. And interestingly enough for lawyers, it can also refer to land held in common—a critical feature of life in the West, where significant amounts of land are still owned by the federal government as a common asset of the nation as a whole, and where even land that has been reduced to private possession is often all but worthless without extensive government subsidy in the form of irrigation or other development assistance.

"Meanness" packs within its portmanteau many meanings of the trip West. The migrant brings on the journey his or her own flawed personality; the journey leads through landscapes that alternately shock with their ugliness and with their beauty; and at journey’s end, the pioneer who sought independence often finds himself more dependent than before, a kind of remittance man clinging to the continent’s left edge at the sufferance of those on the right. Meanness in this world, indeed.

But the chill of Starkweather’s explanation lies not in what he explains, but in what he does not. "Meanness" is so flat and banal as to be the negation of explanation; the events it summarizes seem less, not more, comprehensible than they did before it is offered. Starkweather actually seems to have nothing to say for himself, and indeed perhaps not even in any meaningful sense to exist. He

19 SPRINGSTEEN, Nebraska, supra note 15.
20 Id.
21 Id.
is at his core not a presence but an absence, a crack in the shared reality that sustains most of us, a glimpse of what lies outside: nothing at all, "nada y pues nada y nada y pues nada."  

An earlier troubadour, Bob Dylan, gave us a version of family murder in his 1964 song "Ballad of Hollis Brown." Dylan’s protagonist struggles at "the outside of town" to support his "wife and five children." He cannot find work from his neighbors, rats eat his flour, his horse dies, until finally he is left with only enough money to buy seven shotgun shells. Though Dylan has taken us inside Brown’s mind for much of the song, even this most fearless of narrative poets cannot tell the end of the story from the inside. He tells us only that from outside the Brown cabin. "Seven shots ring out / Like the ocean’s pounding roar." Dylan then leaves the Brown story on a note of what may be hope or may be only the prospect of tragedy repeated:

There’s seven people dead
On a South Dakota farm
Somewhere in the distance
There’s seven new people born.

III. THE BALLAD OF CHRISTIAN LONGO

If we abandon strict chronology for poetry, Christian Longo might have been one of those "seven new people." Longo was convicted of doing precisely what Brown did. Dylan supplies a simple and compelling reason for Brown’s crime—starvation and abject poverty. But the Longo story, like the story of Oregon’s other family annihilators, reveals a more complex and less comprehensible pattern. These annihilated families were not starving; whatever desperation led to the Longo killings, it was not

24 *Id.*
25 *Id.*
26 *Id.*
27 *Id.* (emphasis added).
the simple fear of starvation and death. Nor is it clearly the lack of the structures that give meaning to most lives. Indeed, the annihilators in Oregon seem to be more, not less, involved with the concepts of family and religion than the average American. And that pattern seems to hold up across borders. Consider Susan Smith, the South Carolina mother who strapped her children into the family car and drove it into a river; 28 consider Andrea Yates, the deeply religious mother who home-schooled her children right up to the day that she drowned them all in a bathtub. 29 Society’s rituals of belonging and security seem to have no effect when the nada slips into our world.

Certainly Christian Longo had "social supports" offered to him. Longo grew up in a religious family in the Midwest. 30 He and his parents worshiped at the Kingdom Hall of the Jehovah’s Witnesses, an American denomination that interprets Scripture as requiring that Saturday be kept as the Sabbath and that imposes strict requirements of morality and service on adherents who seek salvation. 31 Longo was not a model Witness; he defied his parents to marry MaryJane when they were both in their teens, and stole money from his employer to buy her a wedding ring. 32 Within seven years, he had three children and owed $25,000 to credit card companies. 33 In May 2000, MaryJane confronted him with evidence that he had been unfaithful. 34 He responded, according to her sister, by telling her that he had "stopped loving her when she started having babies" and that she "stopped being fun when she

28 See Elizabeth Gleick, Sex, Betrayal and Murder: As Her Trial Begins, Her Hometown Grapples With the Fallout From Susan Smith’s Tangled Emotional History, TIME, July 17, 1995, at 32.
33 Id.
started having babies. The very closeness and intensity of the religious bond turned malign when Longo was "disfellowshipped," or shunned, by his congregation because he was convicted of forging checks and suspected of stealing construction equipment.

In fact, Longo’s piety (like so much American faith) coexisted uneasily with a deep material yearning. His life in the Midwest had dissolved, and he turned his eyes to the promised land beyond the Snake as the site where his dreams of affluence would come true. "I wanted to survive" he testified at his trial. "I was going to make it and I was going to make it big." He packed up the family and headed for Oregon.

They settled in the lovely, quiet seaport town of Newport, near Yaquina Bay and the Pacific Ocean. Material want followed them, however. They had pawned Mary Jane’s wedding ring on their way through Portland. Longo could find work only at Starbuck’s in a Fred Meyer department store, and he could only house his family in a twenty-two dollar a day motel, where they boiled water for ramen noodles on a cook top. "I mean we are used to eating whatever, going to the grocery store, spending $200 and not even thinking about it," he told police investigators later. "And now we are trying to figure out how we can do it for five bucks.

Christian convinced a gullible condo manager that he was an employee of Qwest, the Western telephone company, on temporary assignment and waiting for an expense check from headquarters that would pay for a luxury unit. The good-hearted rental agent

35 Id.
37 Pride, supra note 32.
38 Id.
40 Id.
42 Final Days, supra note 39.
43 Id.
44 Id.
allowed the Longos to move into a condo overlooking the bay. But even this temporary expedient did not bring real relief. Longo’s small paychecks were usually spent within hours of being received; by mid-December 2002, ruin—perhaps prison, but perhaps only ramen noodles—was close at hand.

We have only partial, clearly inaccurate accounts of what happened next. At this point, I will give none of them. They have their forensic importance, as part of the process by which state justice assimilates and explains the inexplicable. But like the killer’s words in "Nebraska," they tell us less than nothing about what really happened. "What we cannot speak about," Ludwig Wittgenstein wrote, "we must pass over in silence."

On December 19, 2001, an individual walking by Lint Slough in Waldport spotted something floating below the brackish waters. Investigators found the body of Zachery Longo wearing nothing but animal print undergarments. Three days later, divers pulled up Sadie Longo’s body from the slough. The two children had been thrown into the water alive and had drowned. On December 27, divers found two more suitcases, not in the slough, but in Yaquina Bay, and inside were the bodies of MaryJane and Madison.


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45 Id.
47 See SPRINGSTEEN, Nebraska, supra note 15.
49 See On the Run, supra note 41.
50 Id.
53 Id.
bodies were discovered, he made his way out of Newport and traveled to San Francisco in a stolen sport utility vehicle.\textsuperscript{55} Once in San Francisco, Christian booked a flight to Mexico with a stolen credit card.\textsuperscript{56} During his three weeks on the run, Christian stayed in a hostel and began a round of parties and expeditions with tourists in Yucatan, culminating in a romance with a German tourist and a trip to a beach camp, where he stayed in a cabana by the ocean.\textsuperscript{57} He told his new friends that he was "Mike Finkel," who wrote travel articles for the \textit{New York Times}.\textsuperscript{58} (The real "Finkel" is a free-lancer from Bozeman, Montana, who would later run into his own troubles for faking interviews in a magazine piece for the \textit{Times}.)\textsuperscript{59} He is now at work on a book on the Longo case and his own unwitting role in it.\textsuperscript{60} Back home, the FBI had added him to its "Ten Most Wanted List," however, and a Canadian tourist had tipped the Bureau off about having seen Longo/Finkel in Mexico.\textsuperscript{61} Another anonymous tourist called the FBI office in Mexico City and gave the same report.\textsuperscript{62} A strike force of Mexican police and FBI agents kicked open the cabana door and arrested Longo.\textsuperscript{63}

Once Longo was in custody, his lawyers were faced with several interesting legal issues, the sort that could inspire a conventional article or two. To begin with, the FBI agents who arrested him did not advise him of his right to speak with a consular official before agreeing to waive extradition.\textsuperscript{64} Had he done so, he might have been made aware that Mexico will usually not extradite a suspect to the United States if the receiving jurisdiction is considering seeking a death sentence.\textsuperscript{65}

\begin{footnotes}
\footnotetext[55]{See On the Run, supra note 41.}
\footnotetext[56]{Longo Influences Search, supra note 54.}
\footnotetext[57]{On the Run, supra note 41.}
\footnotetext[58]{Id.}
\footnotetext[59]{Id.}
\footnotetext[60]{See Michael Finkel, True Story: Murder, Memoir, Mea Culpa (forthcoming, May 2005).}
\footnotetext[61]{On the Run, supra note 41.}
\footnotetext[62]{Id.}
\footnotetext[63]{Id.}
\footnotetext[64]{Matt Sabo, Papers Rebut Rights Claims by Longo, The Sunday Oregonian, Sept. 28, 2002, at B03.}
\footnotetext[65]{Id.}
\end{footnotes}
For another, officers at the Lincoln County jail conducted a search of Longo’s jail cell on December 17, 2002, that uncovered many handwritten notes that appeared to concede or at least imply guilt. The predicate for the search warrant was Longo’s defiance of jail rules; he had found a way to correspond with an attractive inmate named Jennifer Muscutt. Longo sent her a fifteen-page letter and a poem addressed to "Senorita Cotton Candy." Muscutt turned over the notes to the Sheriff’s office. Felony drug charges against her were immediately dismissed by the District Attorney; she left the jail, and deputies swooped in and seized everything written in Longo’s cell. Longo’s attorneys later sought to suppress the evidence seized, on the grounds that the items included documents prepared for their use at trial and thus protected by lawyer-client privilege. The judge, improbably named Robert Huckleberry, denied this motion.

After the contested search, Longo had instructed his lawyers to enter a plea of guilty on two of the four charges. He had killed MaryJane and Madison, he now admitted—but only after learning that MaryJane had killed Zachery and Sadie. Journalists covering the case called this plea "a legal maneuver that baffled observers across the region."

The extradition and suppression issues may well form the core of Christian Longo’s direct appeal, which is now pending before the Oregon Supreme Court. But the issue that haunts me will not show up in the appellate reports. Imagine being a lawyer on the Longo case—either for the defense or for the prosecution. What do you tell the jury about why Longo did what he did? The brute facts

67 Id.
68 Id.
69 Id.
70 Id.
73 Longo Admits He Killed Wife, supra note 46.
74 Id.
75 Id.
are all but undeniable. But juries like to understand, and trial lawyers are trained to make, coherent narratives, filling gaps in the evidence by deducing from clues and statements what the accused must have done during the events that lead to the trial. What do you tell the jury about Longo? What leads a man to kill his wife and three children—or, if one follows the defense story, what leads a man to kill his wife and his only surviving child when he learns that two of his children are dead? What words can turn this glimpse of the nada into a narrative a jury can believe?

In the end, the prosecution opted to paint Longo as a man who killed for convenience.76 Deputy District Attorney Paulette Sanders described him as a man who coldly decided his family was a barrier to the affluent life he wanted and calmly disposed of them.77 She noted that by his own account, he killed MaryJane and Madison, and then stopped for coffee at Starbucks and returned rented movies to Blockbuster.78 This theory, while supported by some of the evidence, makes no real sense at all. If all Christian Longo wanted was to escape his domestic responsibilities, all he would have needed to do was flee to Yucatan without killing anyone. No one would have looked for him very long or very hard. Clearly something darker happened to the Longo family; no one invites the nada into his home for convenience’s sake.

Longo’s lawyers argued for reasonable doubt, and they pointed at what is undoubtedly a weakness of the prosecution’s story—if Longo’s murder was a systematically planned and rational killing for advantage, why were there two different disposal sites for the bodies and two different methods of killing?79 "These four people died in two different ways, and their bodies were in two different places," defense attorney Steve Krasik pointed out—and that "suggest[s] two different killers.80 Defense lawyers are often sharply limited by their client’s own story. In his plea, Longo said he had not killed four people, but "only" two.81 This distinction is a bit weak, and it should not be a

76 See Jury Deliberations, supra note 52.
77 Id.
78 Id.
79 See id.
80 Id.
81 Longo Admits He Killed Wife, supra note 46.
surprise that the jury convicted Longo of all four counts of murder. Whatever chance of evading the execution gurney he may have had probably disappeared when the jury at sentencing phase heard his poem to "Senorita Cotton Candy." On April 16, 2003, he was sentenced to death. His appeal is pending; but for the time being, the rest is silence.

IV. THE BANKS OF THE SNAKE

"Madame Bovary, c’est moi," Flaubert once said; and the maxim, "Nihil humanum alienum mihi est." Or to invoke Baudelaire: "Hypocrite lecteur—mon semblable—mon frere."

I must admit here and now that the fascination the Longo case exerts on me does not rise from the legal issues nor even from my sympathy—poignant though it is—for the narrative dilemmas of his lawyers. I hesitate to say, "Christian Longo, c’est moi." What connection can there be between a mild-mannered professor and a family annihilator? Yet I discern some outlines of my own face in this distorted mirror. As a father, I have glimpsed the nada; I have seen the elephant.

By mid-August 1992, two weeks of weary traveling had brought me and my family from our former home in North Carolina to Casper, Wyoming, about 300 miles east of the Snake. We had followed the Oregon Trail, earnestly studying guidebooks and maps, aware that we, like the settlers of 150 years ago, were en route to a new life that we hoped would be richer and more exciting than the old. Left behind were grandparents, cousins, uncles, aunts; henceforth, they would be a full day’s air travel away. Left behind was the huge flowering azalea tree that had formed the center of our spacious Southern backyard; now it belonged to another family. None of us knew Oregon, except for

one short visit. It was a new life, where perhaps we too would be made new.

One morning that August, as we prepared to check out of a hotel room in Casper, my five-year-old daughter inadvertently jabbed her little finger into the hinge of the room door. The door neatly snipped off the tiny tip and flipped it into the room. While my wife tended to the bleeding and called for an ambulance, I got down on hands and knees to find my daughter’s fingertip; and ever since, when I read or hear of fathers who have been confronted with their own failings, I remember the sour brass taste of despair and self-loathing that flooded through me when I realized that I could not find it. It was gone forever, and it was my fault.

In bitter agony I drove behind the ambulance to the hospital. In the emergency room, a brisk doctor explained that the best treatment for such a wound was to clean the tip and reattach it. In a child so small, the normal growth of the hand would, in a few years, eliminate any appearance of deformity. At hearing that salvation could have been so easy, I burst forth into bitter lamentations and told the doctor that the tip was gone, that I could not find it.

He gave me an odd look and produced a plastic bag that had been resting on ice in a bedpan. "What are you talking about?" he said. "The tip is right here."

This event may mark the only appearance of the miraculous in my mundane life. It was like the moment in a child’s dream when a beloved pet returns to life after death, or a July morning turns out actually to be Christmas. The explanation was not abstruse, however; after we had left the hospital, a maintenance engineer, who also volunteered as an emergency medical technician, had gone to the room himself to look for the tip. From his own experience, he was able to imagine its trajectory, and he found it snagged against a drape. He had brought it to the emergency room and then left without waiting to be thanked.

All in a day’s work, sir; our family’s benefactor never really seemed to absorb the idea that he had done something marvelous that day. But I can say without hesitation that if I have ever known
what Aeschylus called "the awful grace of God," it was in that surreal moment in the emergency room.

Briefly put, the reattachment was a success, and I—strictly by chance—evaded a lifetime of guilt for my failure as a father, failure that would have otherwise been literally written on my daughter’s body. After failure, there came redemption; after pain, rejoicing; after suffering, for a time, sweet ease of the heart.

And yet, from that day forth, the elephant has dogged my steps. For a year afterwards, I woke almost every morning saying the words, "Move your hand." Those were the words I should have said before the door closed. Those were the words I would have said if I had been a "good" father, a father who could shield my children from the "time and chance" that the Preacher—who saw the nada 2,000 years before Hemingway—warns us about.

My daughter’s finger has healed; but since that day, time and chance has happened to us all. I had brought my children out of their home country into a new world filled with risk and loneliness—for what? We had hopes of a bright new life, but did we find it? There were joys, just as there were for those settlers on the Oregon Trail who lived past the West bank of the Snake—but did they cancel the sorrows of transplantation, the terror of distance?

In the end, the life we found was much like the one we left, but lonelier. I began a teaching career I value; my wife, who had been almost promised certain things by my university and then did not receive them, eventually returned "home," to the East; my children in time too made their way back to brighter opportunities on the Atlantic coast. We had dreamed of a new life in a humble homestead; today, the only dreamer is myself, living in an empty family home with three phone numbers posted on the refrigerator door.

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87 Aeschylus, Agamemnon, in THREE GREEK PLAYS 162, 170 (Edith Hamilton trans., W.W. Norton & Co. 1937).
88 "I returned, and saw under the sun, that the race is not to the swift, nor the battle to the strong, neither yet bread to the wise, nor yet riches to men of understanding, nor yet favor to men of skill; but time and chance happeneth to them all." Ecclesiastes 9:11.
Christian Longo, c’est moi? The difficulty in telling, or singing, the Longo story may not arise because it is unimaginable, but rather because it is all too imaginable—even to "good" parents. In a part of the heart that no one wants to acknowledge, every father and every mother feels like a family annihilator. A wise Southern poet, George Garrett, once wrote frankly of a father’s unease at realizing he had brought his children into a world of sin:

My own children, my sons, study
my stranger’s face. Their flesh,
bones frail as a small bird’s,
is strange, too, in my hands.
What will become of us?
I read my murder in their eyes. 89

Whatever specific guilts we bear as parents, few can be as great as the general guilt of being parents—bringing bright spirits into life and then watching them learn that they will die and that we, their parents, are helpless to protect them. The selfless love we get from our young children is intoxicating. The moment when that love changes—when we see our children looking at us for the first time as fallible and mortal—is a deep narcissistic wound; it is, for both parent and child, a key step on the trail toward maturity, resignation and death. Is it possible that, for some adults, the perfect image they see reflected in their children’s eyes is so addictive that they will do anything rather than lose it? That they are even able to convince themselves that their children are better off dead? Perhaps what is remarkable is not that we have so many family annihilators—as many as fifty a year, according to recent studies 90—but that we have so few.

We live in a time when anxious figures of authority seek ways to "strengthen the family." When Hillary Rodham Clinton produced a book about society’s responsibility to children, 91

90 See, e.g., P. M. Marzuk et al., The Epidemiology of Murder-Suicide, 267 J. AM. MED. ASS’N 3179 (1992).
Senator Robert Dole rebuked her with the air of an Old Testament prophet. "It does not take a village to raise a child," he told the 1996 Republican convention.92 "It takes a family to raise a child."93 Family—closed, inviolable, impervious, protected against society’s prying gaze or meddling regulatory arm—increasingly is the sole answer proffered by the powerful for the problems of alienation, despair, hunger, loneliness and violence.

We are offered family as a refuge from the monsters, but the monsters are inside the gates. They are inside us. Any practitioner who has dipped so much as a toe into the waters of family or criminal law can tell stories as horrible as any ballad ever sung: children tormented, sold, tortured, raped, and killed by those who brought them into the world and who should, by the official ideology of our time, have been their chief protectors. Family did not shield Mary Jane Longo, nor Zachery, nor Sadie, nor Madison.94 Perhaps they might have been protected not by more family but by less; by a community intrusive enough to see the distress that lay beneath their father’s lies, by a community confident enough to insist that a good life for adults and children is not lived behind the closed doors of condominiums—nor in the hermetic world of self-selected religious groups—but among the diversity and pluralism of our common culture. Perhaps the easy answer proffered by evangelists and policymakers—increasingly difficult to tell apart—is no answer at all, but a poisoned chalice.

During a number of wakeful rainy nights, I have forgiven myself for my failings as a father. I, by the grace of God, am not a family annihilator; what happened to my family was not annihilation but only the natural order of things. It is right that children grow and leave, that they seek their own wholeness; and it is right that children’s wholeness is not necessarily the wholeness sought by their parents. It is right that children see that their parents are not gods, that they see past their parents to the world beyond and, if they are so minded, that they light out for the

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93 Id. (emphasis added).
94 See supra Part III.
territory. The guilt I feel, the uneasy kinship to Christian Longo, is simply the common heritage of humankind.

Or such is my tentative conclusion, here in the daylight. Night falls early, though, during Northwestern winters, and on cold, dripping nights, my story, like the other Oregon stories mentioned above, could use a poet’s healing touch. If Bruce were reading this, I would invite him to come further West, past the Snake, and sing the stories of those of us who live with vacancy and distance. In that song, someday I may hear the meaning and redemption of my own flawed story—if not in the words, then maybe in the music; if not in the music, then surely in the silence.