

## WHERE WE WILL SIT

2020 Mike Cohen

It was simple. An election was a competition. Yet Judge Francis Waxman Bloomberg, Fran to her intimates, seemed stunned to draw a reelection opponent. A lawyer named Sanford Grim sought to oust Fran from her judicial post claiming a courtroom slight in the presence of his clients that Fran neither remembered nor intended.

In past elections, Fran could count on her father Eli Waxman, himself a noted lawyer, to write or arrange for whatever checks were necessary to ensure that his daughter retained her judicial seat. In Eli's world the two words *compete*, and *win* were synonymous. Every day Fran lived in the bubble of Eli's mantra, "We never lose."

This time there would be no Eli Waxman to help, impaired as he was by stroke and dementia. And her opponent was rolling in money.

"Grim's got \$150,000.00," her consultants warned, "unheard of in a judicial race."

"And Waxmans choose to compete," Fran said. Her answer was rote, listless. She found little solace in the slogan.

The need for money beset her, interfered with her sleep. In one nightmare the voters had rejected Fran, and she found herself suddenly transported, as dreams can do, to the Waxman's family living room. Standing uncertain and bruised, she related her defeat to her father Eli, tears of humiliation coursing from her eyes. And lurking in the corner was her younger brother Albert at fifty, broke, unemployed and divorced, living in his parents' home, so impishly pleased at the misery of his older successful sister.

It seemed so ironic that shortly before Grim's declaration of candidacy, the University Law School had sought Fran out and to her delight invited her to join its faculty. She was ready to say "yes," but could not. What would her father Eli have thought if she backed out in the face of competition?

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It began when Frannie at twelve years of age in tennis whites had waited for Eli to enter the kitchen.

"Who's up for a quick set?" Eli asked.

"Not me." Albert demurred, chopping walnuts.

Eli took no prisoners; “Momma’s boy,” he said.

“So what,” Albert fired back. Fran volunteered to fill in.

I’m ready,” Fran’s eyes begged. Eli was silent.

Shirley cut through the banter;

“Frannie’s your athlete,” she said. “How many do you need?”

As they played tennis singles, Eli the relentless teacher, called out commands across the net to Fran like a marine drill instructor,

“Turn your body, plant your feet, not the back foot silly; the front foot! Swing through the ball, swing through. Run. Run. Run.”

Eli’s commands hurt, each one a reminder of how badly she played the game, each command like a punishment in her chest, each missed ball the end of the world. Fran pressed herself. This was her special time with her father, her chance to show him how good she could be at something important to him.

Fran’s club matches with girls her age were also accompanied by Eli’s sideline ranting.

“Get your head up, don’t let that guy see you down. Gut it out. Run. Run.”

Sometimes she did not win and the mortification of losing seemed to accumulate in her Fila bag along with her playing togs, shoes, and spare rackets. Yet miraculously it seemed at fifteen she turned the corner. Fran became too good, too strong, too fast, for all her competition, even Eli. They played now as mixed doubles teammates winning father-daughter tournaments, first in the club, then city, and even state tournaments.

And still Eli hollered at her play;

“Block the lane, get up there up to the net. Jesus. I can’t believe you let that ball past. Jesus.” Eli’s relentless criticism drained the pleasure from the game, left her feeling as if she must say “sorry” at each passed shot, at each double fault.

Yet Fran never stopped competing. Her reward; making the college team. She told both her parents of her accomplishment with her eyes on Eli. At the same time, she declared her decision to major in education, to become a teacher.

Shirley nodded but Eli cocked his eyebrows in dismay. Fran could not meet his glance.

“What’s the matter with being a teacher?” she asked.

“Those that can, DO,” Eli said. “Those that can’t, TEACH. Which are you gonna be?”

Crestfallen, Fran wanted to respond; *but you have been teaching me*. Instead she suppressed her disappointment, studied hard for four years, and went to law school. All the while she continued to play father-daughter doubles with Eli, thus affirming her unwavering commitment to victory.

After joining Eli’s law firm as a trial lawyer, Fran also played as a doubles partner with senior judges who could do her a favor. *Political tennis*, she reasoned. Decades later, with Eli’s help, Fran was appointed by the governor to a seat of the superior court. Her pleased tennis playing colleagues continued to insist on their regular game.

And Fran never lost.

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It was uncomfortable dealing with her mother Shirley as she struggled to meet the demands of Eli’s care. Yet there was little choice. Fran conceived a ploy to convince her mom to open the election coffers; *I will need a large amount of money or Pop will be disappointed*.

Fran had phoned Shirley in a futile hope be able to ask long distance, but Shirley changed the subject;

“We can’t afford all the help around here and your father worries all the time that our house is being taken away.”

“That’s crazy Mom; you know you have plenty of means.”

“Look, I write the checks,” Shirley said with exasperation, “I am not some dotty old lady. I know what your father is costing.” Fran heard her mother huffing like a steam boiler.

“Who says you are dotty?” Fran said. She thought of what Shirley would want to hear.

“We can all do our part, don’t you think?” Fran suggested “Let’s discuss, have a family meeting, like old times. Friday night after court?”

“That’s fine. Of course,” Shirley said. “A family meeting with Albert. And with your father. He always loves to see you. It calms him down afterwards.”

Fran on her side of the phone fidgeted at her mother's characterization of Eli's capacities. On her last visit Eli had looked through Fran as if she were a sheet of clear glass. She considered telling Shirley about the campaign's media cost, but thinking better of it, she used the moment to divert attention from herself;

"I think we should make these decisions about Pop's care together. We need to lean on each other."

"That's fine," Shirley answered, "but I'm not going to go broke. Your dad would never forgive me."

After the call Fran wanted to discuss her mother's fabricated money problems with Albert but chose not to. During her last judicial campaign, Albert was arrested for possession of small stashes of cocaine and marijuana purchased for his collection of aging cronies. Behind the scenes Fran hired a good lawyer to keep Albert out of jail and to kill any story in the press linking the two of them. At Albert's imploring, Fran had not told Shirley and Eli of the episode, but she did not trust Albert to reciprocate by now supporting her.

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Opening the front door of the Waxman lakefront home where she was raised, Fran confronted the unavoidable family photo gallery. In the middle: little Frannie in tennis regalia with Althea Gibson, and an older Fran next to Billie Jean King.

She walked through the living room past Eli's prominent trophy case displaying a dusty silver and walnut club doubles championship trophy that Fran won decades ago with David, her former husband. After her divorce, Fran begged Eli to remove it, but Eli stubbornly continued to exhibit the cup flanked by a post-match photo that he had taken of his daughter, cheeks flushed, holding the trophy in the air as if it were the captured flag of the enemy.

Fran found Albert in the kitchen unloading the dishwasher.

"Here comes the Judge," he chanted Flip Wilson style.

Fran attempted a peck on Albert's cheek, but he grabbed her around the waist like a girlfriend. Albert wore bleached cotton baggies, sandals and a sun faded yellow Hawaiian shirt with a white and blue marlin leaping over and around the shirt from front to back. Albert's receding hair was cropped tight to the scalp. He looked like a young version of

Eli; only the garb differed. *My brother could have made millions as a Palm Springs decorator*, Fran thought.

“Oh Fwannie,” he sighed as he continued to hug her. It was an old gag of his. Fran relaxed. Her brother’s touch seemed affectionate enough, but his face only showed that she mildly amused him. Albert released his hold.

“Shirl is on a new kick. She won’t leave Eli alone, even for her book club.” Albert spoke with mock exasperation, talking about Eli and “Shirl” as if they were his children and the home were his.

“She says she is going have to be Eli’s nurse. I’ve seen the bank accounts. They’re rolling in dough. It’s crazy around here, just crazy. Some food?”

“Maybe glass of wine, Fran said. “I could use a red.”

“I’m not sure what we’ve got.” Albert had begun frying onions and fresh garlic cloves in olive oil and the room had the warm rich smell of a farmhouse kitchen.

Fran opened the cupboard. At the front, cans of “Ensure,” Eli’s dietary supplement and saltine crackers crowded up to the door. She reached way back into the shadows and fished out a square half full bottle of kosher Passover wine.

“A Nice red,” she said; “Mogen David anyone?” Albert made a gagging sound.

“Maybe I’ll run up to the store,” Fran said. “Things look a little light in there. Where’s Mom anyway?”

“Sleeping; she’s pooped, but I promised I would wake her up when you got here.”

“I’ll go check on her,” Fran said.

Tiny as a child, Shirley lay lightly snoring on her king size bed still dressed in her Fila gym suit and her Reebok tennis shoes. Lying on her back, her mouth slightly open, she was a frosted version of Fran, neat and wiry. Only her forearm skin was crosshatched and sagging.

Fran sat down on the bed waiting for her mother’s eyes to open. Shirley glanced about lost, wild, then regained her sense as Fran kissed her.

“Hi Frannie. We need to get you something to eat,” Shirley said looking worn down, exhausted.

“I’m OK,” Fran said. “Albert’s cooking something. Sorry to wake you up.”

“I would have been up in a minute. I can’t sleep anymore.” Shirley did not say this to gain sympathy; it was just a fact. “I need to put on some lipstick.”

“You look great, Mom,” Fran said.

“No, I don’t. You on the other hand are radiant. Let’s go see your father. He will be thrilled you’re home.”

Eli’s room was ensconced at the other end of the hallway from the master bedroom that he and Shirley shared for forty years. In an easy chair, sat Eli’s night nurse, a woman Fran’s age with reading glasses on a chain around her neck. *People Magazine* lay open on a side table over which shone a reading lamp. A fan riffed softly keeping the air in the room cool.

Eli slept; his nose stuck straight up in the air. A parrot’s beak. A down comforter was tucked under his arms leaving his hands, palms down, exposed to the air. The backs of his hands were bruised, purple brown.

“Dorothy, this is my daughter, the judge.” Shirley said.

“Hi,” said Fran, her voice barely louder than the fan. “Just call me Fran.”

“No reason to whisper,” Dorothy said in a normal voice. “Mr. Eli sleeps like a rock.”

“Until ten p.m.,” Shirley said, “then he thinks it’s the middle of the day and he’s back at the law firm. Thank God for Dorothy. He would keep me up all night.”

Fran bent over Eli and as with her mother, kissed her father on his forehead. His skin smelled like baby oil, his eyebrows the only hair on his tiny head. She patted his bruised hands.

“Hi Pop,” she said “It’s Frannie.” Eli continued to breathe, his mouth opening and closing. Fran could not tell whether he had heard her or not.

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Albert was at the stove as Fran returned with Shirley to the kitchen. The moon light shone into the kitchen nook.

Fran sighed as she stared at the lake. She would not be able to talk with Shirley alone. *I will be forced to ask for money with Albert horning in*, Fran thought.

“We should get started soon.”

“Mom needs some food,” Albert said. “She ate like a bird today.” He added slices of potatoes to his pan. “I’ve made you some garlic fried potatoes, Mom. And here’s some kippered salmon and bread. Now, are you going to sit down and eat some of my gourmet fare, *si vous plais?*”

“I’m not sure,” Shirley said. “A cup of decaf, and maybe something later.”

“Where shall we sit: living room, dining room, or here in the kitchen?” Fran asked. There was no place in which to avoid Albert’s influence. The Waxman’s had festooned their home with his artwork; some was framed, some simply stretched canvas, with gray and red pigment swirling around hunks of texture and dots of yellow. *I will be kept at bay until the two of them get seated*, she thought.

Albert shook the pan like a short order cook in a diner. “Are you going to eat or not, Fwannie? Here, smell this.” He waved the steaming pan in his sister’s direction.

“Again, thanks but not now,” Fran said. “If Mom wants something, we can meet here at the kitchen nook or maybe the dining room. Isn’t there more room at the dining room table?”

Fran’s frustration was momentarily offset by watching her brother cooking. As kids they hung around the kitchen dodging the aimless movement and overlapping squawks of cooks and servers squeezing by each other with plates of steaming food. Albert learned all of Shirley’s culinary tricks. Fran, uninterested, learned none.

Albert had set up a tray on the kitchen counter for Shirley.

“If Mom’s gonna be the only taker, just set the table in the kitchen nook,” Albert said. “That way we can look out over the lake. Really, Fwannie, these spuds are great. You must have some.”

Fran felt that Albert was deliberately keeping her from talking about her campaign. She had to answer.

“I don’t care where we sit. We can eat in the kitchen, if you want, although the dining room table is easier for Dad’s wheelchair.”

Fran had her own seat at the dining room table, at her father’s left. Albert had always sat on Eli’s right, his second choice..

“Fwannie, it’s ok,” Albert said. “if you need to sit in your old seat next to Pop.” A paralysis was rising in the room like a fog over the lake. Fran decided to dive in before they were enveloped in its viscosity. She turned to Shirley;

“I came here, Mom because I need to talk to you about my election campaign.”

“I am worried about you,” Shirley said, “you look thin as a rail. Let’s get a little something to eat, then we can talk afterwards, you know, when Dorothy brings Dad out. We can sit in the living room around the coffee table. But eat a little first, honey.”

“The potatoes are getting cold,” Albert said. He had garnished the fried spuds with a spritz of lemon, parsley, and dusted them with grated Romano cheese. “Tell me where I should put them so we can nosh while we talk.”

“Stop moving around, Albert,” Fran said. “Mom, just have a seat right here in the kitchen.” Fran’s voice had taken on an edge. Shirley and Albert stared at her.

“I am just trying to get us some comfort food,” Albert said. “I want to put out these great potatoes somewhere. Let’s go into the living room if you would rather.”

Albert gripped Fran’s arm as if to steer her toward the living room, his fingers insistent as if it were the room of his choice, the room with the lights reflecting off his paintings.

“You’re pushing me,” Fran said, locking her knees. Albert eyes grew round and he pursed his lips.

“Look, if you don’t want to eat anything, OK,” Albert said his voice rising. “Don’t make such a big deal out of it.”

“Honey, he didn’t mean anything,” Shirley said. “I think we should all calm down. While we wait for your father, I think we should go into the dining room like Fran wants.”

“Like Fran wants?” Fran said “What are you talking about? Fran has a problem on her hands. I want to talk about the cost of my reelection. When do I get to talk about why I am here?” Her hands were shaking in a way they had not shaken since she was a new lawyer.

“We live here, not you,” Albert spoke softly, as if he were the master of the manse. “You come flying in here to tell us that you have to deal with a situation. Look around. This is a situation too. I have been dealing with Pop and Mom without you. Me here. Everyday. You want money. Well, this is my home too, you know. I want the best for



Mom. She has to have the final word on giving out any money. You probably intend to tell her to sell this place. Well, that's not going to happen."

Albert's last statement was so uncalled for and so unrelated to what Fran had been thinking that she was speechless.

"I should have told you," Shirley said, "but I was waiting for your father to join us. I put Albert on all our accounts with your dad and me, just in case."

"Albert, who can't hold a job?" Fran blurted out in spite of herself, "My little brother who can't afford to pay rent or alimony is now to manage your money?" Fran's head reeled with the finality of what was now happening.

"That's right," Albert said. "So, put yourself in your old dining room chair, as if you won this or that tennis tournament, hobnobbing with Pop like you have all the smarts. That was what you intended to do tonight wasn't it? Just sit next to Pop like always and tell us how to live here?"

"Watch out, Albert!" Shirley warned.

Albert had loosened his grip on the platter and some fried potatoes slipped onto the floor. He recovered quickly.

"Dammit Fwannie, look at what you made me do," Albert said swiftly scooping up the spilled contents. "Sit in your old damn chair until Pop gets here. Who gives a hoot? Because you are not in charge."

In a tone and voice virtually identical to that of an angry Eli, Albert spat out Fran's nickname like it was a curse meant to bury her under a deluge of perpetual childhood. It was almost too much for Fran to bear, her constant struggle this night, the struggle to be heard, the relentless need for Eli's praise.

The floor crackled with the sound of Eli's wheelchair. Dorothy maneuvered it into the kitchen, Eli wrapped in his red flannel robe, white cotton pajamas covering his worn out flesh peeking out here and there, lamb fleece slippers covering shrunken feet. The cocooned king in his rolling throne. *And here I am; Francis the fifty-five year old judge, hands dotted with age spots, still the child waiting on bended knee for an approving pat on the head.*

Eli's eyes swept the room. He cocked his eyebrows quizzically at each of his children and then focused on Shirley.

“Is the Oldsmobile ruined?” Eli beseeched his wife. “I think I wrecked the Oldsmobile.” Fran remembered the ancient Olds that the Waxman’s owned over forty years ago.

Shirley put her arm around the ill man; “The car is fixed just fine, darling. Doesn’t Frannie look beautiful?”

*That is all we know, Fran thought. Pleasing Eli. To look beautiful for him. To win an election for him.*

It now seemed to Fran that she just pretended to love tennis so that she could bond with Eli. Tennis was a way to prove herself worthy. She was always back at the baseline waiting to take Eli’s serve. For once it would feel good to do something because it mattered to her.

“So, where do I park Mr. Eli’s wheels?” Dorothy asked the three Waxmans. “Good thing you got a judge in the family. You can always ask her.” She laughed. “Judges know such things.”

Fran grimaced. A judge, ok, but in the Waxman household she was just one voice among four, all inflating their personal predicaments into unparalleled calamities; ruining the car, going broke, spilling freshly grilled potatoes.

Or losing to Sanford Grim.

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At the beginning of the school term one of her new law students, a young woman, approached Professor Francis Waxman, the former Judge Bloomberg.

“Judge, are you going to use a seating chart? Or do you assign seats some other way?” The young woman stared at Fran intensely, as if the answer would be crucial to her success in the course.

Fran studied the new student’s earnestness. These lawyers-to-be, so competitive, ready to do whatever it takes to be known to their teacher, to please, to get an edge. They all called her “Judge.” She smiled, imagining Eli’s facial expression had he known of her acceptance of a faculty position.

“Oh, it’s not necessary,” Fran said. “I suspect that regardless who sits where, I’ll get to know each of you quite well. And soon.”