

# THE PERILS OF PEARL AND OLGA

By St. Clair McKelway August 1, 1953

On the morning of December 31, 1946, two young women, among many other people, got on a subway train separately at the Fifty-fifth Street B.-M.T. station in Brooklyn, and sat down across from each other in a car as the train moved off toward Manhattan. They had never met, had never spoken, but their lives had been drawn together and the entwinement was a sinister one. They were both working girls and more than ordinarily attractive. One of them was tall, with pale, clear skin and large, dark eyes and shining black hair; she was twenty-eight years old, and her face, besides being beautiful, had an interesting, troubled look about it. She had noticed that the other girl was carrying a gift-wrapped package about the size of a large shoe box. It had an aperture at one end, from which protruded what looked like the lens of a camera. Without thinking much about it, she wondered idly what kind of gift was inside the package. The other girl was barely nineteen and was small and blond. Her name was Pearl Lusk. Only a week earlier, on the day before Christmas, Pearl had found herself disillusioned with New York and its ways, but the mood hadn't lasted long. Now, as the subway train jounced and clattered along, she felt excited and happy. She held her gift-wrapped package carefully on her lap with both hands. Every now and then, she glanced briefly at the tall, dark girl across the aisle, as if to make sure she was still sitting there.

Except for two things that happened to her on Christmas Eve, Pearl Lusk had been pleased with New York ever since she came to the city to seek her fortune, and she told everybody so. She had arrived in the autumn of that same year of 1946, some months after graduating from high school in Quakertown, not far from Philadelphia. For a while, she lived with her mother and her stepfather in Brooklyn, but as soon as she got a job—as a salesgirl in a department store—she moved to a furnished room all her own on the upper West Side of Manhattan. She did over both herself and the room almost at once. She began using mascara for the first time, and she settled on a darker shade of lipstick than the girls at Quakertown High had gone in for. On the advice of an expensive hairdresser on West End Avenue, she abandoned her blond bangs and

thenceforth lifted to her new world a head of carefully tousled blond curls. She hung pink curtains at the one window of her room and bought a lavender coverlet for the studio couch. She made friends quickly with many of the salesgirls at the store and lunched at a soda fountain every day and dined in a cafeteria almost every night with large groups of them. Her favorite lunch was African-lobster-tail salad and Coca-Cola, followed by a junior banana split. Her favorite dinner was chicken potpie with mushrooms, pecan pie with whipped cream, and coffee. She was healthy and cheerful, and grinned and laughed a great deal, often for no particular reason. Soon she began having dates with young men who worked at the store. As the holiday season approached, her landlady more and more frequently called her to the telephone in the downstairs hall. On evenings when the telephone didn't ring for her, she read twenty-five-cent editions of popular novels and detective stories, one after another, lying at ease on the lavender coverlet of her studio couch.

Pearl was a well-brought-up girl and never went out with young men to whom she had not been introduced, no matter how handsome they might be. On Thanksgiving Day, a man, whom she considered the handsomest she had ever seen, except for certain movie stars, tried to pick her up on the subway in Brooklyn when she was going to see her mother. Although she talked to him in her amiable way, she refused to have a drink with him or to give him her name and address. He told her his name was Allen La Rue. Afterward, from time to time, she thought somewhat regretfully about his good looks and romantic name, but on the whole she was glad she hadn't consented to go out with a stranger. What with the crowded lunches and dinners with the chattering gangs of salesgirls, the occasional dates with the fellows she had met at the store, and the twenty-five-cent books, she was contented and occupied. Then, on Christmas Eve, after only three months of her new life had been lived, the department store laid her off, along with batches of other salesgirls, because the Christmas rush was over. On top of that, her landlady told her that same day that she was getting tired of calling her to the telephone and in the future would call her only if her mother wanted to speak to her.

By thus eliminating Pearl's salary and obliterating her social life, the department store and the landlady were unwittingly preparing Pearl for her next encounter with the handsome stranger she had once fended off. She ran into him the second time in a subway train in Brooklyn on the evening of the day after Christmas, when she was on her way back from her mother's, and this time she agreed to get off with him at Times

Square and have a drink. She ordered her favorite, which was Scotch whiskey and 7-Up. She told him about losing her job, and about the landlady, and he was sympathetic. Later on, she remembered that his manner had seemed to change subtly as they chatted over their drinks that evening. "He seemed interested in me like any other man at first," she told an Assistant District Attorney, "but the more I talked the more I felt like he had some different kind of interest in me." At any rate, after she had talked awhile, the man said he had a job for her if she wanted it. He told her about the work, and she was enchanted. It reminded her of the sort of thing Perry Mason, the lawyer, was always asking his secretary, Della Street, to do in those absorbing novels by Erle Stanley Gardner that she had been reading. Besides being the handsomest man she had ever seen off the screen, she thought Allen La Rue was by far the best-dressed. He had on a double-breasted gray suit with widely spaced pencil stripes and sharply pointed lapels, and the coat had padding that emphasized his broad shoulders and made the cloth drape smartly down to his narrow hips. His white-on-white shirt had a collar with extra-long points, and he wore a striking blue tie with a flowered design in ivory and gold. Before the evening was over, Pearl had enthusiastically accepted the job, her employer was calling her Pearl, and she was calling him Allen.

Pearl jumped out of bed early the next morning and, after doing her face carefully and brushing her blond curls, put on her best daytime dress. Over it she wore a coat of imitation Persian lamb that she was buying from the store on the installment plan. She had three hats; the one she liked best was a gray one with a large white bow on top, and she put that on. She was to meet Allen around the corner from a building at 42 West Thirty-ninth Street at half past nine. She was anxious to get started on her new job, not only because it was a job but because it sounded so exciting. Allen had told her he was a private detective working for an insurance company that specialized in insuring jewelry and, consequently, in recovering jewelry when it had been stolen from its clients. He had reason to suspect, he said, that a young woman named Olga, who was private secretary to the owner of the Croyden Hat Company, with offices in the building on West Thirty-ninth Street, had stolen some valuable jewelry from one of their clients and was carrying it pinned inside her clothes. The woman knew Allen by sight, and for that reason, Allen said, he couldn't risk being seen by her, because then she might think he suspected what she was up to, and stash the jewels somewhere or dump them with a fence. He couldn't ask the police to arrest her until he could prove

that she actually had the jewels. Pearl was going to help him prove that, and he was going to tell her how when she met him that morning.

Allen was waiting for her when she got there. As she later reported the conversation, he said, "Here's what I want you to do first. Go up to the offices of the hat company and ask the receptionist if Miss Sadie White is working there. There isn't any Sadie White, of course, but while you're talking to the receptionist you'll get a chance to take a good look at Olga, so you'll know her when you see her again. She sits just outside the door that leads into the private office of the owner. Here's a photograph of her," he went on, taking one out of his inside coat pocket, "but I want you to see her in person so you'll be sure to recognize her, even in a crowd—like in a subway crowd. I'm going to get you to follow her around when she leaves this afternoon. Now, go up there, and then meet me here afterward and tell me if you think you can recognize her good enough to tail her wherever she goes when she leaves."

Pearl carried out this mission competently and rejoined Allen. She told him that she would now know Olga anywhere and that she had memorized not only the clothes she was wearing but also her street coat and hat, which were hanging near her desk. "That's great," said Allen. "Now I'll tell you how we're going to work this, and don't forget there's going to be a big reward in it for you when we get those jewels back. You take most of the day off—go to the movies or something—but don't tell anybody about this, because there are leaks all over in this racket and it might get back to Olga. She leaves here every afternoon at five. You meet me at my apartment, at 204 East Seventeenth Street, at half past three and I'll show you exactly how we're going to prove she's carrying those jewels."

Pearl saw a double feature, called on some of her friends who were still working at the store, and met Allen at his apartment on the dot. There he showed her an interesting object that he said was an X-ray camera. It looked like a shoe box with a hole in one end and was done up in brown wrapping paper, like an ordinary parcel. A short piece of wire with a loop on the end of it hung out of the bottom of the box. "All you do is point this at her and pull this wire," he explained. "The X-ray picture will show us if she has the jewels. But don't snap the picture where she can see you do it. Take it when she gets off the train in Brooklyn—that's where she lives. You want to be right behind her when you follow her out of the train, so you can take it at close range. You want to be only

two or three feet away from her when you snap the picture. After you take it, meet me where we had the drinks last night and I'll take the camera and get the picture developed."

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Enthralled, Pearl went back to Thirty-ninth Street, spotted Olga as she left the building, followed her to the Times Square subway station, sat near her until the train reached the Fifty-fifth Street station in Brooklyn, followed close behind her as she got out, pointed the box at her, and pulled the wire. Hoping she had got a good picture, she caught a train back to Times Square. Allen was waiting for her in the bar-and-grill. He questioned her carefully as to just how she had taken the picture, how close she had been to Olga when she took it, and whether Olga had noticed anything. Pearl told him that she wasn't more than two and half feet from Olga when she pulled the wire, and that Olga hadn't noticed anything, because her back was turned and she was hurrying out of the station. Allen said he would get the picture developed that night, and if she would come to his apartment in the morning, he would tell her how it had turned out. When Pearl saw him the next morning, he said the picture hadn't turned out well at all.

“I think the camera is the trouble,” he said. “I’ll have to get a better one, and it may take a couple of days. You call me here in three days and I’ll let you know how things stand.”

When Pearl telephoned Allen, he told her that he had the new camera and that he wanted her to meet him in an Automat near Union Square at eight o’clock the next morning—the morning of December 31st. Pearl was punctual. She found that the new camera was bigger and heavier than the other one and that it had the same sort of looped wire hanging out of the bottom. It was wrapped like a gift, in paper with “Merry Christmas,” in red, and “Happy New Year,” in green, printed over and over. Allen said he wanted her to ride over to Olga’s station in Brooklyn and pick her up when she got on the train to go to work. Then she was to sit near her in the subway and, when she got out of the train at Times Square, take the picture exactly as she had taken the one with the other camera. “Remember to aim it low, at her waist,” he said. “That’s probably where she’s carrying the jewels—pinned inside her dress at her waist.”

Pearl did as she was told; when the train reached Times Square, she followed Olga through the door, pointed the parcel at her, and pulled the wire. There was a roaring explosion and the parcel nearly jumped out of her hands. Olga screamed and fell on her back, holding her left leg, which seemed to have been nearly blown off. A subway guard rushed up, asking “What happened? What happened?,” and Pearl, who had been so close to Olga that she was splattered with blood, said to him, “I just took a woman’s picture and somebody shot her.” A man in the crowd put a tourniquet on Olga’s leg, and a policeman appeared and grabbed Pearl, ripped open her parcel, and quickly saw that what was inside was a sawed-off shotgun. Then Pearl, at last, put two and two together. She began to cry. With the patrolman holding her arm, she leaned over Olga and said, “I’m awfully sorry I shot you. There was this new job, you see, and I thought I was taking your picture with an X-ray camera.” Olga looked up at her and quickly looked away, as if she considered Pearl’s role in this drama unworthy of her attention. Speaking to nobody in particular, she said, in what seemed to those who heard her a tone of resignation, “Well, he got me this time. Now if he wants me he can take me. I’m crippled. I wonder what happened to the police? He must have been too smart for them.”

**D**uring the last two months of that year, it turned out, Olga had told her story to the police a good many times, and she was to tell it again and again later on,

occasionally in the presence of stenographers. The transcript of one of Olga's statements (all of them were the same in substance) goes like this:

"When were you married, Olga, and what was the name of your husband?"

"His name was Alphonse Rocco and we were married about a year and half ago—on May 14, 1945."

"Did you separate from your husband?"

"Yes."

"About when was it that you separated?"

"About April of 1946."

"And where did you live at that time?"

"I lived at 1434 Fifty-seventh Street, in Brooklyn."

"Who did you live there with?"

"With my parents and a married sister and her husband and daughter."

"Now, how far is your home from the subway station?"

"I would say it is about four or five blocks."

"Now, sometime in the early part of October, 1946—after you were separated—did you meet your husband?"

"Yes."

"Where were you when you met him?"

"I was on the West End express, going to work."

"And where were you employed at that time?"

"At the Croyden Hat Company, at 42 West Thirty-ninth Street, in Manhattan."

“In order to get to your place of business, what station did you get off at?”

“The Times Square station.”

“So that you would get on at the Fifty-fifth Street station in Brooklyn and get off at the Times Square station.”

“Yes.”

“Now, you say, then, that in the early part of October, 1946, you were on one of these trains bound for Manhattan and it was there—it was on that train that you met your husband?”

“Yes.”

“Did you have a talk with your husband?”

“Yes.”

“Were you feeling well on that occasion?”

“No.”

“And after you talked to your husband, what, if anything, did you do?”

“We got off at Ninth Avenue and crossed over and rode back to Fifty-fifth Street, because his car was parked at the exit of the station. He offered to drive me home so that I wouldn't have to walk when I wasn't feeling well.”

“Did you get into his automobile?”

“Yes, I did.”

“Did he drive you home?”

“No, he did not.”

“Where did he go?”



“He drove to Manhattan.”

“What, if anything, did he do in the automobile?”

“Well, he had a knife and it had a little button on it and he pressed that knife and a big blade shot out of it and he pressed it up against my throat.”

“Did you try to get out of the automobile?”

“I asked him to stop the car so I could get out.”

“Did he stop the automobile?”

“No, he would not.”

“What did he do with this knife, if anything?”

“He held it up against my throat and said that he would kill me if I screamed or if I cried too loudly in the car.”

“Now, where did he drive to?”

“He drove toward the Manhattan Bridge and we went over that, and then on the highway near Riverside Drive and then toward the country places—Poughkeepsie.”

“What happened up at Poughkeepsie? What did he do up at Poughkeepsie?”

“He stopped at one of the tourist cabins and he rented a cabin.”

“Did you want to go into the cabin?”

“No.”

“What, if anything, did he do?”

“He had this knife in his pocket and he told me that if I would scream out or anything to the lady who was renting us the room, he would kill me.”

“How long did you stay up at Poughkeepsie?”

“Two days.”

“Did you stay there of your own free will?”

“No, I did not.”

“Did he have any other weapons up there?”

“Yes. He had a shotgun and he had a revolver, and the little knife he carried with him.”

“Now, then, did he drive you back to New York after those two days?”

“Yes.”

“Where did he go when he drove back to New York?”

“He made me go to this place on Canal Street.”

“What kind of place was it?”

“It looked to me like a place that sells guns and shotguns.”

“Now, did he get—did he get anything there?”

“Yes.”

“What did he get there?”

“I saw the man hand him something, and he put it in his pocket.”

“What was it?”

“It was a revolver.”

“All right. Now, after he got the revolver did he do anything with that revolver insofar as you are concerned?”

“Yes, he did.”

“What did he do?”

“We got in the car and he held it up to my temple.”

“Now, then, did he drive—where did he drive after that?”

“We went back the same way again, back to Poughkeepsie to a different tourist cabin.”

“Did you go of your own free will?”

“No, I did not.”

“All right, now, how long did you stay up there?”

“Five days altogether.”

“All right, now, after five days where did you go?”

“We drove back to Brooklyn.”

“And where did you go?”

“I went to my niece’s home.”

“And what happened at your niece’s home?”

“I collapsed on the steps there.”

“Did you ever go out with your husband after that?”

“No.”

“Something happened on November 1, 1946?”

“Yes.”

“Where were you when something happened?”

“I was in my home in the kitchen.”

“What happened?”

“I was helping Mother set the dinner table.”

“Keep your voice up, Olga.”

“I was helping Mother set the dinner table and the window was open and all of a sudden I felt a very sharp sting in my right leg and when I bent down to touch it, it was bleeding.”

“What else did you observe about your leg at that time? Did you observe any hole?”

“Well, I could not see because it was bleeding so much. I could not see.”

“Some time after that did you notice a hole?”

“Yes, I did. Yes.”

“And where was the hole?”

“It was in my thigh. There were two separate holes in my thigh. On the right side and in the back of my thigh.”

“Was an ambulance summoned?”

“Yes, we called the police.”

“You were confined in the hospital for a period of time?”

“I was there for ten days.”

“And during that time did you see any detectives?”

“Yes, I saw Detective O’Brien and I saw—I believe he was an Assistant District Attorney, and a stenographer.”

“You told them about your—about the trips to Poughkeepsie and the five days you were with your husband?”

“Yes, I did.”

“And about the shooting in your home?”

“Yes, I said that I was positive it was my husband, that it couldn't have been anybody else.”

“Now, you went back to work on December 9th?”

“Yes.”

“Did someone go with you?”

“My sister did. She was employed on Thirty-seventh Street in Manhattan and she went with me.”

“What, if anything, did you observe the first day you went back to work?”

“As we were walking toward the station—there are Elevated pillars on New Utrecht Avenue—I saw my husband in back of one of them, and my sister did, too.”

“What, if anything, happened after you got to work?”

“When I got to work I called up the police at the Sixty-sixth Precinct station in Brooklyn and I told them that I had seen him and that I was very frightened that he would do something to me. And I spoke to one of the detectives there at the precinct and he told me not to worry.”

“Now, did you get a telephone call from your husband on December 9th at your place of business?”

“Yes, he called that very morning.”

“What did he say to you?”

“He said he was watching me, he knew everything, he knew when I went to work, and that he did not aim right the first time but that when he would aim again he would kill me.”

“Did you tell the police about that?”

“I usually spoke to Lieutenant Giddings. He always answered the telephone there. I told him please to send somebody, to please have somebody escort me home, that I was afraid, that I knew something terrible was going to happen to me, and he said that I should not worry.”

“And when was the next time you saw your husband?”

“Well, maybe a few days later. I used to see him on Thirty-ninth Street lurking in hallways and behind cars, and I also saw him at the Times Square station one night when I was going home.”

“Now, how often did your husband telephone you at your place of business?”

“He called every single day.”

“And after he telephoned you, what did you do?”

“I always called the Sixty-sixth Precinct and spoke to some detective there, and I used to repeat everything that he would say to me, and I would ask them to please send somebody to escort me home and take me to work. And they said they would, that I should not worry.”

“Now, you said that on one occasion you saw him in the Times Square subway station. Just about when was that?”

“I believe it was between the Christmas and New Year’s holiday, one of those days that come between those holidays.”

“What did you do when you saw him?”

“I flew down the steps and I paid my fare, and there is another flight of steps that you have to go down to go to the trains, and during the rush hour there is a guard there that stands there all the time, and I went and stood right next to him, and he saw that I was very frightened.”

“What did you say to him?”

“I told him, ‘I am so frightened, my husband is following me. I know he is going to do something terrible to me. Please, could I stand next to you?’ And he said that I could not stay there because of the people that were going down the steps at that time.”

“Was this the rush hour?”

“Yes. He pointed to a pillar that was very close by and said that I should stand there until my train came in and that he would watch me from where he was, and then the West End express pulled in and I got into the train and I went home.”

“Was there any occasion about that time when you saw your husband on the platform at the Fifty-fifth Street station in Brooklyn?”

“Yes, I saw him. Yes. About a week and a half after I went back to work, it must have been around December 20th, around that time.”

“Did you tell the police about that?”

“It was Lieutenant Giddings. He promised he would send two detectives to the office, that I should wait for them after work, and that they would be there and I should not go home until they arrived.”

“Who waited with you until the detectives arrived?”

“My sister. She came every evening and escorted me home.”

“Did the detectives drive you home?”

“Yes. I told them about all the threatening calls, I told them what he had said to me on the telephone, that he was going to kill me, that I had better start saying my prayers, and I told them about the five days that I had been away from home that he had kidnapped me, and I related all the times that I used to see him on Fifty-fifth Street, and the times that I saw him on Thirty-ninth Street, and I related almost every little incident to them, because the ride is rather long to Brooklyn from Thirty-ninth Street.”

“All right. Now, on December 30th did you go anywhere?”

“Yes, I did. I went to see Police Inspector Reynolds at the Bergen Street headquarters.”

“Who did you go there with?”

“My brother-in-law.”

“What did you say to Mr. Reynolds?”

“I told him that I had to go to work and that my husband called me every day and he had shot me and that I knew that he was going to do something terrible to me and that he called me every day and I—”

“Just take your time.”

“I cannot catch my breath.”

“Take your time. There is no hurry.”

“I told him that I had to go to work because I had old parents, and I was very afraid to ride on a train and that there was nobody to help me, that I came to him, to please help me and do something for me.”

“All right. What did Inspector Reynolds do or say?”

“He asked me for the precinct, I told him it was the Sixty-sixth Precinct, and he asked somebody to get them on the telephone and he spoke to Lieutenant Giddings. He asked for him.”

“What did you hear him say to Lieutenant Giddings?”

“I heard him say, ‘There is a young lady here, Olga Trapani Rocco, she is in a hysterical condition. She is crying and she is pleading with me to please help her. She told me that she has reported that she was shot on November 1st and that her husband calls her and he threatens her daily, and that she has seen him many times’—and he repeated the story and the threats I had told him about, how he said he was going to aim right, and then he [Reynolds] said, ‘What are you doing? Waiting for a homicide?’ Then he told them to have some detectives at my home, and then he hung up and he told me that I would find the detectives there when I got home.”

“Did the detectives come to your home that evening?”



“Yes.”

“What detectives were they? What were their names?”

“I believe they were Detectives Cooperman and Kahn and McNally, and there was Detective O’Brien there, too.”

“What did the detectives say to you at your home that evening?”

“They told me that I should not be frightened, that they were going to protect me and that they would guard me when I went to work and that nothing was going to happen to me.”

“Well, now, the next day, December 31st, did you leave your home with someone at the usual time in the morning?”

“Yes. With my sister.”

“Did you see any detectives that morning?”

“No.”

“Now, on the subway train, did you notice the girl that you now know to be Pearl Lusk?”

“Yes, I did.”

“Where was that girl when you first noticed her?”

“She was on the platform, waiting for the train to come in.”

“What did you notice about her?”

“She was carrying a box, a rather large box, and it was wrapped, Christmas wrappings, and it had something that protruded at one end of the box.”

“About what size was the box?”

“A little larger than a shoe box.”

“At that time, did you have any recollection that you had ever seen her before?”

“No.”

“Did you speak to her?”

“No.”

“Did she speak to you?”

“No.”

“Did you notice her at any time in the car?”

“Yes.”

“Where did she sit?”

“It was across from me but with her back toward the front of the train.”

“Now, did your sister continue to Times Square?”

“No.”

“Where did she get off?”

“She got off at Thirty-fourth Street.”

“All right. Now, when the doors opened at Times Square station, just what happened?”

“Well, I took about three or four steps, walking toward the Fortieth Street exit, and all of a sudden—”

“On the platform?”

“On the platform. And all of a sudden I heard a very loud blast and I felt a very sharp pain in my left leg, and I bent down to sort of hold it and I reeled over and fell down on my back, and then I remember people running toward me and I remember a gentleman bending over, and I remember a girl, and the girl was Pearl Lusk.”

“You say you—”

“The girl who had been sitting in the train. She bent over me and she said—”

“Now, get control of yourself. What did you notice about yourself?”

“I did not feel my leg—it just didn’t feel like it was there—and I was practically swimming in blood.”

“From what part of your body were you swimming in blood?”

“All under me, all of me, and I remember talking to a subway guard. He asked me for my name, and he asked me for my telephone number, and I gave it to him, and then I remember being put on a stretcher and being carried up the steps, and I also remember being in the ambulance when they took me to the hospital, and I was in the emergency room there, and I remember they cut off my clothes, and the next morning they cut off my leg six inches above my knee.”

**A**fter the shooting, Pearl was taken to the West Thirtieth Street station house, where she told her story and was shown a photograph of Olga and Rocco that had been snapped in a night club before their marriage. In the photograph, Rocco was grinning expansively, and, dressed in a pencil-striped suit, a white shirt, and a flowered tie, he looked happy and prosperous. “That’s the man,” said Pearl. “He even has the same clothes on.” While the police were looking for Rocco, they tried to find out what they could about him. Neither Olga nor her parents could tell them much. All they knew was that he had met Olga at a dance in Brooklyn in 1944 and had married her after a brief courtship. He would disappear sometimes for weeks and return with lots of spending money—and, as often as not, a new car. He was fond of hunting and camping, and once or twice went away by himself for a weekend in the Catskills, taking along a shotgun and a sleeping bag. He had never talked about his background, and was vague about how he made his living. He was very jealous of Olga. After some violent quarrels, she left him, and it was then that he began telling her that he would kill her if she didn’t come back to him.

The police discovered that in 1938 Rocco had been in the business of stealing automobiles in Manhattan and selling them in the Bronx. He had been arrested for that and had served a term in Bronx County. He had no other criminal record. The

probation report made on him at that time noted that his parents had died when he was a child and that he had been brought up in orphanages and foster homes. "He denies the use of narcotics and does not drink to excess," the report went on. "He admits sexual promiscuity. He is not a member of any organized social group and states that he has few friends. He is inclined to be self-condemnatory and thinks he received a poor 'break' in life. He attributes his actions to the lack of helpful guidance from his elders. He was pleasant and agreeable and showed no unusual reactions or ideas. He appeared to be of dull, normal intelligence." The report quoted a statement from the psychiatric ward at Bellevue Hospital, which said that Rocco "was not insane and not mentally defective, average intelligence, no delusions or hallucinations, emotionally cheerful."

Six days after the shooting in the subway, Rocco's trail was picked up in the Catskills, where, riding in a stolen car, he forced a number of farmers at the point of a gun to give him food. Fifty state police and two New York detectives found his car parked on the side of a mountain road, and soon afterward discovered Rocco in a sleeping bag under a spruce tree. It was night, and there was snow ten inches deep. The police called to Rocco to surrender, and one of them fired a warning shot into the air. Rocco fired four times in the direction of the flash and then was killed when the police opened up. Among the things taken from his pockets was a print of the photograph of Olga and himself in the night club.

Pearl and Olga afterward became friends, and they still see each other occasionally. Pearl has married and is raising a family. Olga barely manages to earn a living selling costume jewelry. For years, she had hopes of obtaining some compensation for the loss of her leg, because she and her lawyers believed that the police had been negligent in not protecting her from Rocco. Last April, the case came up in the New York County Supreme Court in the form of a suit for \$200,000 damages brought by Olga, as plaintiff, against the City of New York, as defendant. The trial lasted for five days and was presided over by Justice Joseph A. Cox. Olga hobbled to the witness stand on crutches, and told her story once more. Various detectives corroborated those portions of it that had to do with her efforts to have them protect her from Rocco. Pearl, too, told her story again. The City of New York, represented by Assistant Corporation Counsel William F. Miller, made no effort to deny, or obscure, the facts of the case, and Justice Cox, after hearing all of them, dismissed Olga's claim. It was the facts of the

case that were against Olga. Nobody denied that the Police Department had been informed that Rocco was trying to kill Olga. If Rocco himself had followed her into the subway and shot her, Olga might conceivably have had a case against the city on the ground of police negligence, but, as Mr. Miller argued, that was not what had occurred. He seemed to find it difficult to settle on an adjective that adequately described the scheme that Rocco, in his jealousy, had thought up. "The facts in this case," Mr. Miller said at one point, "indicate that this plaintiff was shot by another passenger on the subway system, a woman unknown and unsuspected—by the name of Pearl Lusk—under the most unsuspecting and unanticipated, bizarre and fantastic circumstances." Almost as if he regretted having to rub this in, he added, "There was absolutely no legal duty on the part of the city to this plaintiff to afford her any protection from Pearl Lusk, an unidentified, unknown individual, concerning whom no one knew anything, concerning whom it is not even attempted to be claimed here by the plaintiff that the Police Department had any notice. She was unknown even to this plaintiff. The only person, apparently, that she was known to was Rocco himself, under an assumed name. She did not even know the relationship between Rocco and this plaintiff. There was absolutely no duty upon the part of the city to provide protection to this plaintiff against any such unknown and unsuspected individual."

Olga's attorney argued as best he could, but it was soon evident that no amount of circumlocution could get around the facts. When Justice Cox rendered his decision, he found it necessary to recite those same facts once more. "The proof is clear," he said in a level tone, "that a woman unknown to the plaintiff was duped into carrying an ordinary-appearing package containing a gun with which she shot the plaintiff, believing she was photographing her. In the absence of any proof showing that the defendant [the city] foresaw, or could reasonably have foreseen, such an occurrence and took no effective action to avoid the same, there can be no recovery from injuries received from such an assault." When, after some little time, he got around to announcing his decision, he made it clear that although the case was dismissed, it was not necessarily resolved. "In closing," he said, "the Court is constrained to observe that this has been a shocking occurrence, the deed of a criminally diseased mind, and it is most unfortunate that some redress cannot be afforded the plaintiff." ♦

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