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# Capital Offenses

James Kanady

“One of the biggest tragedies about this country was moving from an agricultural society to an urban, industrial society. We’ve been wiped out.”

—Sam Shepard

“The world was revealing its death to me by the process of slow discovery.”

—John Rechy

## Prologue

I have two photographs hanging above my desk. One is a sepia portrait of my great granddad and grandma sitting in front of their farmhouse surrounded by their five children; three boys (ages twelve, eight, and six) and two girls (ten and four). The twelve year-old (dressed in bib overalls, a work shirt buttoned to the neck, and lace work boots) is my granddad—my dad’s dad. The rest of the family displays serious, almost somber expressions, as if mourning instead of simply posing for a keepsake (taken by a photographer from Dallas for ten dollars). But my granddad’s mouth is turned up in a sly grin. Paradoxically, his eyes that day were as intense as a hunter taking a bead. The qualities I remember most about my granddad were present even at age twelve: a clear vision tempered by a sardonic resolve.

I’ve been told we’re a lot alike.

The other photograph is a glossy snapshot in front of the same farmhouse; no different except for a fresh coat of paint, a cement (rather than wood) front porch, and a water cooler sticking out of one of the living room windows. Standing there on that hot summer day in the early 1960’s were my dad, my mom, and myself. My parents’ happy smiles are the only colors the black and white print needed. Twelve year-old me (dressed in faded bib overalls) looks into the lens with—what my dad called—“a shit-eatin’ grin” on my face.

Both photos were on my mind as I sat on the farmhouse porch that May in 1986. The place had been abandoned for fifteen years. Barn swallows and grackles swooped around me, their cries a warning: intruders among us.

I had driven out from Austin the day before to run five miles on the dirt roads of my youth, and was shocked to see a ruddy ol’ boy in a Lone Star cap. He was covered with hair, reeked of B.O., and had a belly that flopped over his belt.

“What the hell’re y’all doin’?” I asked.

He scratched his crew-cutted head, tugged down his cap, and spit a stream of Red Man spit between my feet. “If it’s any of yore goddamn bidness, we’re supposed to clear this here place.”

I didn’t move, didn’t speak. Crew Cut waited for a moment before joining his co-workers. I walked slowly to my pickup—a ’55 Chevy that had belonged to my dad—and returned to the city in a daze. Though the farm was no longer in the family, I had returned there often to run, read,

and think. I'd sip Shiner Bock beers and smoke cigars while remembering how it once was. It was where I felt at home, and I could not envision it gone.

I did my bartending shift that night at Dave's Tavern on East 6<sup>th</sup> Street as if an extra in a George Romero movie. Dave Choates—my full-time landlord, part-time boss, and forever friend—asked me what was wrong.

“Just tired,” I replied. It was all I could say.

We closed the tavern around two a.m. In my apartment above the joint, I tossed and turned in bed until the blanket and sheets were as tangled as my feelings. I dressed and drove through the night to the farm. Sitting on the front porch, I began to doze. When I awoke, a band of light appeared over the pastures and fields to the east. Drinking coffee from a Thermos, I waited.

The workers returned in two pickups and a large panel truck. I poured my coffee on the ground and opened one of the twelve bottles of Shiner Bock I had brought with me.

Crew Cut, with a cup of coffee in his right hand and an Egg Mac-Greasy in his left, saw me and approached. I lit a Swisher Sweet cigar and took a swig of beer.

“Need somethin', buddy?” Crew Cut asked, slurping coffee.

I shook my head. “I'm just sittin'.”

“Well,” he began, his mouth moving like a cow chewing her cud, “why don'tcha *just sit* somewhere else.” It was not a question. “We got work to do.” He took a bite and a piece of biscuit fell in his chin whiskers.

His bad attitude sparked a short fuse. Jaw clenched, I stood up with images of knocking Crew Cut on his ass dancing in my mind. Flushed red with fear, he almost choked on his breakfast. I spoke slowly, my words a growl.

“I lived here. I was *born* in this house.”

The other workers craned their necks looking at us, ready to come to Crew Cut's defense. He looked away from me as if ashamed. “Sorry,” he said, then rejoined his men.

They stared tearing down the barn: where I'd sipped my first beer, smoked my first cigarette (discovering they weren't for me), raised 4-H calves, tended horses, cleaned stalls, stacked hay bales, unloaded feed sacks, and built forts with hiding places for all my treasures (pilfered cigars, lighter and flints, football and baseball cards, knives, .22 shells, and smut magazines like *Sir* and *Modern Man*).

I drank beer after beer in a flood of memory. Strange how I felt so close to the twelve year-old me in the photograph while, at the same time, feeling so distant.

Evenings before supper I'd sit in the hayloft, my feet dangling out and banging against the tin siding, and look at our fields and animals with a sense of confidence that none of it would ever change.

The workers ripped the hayloft doors off with crowbars and tossed them down into the back of the panel truck. As they stripped off the barn's siding, something inside me was stripped away as well.

I dropped my cigar butt in a beer bottle, picked up the sack with my two remaining beers, and walked across the overgrown yard toward my pickup. My tire swing still hung from a branch of the old cottonwood tree near the dirt driveway. I gave it a push, got in the cab, cracked open another beer, and started the engine.

A Norman Blake cassette was in my tape deck. I drove away with his "Cairo Blues" filling the air, sad and sweet, the outposts of Austin in the distance shrouded by a miasma of pollution and haze.

I reached the access road to Interstate-35 and had to increase my speed. I sure wouldn't want to impede the pace of the other four-wheeled cells streaming to the heart of Texas, would I? Chapter 1 Numerous face-lifts had changed the visage of East 6<sup>th</sup> Street through the years, but close to the entrance/exit ramps of I-35, three establishments on the south side of the street haven't changed: Reuben's Mexican Food, Dave's Tavern and Woodrow's Clean & Press.

A red light stopped me at the intersection past Woodrow's. I looked at all the surrounding bars and restaurants. None of them had been able to force Dave or Reuben out of business. Not even moves by the Austin City Council could make our wrinkled little block submit to the contractor's scalpel.

The light turned green. I turned left, then another left down the alley behind the tavern, and parked next to Dave's beat up MG. He always parked it alongside our trash dumpster. I told him repeatedly that parking his piece of shit car there might prove too powerful a temptation for our local sanitation boys on trash day. "Screw you," was his normal reply. "Just 'cause *you* can afford to have your thirty-year-old Chevy rebuilt, don't be givin' shit to us that can't."

It took me years to get my pickup rebuilt because (as Dave knew) I couldn't afford it either. Whenever I got a little ahead on money, it went directly to Greg Sweeney, the guy that did all the work out of a tiny garage. Normally I don't give a damn about automobiles, agreeing with

the writer Harry Crews who called them an “abomination in the eyes of the Lord,” but that ’55 Chevrolet pickup is all my dad could leave me. Rebuilding—rebirthing—it and keeping it alive and running is a palpable link to all I’ve lost and ... continue to lose.

I entered through the back door and walked down a hallway illuminated by large globular lights. There are two doors in the hall; one leading into the tavern, the other to the rest rooms. I turned left up the staircase to my apartment. A door opened behind me. I heard a familiar voice bark: “Roscoe!”

I turned. Dave Choates stood at the bottom of the stairs. My age, Dave looks older because of his graying sandy-blond hair and ample girth—a short, thick version of Jimmy Buffett. Dave’s droopy moustache (which he constantly fiddles with) is bushy and rarely trimmed. He was dressed in baggy jeans, tattered basketball shoes, and a food-stained white apron over a Houston Oilers T-shirt.

“There’s some gal out here lookin’ for you.”

“Who is it?” I asked, walking down the stairs.

Dave shrugged. “Wait till you see her. What a piece!”

I peeked into the tavern. A young woman sat in a back booth, a glass of white wine in front of her. She was so perfect, my breath caught in my throat. Large breasts, long legs, and a tiny waist. She was dressed simply: tight jeans, cowboy boots, and a white cowboy shirt undone to the third button. Long dark brown hair flowed about her shoulders like a mane. She seemed lost in thought.

I closed the door and faced Dave. “She say what she wanted?”

“White wine.”

Ignoring his sarcasm, I started to enter the tavern. Dave grabbed my arm. “What the hell’s the matter with you? You’ve been as moody as a goddamn woman.”

A little drunk and very surly, I glared at his hand. Dave removed it, but being a true friend, did not back down.

“You look like you ain’t slept in days. Smell like a brewery, too. It’s barely noon, for Christ’s sake. What’s woofin’?”

“They’re tearin’ down the old place.”

Dave’s mouth dropped open like a wooden nutcracker, and I entered the tavern.

A large bar and kitchen in the back filled the southeast corner. Old wooden tables and chairs covered the checkered tile floor. Red Naugahyde booths lined the walls. Behind the bar were four beer kegs, a cooler for bottled beer, various hard liquors, glasses and mugs, and a very large

mirror surrounded by hats, T-shirts, eyeglasses, purses, decals, neckties, postcards, business cards, pennants, and a large black bra. Anything left behind at Dave's goes directly to The Wall. If unclaimed it stays.

The old owner, Perry Webster, called it The Safari Saloon. He was a fanatic about Africa, its land and animals. Photographs of the Dark Continent hung everywhere; woodcarvings of rhinos, elephants, zebras, and giraffes were scattered throughout. After Dave purchased the place in '72, Perry took everything African with him except the rest room doors. A brave lion had been painted on the men's, a wide-mouthed hippo on the ladies. Having just concluded a nasty divorce when he took over, Dave loved the door to the ladies' room, and refused to change it. (Whenever female customers complain, he silences them by threatening to: "Change the damn door to a hyena lickin' its own cunt.") He replaced the other objects with photographs! Bob Dylan, Clint Eastwood as The Man with No Name, baseball and football players, a few landscapes, a shot of Dave drinking a beer when he was in Vietnam, and shots of past and present employees. Like The Wall, people are constantly bringing in pictures they would like us to hang up. We have the final say and our decisions are law.

A Michael Doucet album was playing as I walked behind the bar and poured myself a cup of coffee. Things looked normal. The usual lunchtime crowd was there, barmaids hustled back and forth, Sonny Reno, the cook, would ring his bell and holler when an order was ready, and, of course, at the bar sat Woodrow Davis and Reuben Lopez on their usual stools. They sipped beers, ate lunch, and glanced at the television hanging above the cash register on a platform. I don't think they ever watched anything on it over all the noon hours they'd spent there.

Woodrow, a black man in his fifties, was decked out in an old suit and one of his many ugly print shirts. Some customers enter his shop daily—even when they have no cleaning needing done—just to check out his shirt for the day. Porkpie hat tilted back on his head, he lit a Camel and pointed it at Reuben. "Admit it. You nothing' but a bigot."

"Hear that Roscoe?" Reuben asked. "Every damn time I try to make a point with this pendejo—"

"Don't call me no pubic hair!" Woodrow interrupted.

"—he says: 'Reuben's a bigot. Reuben don't like the brothers.'"

Also in his fifties, Reuben is a chubby Chicano with an affinity for Hawaiian shirts. He wore them long before they became popular with drunken college kids.

Dave came in, leaned on the bar, and eyed me as the boys continued their spat.

“Would you vote a man in for president if he was *this* shade?” Woodrow asked, raising his black hand into Reuben’s face.

“No,” replied Reuben. “Not unless—”

“Ah! What’d I tell you? You’re a bigot.”

“If there’s a chance he’d win—and the right man for the job—I’d vote for him. But I’m not blowin’ a vote again so some other damn *actor* can get in there.”

Woodrow nodded at me as I topped off my cup with coffee. “Hear that? Says he’s no bigot, but all he can do’s make excuses for not votin’ a black man into the President’s house.”

“The White House,” corrected Reuben.

“You goddamn right it’s the *white* house,” Woodrow said, his eyes wide.

Reuben slapped his hand on the bar and shook his head. Woodrow chuckled and brushed a cigarette ash off his pants.

I took my coffee cup and approached the woman in the booth. Her deeply tanned face was a perfect oval with high cheekbones, full lips, and alluring green eyes. I figured she was in her early thirties, but could easily pass as a co-ed. Those eyes (that were a bit bloodshot) glared at me as though I were a thief trying to take some of her precious time.

“I’m Roscoe Berry. You wanted to see me?”

Her demeanor changed instantly. She smiled, revealing a set of perfect white teeth, and extended her hand as if allowing me to touch something of great value. “Nicole Feldman.”

I took her hand; the slender fingers were cold from the glass and as smooth as a baby’s butt. She certainly hadn’t ever done any hard work with those hands. I slid into the booth across from her.

“I thought those two men at the bar were going to fight,” she said softly.

“They’re always like that. They bait each other for the fun of watching the other squeal. Just like two kids.” I sipped my coffee. “Or an old married couple.”

She glanced down at her glass, the corner of her mouth turned down in a semi-frown, and traced off some condensation with her left index finger. I noticed a wedding ring with a diamond the size of a hubcap.

“How can I help you?”

“My son is missing,” she said, still looking at her glass. “I’ve been to the police—Well, we’ve been to the police, my husband and I, but,” she shook her head, “nothing.”

“A runaway?”

“No!” she snapped, as if offended. “He just vanished.”

“When?”

“March. March the twentieth. My husband and I had gone out that evening—”

“Where?”

“To another one of those fundraising dinners,” she sighed.

“Darren—my son’s name is Darren—was home studying. Our servant had the night off. We got home a little after midnight. I went up to his room to check on him, and he was gone. Just vanished.”

“Any sign of a struggle?”

“No.”

“Not a kidnapping?”

“They certainly are taking their time with a ransom note if it is.”

“How old is your son?”

“Twelve.”

“Only child?”

She nodded and removed a photograph from her exquisite purse and handed it to me. Darren Feldman was a healthy boy with bright, innocent eyes and a dazzling smile. With his dark hair, smooth olive skin, and long eyelashes, he was almost beautiful.

“Twelve year-old boys have been known to run away from home.”

“Not my son.”

When it comes down to themselves or their offspring, most people consider anything out of the ordinary to be some freak of nature that happens to everybody else but them. Like death, in most cases.

“The police have been useless, Mr. Berry. I—” she swallowed heavily, water in her eyes. “I don’t know where else to turn. I just want my son back.” She looked away, dabbing at her eyes with a napkin.

I looked at Darren’s photo again. The fact that this boy might be *out there* bothered the hell out of me. I’ve never had kids—hell, never been married—but some nesting instinct began stirring within me.

“I’ll do what I can, Mrs. Feldman.”

She looked at me and smiled. “Nicole, please. And thank you. Thank you so much.”

“I’d like to come out to your home as soon as possible, talk to you and your husband, take a look in Darren’s room.”

“Why?”

“Get an idea of what your son’s like. Possessions are nine-tenths of character.”

She looked nervous. “How about tonight?” I said. “Say, seven-thirty? But no dinner. I have to work in here tonight.”

“Drinks then?” She looked around. “Do most private investigators work in bars, Mr. Berry?”

“Helps my credit rating.”

She pursed her lips. “By that, I take it it’s time to discuss your fee?”

I bristled at her cocksure inference. “By that I meant to honestly answer your question.” I finished my coffee, letting the ire hang in the air. “But since *you* brought it up ... two hundred a day plus expenses.”

“I’m sorry for how that must have sounded. Most people don’t wait when it comes to money.” She removed a slim wallet and counted out several notes. “Here’s a week’s worth.”

Fourteen hundred dollars appeared on the table in front of me. As broke as I was, it’s a wonder I didn’t literally pounce on it. Trying to be cool, I slipped the bills in my pocket, asking, “Who’s the officer in charge of the investigation?”

“Sergeant Ryan.”

“Kyle Ryan,” a good, conscientious cop.

She wrote her address and phone number on the back of a business card and gave it to me. I turned it over: CALVIN FEDLMAN REAL ESTATE in fancy type on expensive paper stock.

“Please be as discreet as possible, Mr. Berry. My husband has gone to a great deal of trouble to keep this out of the press.”

That was odd to me. If a kid of mine were missing, I’d take to screaming from the rooftops if I had to. However, I just nodded and said, “Don’t worry.”

She stood. I stood.

“See you at seven-thirty,” I said.

“Anything in particular you like to drink?”

“Just beer.”

“Any brand you like?”

“Cold.”

She smiled and extended her hand again. I took it. Those long fingers felt good. “Thank you again,” she said. She turned and walked out. Every male head in the place turned and followed her with their eyes as if their brains were made of steel and she had a magnet in her butt.

I sat back down. Dave quickly occupied the vacated space. It wasn’t an improvement in scenery. “You get a job?”

“Yeah,” I handed him the business card.

He whistled. “High-fucking-roller. How come she didn’t use some hot-shot agency instead? No insult, but you are kind of low rent for these upper crust types.” He shook the card in front my face.

I took the card and slipped it in my wallet.

“They really tearin’ down the old farm?” Dave asked.

I looked at him. My face told the story. I walked to the bar, left my cup on the counter, and slipped out the side door, ignoring Woodrow and Reuben.

As the door closed behind me, I heard Woodrow ask, “What’s the matter with him?”

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