

“East of the Tracks”

— a short story —

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It was a Tuesday in early December, Chuy Muro dead, killed by the cops. First I knew of Gene going to the DA was the heat showing up at the curb out front of our house.

The Richland cops being at the house again would have pissed off my old man, but he was down at the radiator shop getting the Chevy fixed. Things had been rocky between him and me after my mother died, and it wouldn't be until years later, me in the joint, before we got that squared away. Anyway, I opened the front door and got hit by that sweaty chill—two cops, the guns, the blue outfits, the cop car on the street.

Sure, Gene and I'd done some chancy things. Peeping Tom stuff. Shooting cats with a BB gun. Drag-racing out by Santa Paula. Best friends since kindergarten, though, and now only sixteen, never hurt anybody or ripped them off—well, maybe we boosted a few things from one shop or another.

"You want to talk to me?" I wasn't being a smart ass. That's just what came out.

The cop closest to the door said, "Edward Henley?" As if they didn't know. He had his left thumb in his belt, and his right hand on his holstered *pistola*.

"Yeah, that's me."

"We need you down at City Hall to answer some questions."

"I didn't do nothing." Standard reply to a cop. I'd bluffed them once over illegal fireworks.

"You're not under arrest, Edward. The DA just wants to talk."

Just talk? I couldn't figure this out. I thought about TV shows. *Dragnet*, with Joe Friday, *Racket Squad*. I looked at the cop's gun-hand. "You're not arresting me?"

The cop smiled a little, but cold. "Should we?"

I smiled, too, like a dumb ass, almost feeling my old man watching. "I don't think so." I put on shoes and got in their ride, a '63 black-and-white Dodge, pretty new, but smelling like a gas station toilet. Downtown, the cops parked and took me inside, sat me on a bench in a long hallway. I figured that was "City Hall" until I found out later that meant the whole building. A woman brought me an RC Cola and took me into a big office like on TV, two desks, a table, old magazines, a couple chairs. I was drinking the RC and reading about John Glenn the astronaut when a guy opened another door, waving me into his office. But first I went to the head, took a leak, and washed my hands a lot, since there were cops around.

Back in the man's office, an electric fan sitting on top a filing cabinet held down some papers, and pictures and plaques hung on old wood paneling around the walls, with about a million books around. A big window looked through venetian blinds to a parking lot and Fitzgerald's Dress Shop. From behind his desk, the guy pointed me to a chair. "Do you know why you're here, Edward?"

The nameplate on his desk said Donald Cerino. He was about five-ten or -eleven, trim, smelling like Vitalis. Short, black hair, no glasses, clean-shaven. Like a second baseman or

shortstop, most of them trim with dark hair. He looked like he could peg you out at first base, and didn't seem too much of a dick, not yet.

"Eddie," I said.

"Do you know why you're here, Eddie?"

Dangerous. Telling them too much leads to more trouble. But say nothing, and you look stupid. "Watching drag-races out by the lemon orchards?"

Smiling, he shook his head. "No, Eddie, I wish that was it." I didn't like that answer, and he'd stopped smiling. "I need to ask you some questions about the death of Jesús Muro."

When somebody with power says something like that, about a killing, and you don't know anything, it's a relief. You're innocent. You're outside looking in. But if you know something, they're walking you to the edge of a pit, and if you tell them what you know, you just jumped into a big pile of shit.

I'd heard once about a chuke—short for *pachuco*—getting hit in the head with a pipe and dying, in a gang fight I didn't see. But I'd seen this fight that led to Chuy Muro getting shot. Still, I was turning seventeen soon, feeling important, sitting with a guy wearing a coat and tie in his own office.

"What do you want to know?" As if I knew it all. Which I sort of did.

"Did you know Jesús, Eddie?" Cerino studied the pen between his fingers, so I looked out the window at the town until he looked back at me and smiled again.

"Chuy—that's his nickname. Yeah, I knew him. Some."

"Did it bother you that he was killed?" Cerino could smell it, like a dog on the hunt.

"Yeah. Some."

"Do you know how he died?"

Well, *Christ*, how was I supposed to answer that? I thought about the *Perry Mason* show. "Am I under oath, like on TV?"

Cerino smiled again. "No, Eddie, but you can have a lawyer here. It's more complicated, but we can do that."

"That's OK. Just wondered." I looked out the window again. "He got shot."

"Jesús Muro?"

I looked back at Cerino. "Chuy, yeah. During a gang fight at SunRose."

"Do you know who shot him? Did you see it happen?"

Cerino kept opening doors and I kept walking through them. "Yeah, I saw it." I couldn't *fucking* believe it! I started to cry. Not bawling, just tears in my eyes from thinking about seeing Chuy laying there, bleeding to death in the dirt.

Cerino was fucking with the pen again. His face got a sad, serious look. "Who shot Chuy, Eddie?"

My head and neck were hot now, my eyes watering again. "Dookie Draper's old man. Him and JJ Tremmer."

Cerino stared at the filing cabinet for a while, then at his fingers, then at me. "Officers Bill Draper and Joseph Tremmer?"

"Yeah."

Cerino was no dumb ass, taking little steps, not too deep at first, just bit by bit, and I was too young and stupid to see it coming. "And you saw this happen?"

"Yeah. I was under a parked car, watching."

"At the SunRose Packing Plant?"

"Yep, in the parking lot."

"And you saw these two policemen shoot Chuy Muro?"

I glanced at Cerino, not sure if he believed me. I could see he wanted to. "Not exactly."

Now looking at the ceiling, Cerino scratched under his chin, started to stand, then didn't. Stuck his pen in his mouth, took it out, then tapped his other hand with it. "So, you didn't see Draper and Tremmer shoot Chuy Muro?"

This sounded like I was a liar or stupid, or both. "Not exactly, but they killed him, I know that." I was walking a tight rope here. I probably could have stupided my way out of it, but I got all hatted up about playing the big man, or maybe afraid Cerino thought I was lying. Not that I wouldn't give my left nut today to watch those two cops fry.

"You didn't see them shoot, but you know they did?" He was real careful not to put too much into this question.

"Yep."

"How do you know?"

"From the shotgun Chuy had, the sawed-off twelve-gauge."

"A 12gauge shotgun?"

"Yeah. I'd seen it before." Cerino was reacting because, about a month before, Wayne Pruitt, after raping the Vallejo girl, had been killed by a shotgun blast. "He had it at the station. in his Chevy, the '49 coupe."

"Where you work?"

"Yep." How did he know that? "How'd you know that?"

"I buy gas. I've seen you around. Why did he carry it?"

"Showing off. Scaring people."

Then Cerino got a funny look on his face. "Were you and Chuy good friends?"

"No. Not good friends."

"But you'd seen the shotgun?"

"Like I said, at the station, and that night at SunRose."

"You never picked it up, never touched it?"

"No. Why?" You never want to ask a DA or lawyer a question. They'll just keep talking.

"But it was there that night?" he said.

I was tired of farting around. "Yeah. I was under the car when Chuy was waving the shotgun at two white dudes, chewing them out about racial shit." I told him how Chuy lectured them about jobs and equal rights and all the stuff the chukes bitched about. "Then there was a pause and, behind me, behind the car I was under, the cops shouted at Chuy through a bullhorn to drop the gun. They didn't wait, though. They just shot him." Then I told Cerino everything I'd seen,

everything that I saw Draper and Tremmer do after shooting Chuy, which made Cerino pretty nervous. He called a secretary to write it all down, top to bottom, and then he looked real worried, thanked me a bunch of times.

We were about finished, but I'd been nervous myself, not thinking straight. "How'd you know I was there?" I asked. When you're a kid, you think grownups know everything. Then you grow up and find out they don't.

Cerino didn't have to answer. Only one way he could know. "That's okay," I said, "I know it was Gene told you." Cerino didn't deny it.

Yeah, it was Gene dragged me into this shitstorm. If he had just kept his trap shut, they'd all have thought Chuy drew down on the cops first.

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Everything moved pretty fast after that. Cerino was the Assistant DA, but had a hard-on for the top spot. Draper and Tremmer were in the paper now all the time, facing charges for obstructing justice and lying about the evidence. Not murder, because Chuy was half-pointing the shotgun at two white punks.

Still, the trial itself took forever to get going. Richland didn't have many big-time crimes, and they wanted to practice on this one, make it a big deal, keep it in the papers, compete for attention with Kennedy's assassination and the civil rights and race-prejudice stuff going around. And the cops' lawyers, two useless shysters named Adams and Van Pelt, took about six centuries to get their defense ready because, first, Chuy was stone cold dead, and, second, he was shot by Draper's and Tremmer's guns. Also, I'd told Cerino about the cops running up the smokescreen about the shotgun, which he'd bring out in court.

Before the trial started, Cerino and Old Man Fisher, the main DA about to retire, had me in their office about a hundred times, nailing down what I'd say. Then the judge and jury finally pulled their thumbs out of their butts, and it all started.

You'd think they'd get right down to the important shit, but no. First they had the coroner tell everybody that—Surprise!—Chuy was dead, killed by Draper's and Tremmer's guns. Revelation of the century. The cops' lawyer asked a lot of kiss-ass questions about angles and positions, trying to make Chuy look guilty. Did it make any difference? Probably not. Didn't everybody in that courtroom come in already decided?

After the coroner, I was next, and plenty nervous. Still in high school, I'd missed a lot of classes, Cerino coaching me. I kept quiet around town about testifying, but some kids knew, thought I was Mr. Big Shot. My sister said I was crazy for getting involved, and the old man basically checked out, told me to be careful.

My best budd Gene had the most to say, arguing to me that the cops killed Chuy without reason, and planted evidence so they'd look like heroes. I had to testify, he said, fight the good fight. If he hadn't told Cerino I knew something, hadn't needled me about going through with the trial, but had split town with me like we'd planned all our lives, then we'd be living somewhere like Argentina or Arabia or Tanganyika, instead of how it turned out.

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None of this was easy to figure out. Sure, Chuy had held a shotgun on two white dudes, warning them about what was changing, same as some chukes had done to Wayne Pruitt down along the river. But he was killed later by a shotgun, so Draper and Tremmer, coming on the scene at the SunRose rumble, could have figured Chuy had been that shooter. But before they found out what they found out, they'd already shot him down like a dog. He was a bad-ass *pachuco*, but Chuy wasn't a dog.

Of course, Gene was the harder part for me, the cause of all my problems. Like that movie about a jury, with bone-headed Henry Fonda convincing everyone they were wrong and he was right. Like Gene. Before the trial started, I wish I'd had enough brains to talk to someone—maybe Gene's father—about how it was going to change me and my life. Maybe I would have been better prepared for what happened. But when you're young, you never see the shit coming.

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After the coroner, Cerino got me up there in front of the world to tell it all over again.

"Edward, would you please describe for the court—the judge and jury—what you saw that night at the SunRose packing plant? Just in your own words." Looking at Cerino now, I saw a different man—posing, flashing his wingtips and Italian tie, greedy for recognition and power. With his smiley mouth and hair tonic, he swiveled back and forth to check out his impression on the jury and the reporters.

Everybody was eyeballing me, too, in my white shirt and tab collar, narrow red tie, and an Argyle cardigan from J.C. Penney's. But the looks I was getting made me feel like a derelict, like a tramp or something.

Cerino turned towards me, seeing I was fidgety. "Of course, you're nervous, Eddie. Just take it slow." He said it so I'd relax. Fat chance. "Were you at the SunRose plant on the night in question?"

"Yessir."

"Did you see Jesús 'Chuy' Muro there?"

"Yessir."

"Where was he?"

"Standing between some cars."

"What was he doing?"

"Holding a shotgun, giving orders to two other chukes." Me saying *chukes* pissed Cerino off. Like I said, it was short for *pachuco*. "Sorry—Mexicans."

"He was talking to two other Spanish-speaking youths?"

"Spanish-speaking youths, yessir."

"How far away were you?"

"About twice as far as me to you."

"Then, about twenty feet?"

"I guess."

"In your own words?"

"About twenty feet."

"Go on." Little by little, Cerino dragged it out of me.

"The two other Spanish-speaking youths left, but one came running back, chased by two white youths." I told the jury what I'd told Cerino in his office, how Chuy lectured the two paddies. "He told them to go back and tell everybody they knew, the white folks in town, that the Mexicans—the Spanish-speaking people—weren't going to take the guff anymore, white people always telling them what to do, where to work, where to live." I was just quoting a dead guy, but this was going to earn me a ton of shit.

Cerino asked, clear and quiet, "And then what happened, Eddie?"

I looked around at the judge, a nasty-looking antique named McGill, steely gray, with a face like an axe-blade. I glanced over at the jury, and then the courtroom. Draper and Tremmer were glaring at me. Gene was behind them, in the second row.

"The cops shot him," I said.

This brought pandemonium, people moaning and groaning, the judge's hammer banging away, and the cops' lawyers yelling all over the place. After getting them quiet again, the judge spoke to me, talking in a voice that matched his face.

"Edward, we don't want you to tell us what you think happened, but what you actually saw. You understand?"

Oh, I understood. What I understood was that everybody there except Gene would have been a whole lot happier if I hadn't seen shit or said shit, and just gone away. "Yessir," I said.

Cerino was back in the saddle pretty quick. "Eddie, just to be precise, you didn't actually see Officers Draper and Tremmer draw their weapons and fire them, did you?"

"Yessir, I did."

More shit, more shouting, more banging of the gavel. Judge Methuselah was bleating at me again, the old goat. "Edward, the court wants to know if you actually saw the defendants fire their weapons at Mr. Muro."

"Nossir." Moaning, groaning, snickering around the courtroom.

The judge said, "Mr. Cerino, please proceed, and try to be quick about it." I guessed he wanted the trial over before he croaked.

"Yes, sir." Cerino turned back to me. "Eddie, Chuy Muro was standing with a shotgun in front of the two Caucasian boys."

"Sir?" I didn't want to make a mistake.

"Caucasians. White boys, as you say." Cerino was getting impatient.

"English-speaking?" I said. Somebody laughed.

"Yes, *English*-speaking. Did you have reason to believe he intended to shoot them."

"The Caucasians?"

"Yes, Eddie, the Caucasians."

"No, he wasn't going to shoot—"

"Objection! Speculation! Conclusion by the witness!"

"Sustained. Mr. Cerino . . ."

"Eddie, how can you be sure of that?"

I told them what I'd told Cerino before, that Chuy was giving the white kids orders about what to tell other white people later, about the race-prejudice stuff, and he wouldn't do that and then shoot them. Plain logic. Lots of whispering in the audience. Gene was smiling at me. Things had been pretty good between us again since I agreed to testify. That was going to change.

"So, you heard Jesús Muro, the deceased, essentially instructing the two young men to go back and tell members of their white community what to expect in the future. Is that correct?"

Listening to Cerino, you could tell he loved the sound of his own voice. His mouth was a little too wide, a little greedy, and his lips were thin and cold. He had a natural gap between his two front teeth, a sign you couldn't trust him.

"Yessir."

"Thank you." Cerino turned toward the judge, then the jury, then asked the question without looking at me. "What was the next thing you remember?"

"A voice yelling at Chuy through a bullhorn."

"Someone calling out to the deceased?"

"Yessir, but he wasn't deceased yet." Some more people laughed, but I wanted to get it right.

"Did you recognize the voice?"

"I think it was Sergeant Draper, but they were behind me."

"And what did he say?"

"Drop the gun, I think. Something like that."

"And did Chuy drop the shotgun?"

"No."

"What did he do?"

"He sort of blinked, lowering the gun. Then he looked toward the sound, I think, sort of standing there, surprised. So was I."

"And what happened next, exactly?"

I remember taking a real deep breath before answering. "They shot him." More whispering from the crowd.

"And he fell?"

"Not exactly. The bullets lifted him up and kind of threw him back toward the cars, tore off a piece of his arm and face. He was bleeding a lot, not moving."

"And then?"

"Officers Draper and Tremmer—"

"Could you point them out for the court?"

Fucking Cerino. He had to have the whole enchilada. I looked at Draper and Tremmer. Draper gave me a really strange look, like he was telling me to tell what I saw, like he wanted the truth. Tremmer had only hate in his eyes, hate and fear. Pointing, I said, "Those men at the table."

"Let the record show the witness indicated the defendants. Go on, please."

"They came out from the shadows behind me, from between two of the cars." I told how they sent the two white kids away, told them to shut up about what they saw, then checked over Chuy and the twelve-gauge.

Cerino nodded, a little smile on his face. "And what did they find when they checked over that weapon?"

I licked my lips. "Didn't have any shells in it. It was empty."

You'd have thought the roof was going to come off the courthouse, there was that much noise before the judge banged the gavel.

"The shotgun was *empty*?" Cerino said, like he'd just discovered the world, like I hadn't already told him weeks before, and then he turned to me.

"Yes sir," I said, "Officer Tremmer picked it up first, snapped it open, like normal, and froze there for a second. Then he called to his partner, Sgt. Draper."

"The other defendant?" Cerino practically shouted. "And then?"

"When Tremmer turned the shotgun into the light to show Sergeant Draper, you could see right down the barrels."

"And what did you see, Eddie?"

"The chambers were empty."

"What happened next?"

"Draper and Tremmer started to argue, and Draper told him to keep quiet, walked off toward the squad car, and came back with shotgun shells."

I paused, but Cerino said, "Go on."

"Draper loaded the shotgun and told Tremmer what they were going to do next. He fired Chuy's shotgun once at an old Dodge, shot his pistol twice into the ground, and then had Tremmer shoot his once."

"Do you know why they did this, Eddie?" Cerino asked.

"Objection! Assumption by the witness."

Cerino looked at McGill, who calmly said, "Overruled. He's testifying what he saw and heard." Cerino repeated the question.

I said, "It's what Draper told Tremmer they were going to do, claiming their first shots were warning Chuy to surrender, that Chuy then fired the shotgun at them, and then their second shots were when they killed him were self-defense."

Now Cerino looked serious. "But that's not what happened, is it, Eddie?"

"No, it was the opposite. The cops shot him straight off, then Draper told Tremmer how they would cover up what happened."

The crowd started squawking, and the ancient judge shut them up, turning to me. "You saw Officer Draper load the empty shotgun, fire one barrel, fire his own revolver, instruct Officer Tremmer to do the same, and then instruct Tremmer how they would lie about it?"

"Yessir. That's what I meant before when I said I didn't see them shoot their guns when they killed Chuy, but I saw them shoot after." More moans and whispers.

Cerrino again—"Did they see you watching them?"

"Not so's I knew it."

"No?"

"Nossir. I was under the car."

"Go on."

"Well, when more cops showed up, Draper told them the cover-up story."

Gene's face, watching me from the crowd, showed something I'd only seen once, when I hit a homerun for our team in Little League. Draper and Tremmer watched me, too, and so did the jury and judge. Cerino watched them. I didn't feel like a hero, though, more like a skunk begging for his dinner while the world looked on and called him a skunk.

After summing up my version, Cerino said, "Then the defendants concocted a chain of out-and-out lies to tell the other policemen. Is that correct?"

This was never going to be right, not for Chuy, not for Draper or Tremmer, and sure as Hell not for me. A dozen people in that court would have cut my nuts off just on general principles.

"I guess so."

"Yes or no, Eddie. Are these the facts as you know them."

"Yes. I saw it happen." And I did. But I should have kept my mouth shut and saved my own ass.

After Cerino, the other side didn't grill me much. This was when kids were mostly innocent watchers of the world, and Cerino had told me the cops' lawyers might look bad attacking a kid on the stand, maybe bad for their clients. The important stuff—me watching Chuy die, seeing Draper load the shotgun, hearing them plan the frame-up—Cerino had already got that out of me.
#

After the trial, everybody had to wait for a verdict. I was less worried about Draper and Tremmer getting convicted than the shit I might be in. Because, even though I'd grown about five inches since last winter, I walked out of that courtroom feeling low, like everybody was looking down on me. Anymore, me getting along in Richland was going to be like shoveling shit uphill.

Meantime, Gene thought it was all great. We were sitting on the grass near the Little League diamond, up against the fence, no one around, shelling and eating salted peanuts.

"Hey, man, that was really cool, what you did, getting up there and telling the truth."

"You're only saying that, Señor Gino, because you set me up with that asshole Cerino." I'd pieced it together. Gene had told his dad, who told Cerino, who wasn't such an asshole, but I had to give Gene some good-natured crap. Even things up.

"You did the right thing, Eddie. You'll see. Chuy was stupid to have the shotgun, but he didn't deserve to die like that. What you did was righteous."

"Aw, Gene, you're just a Mexican sympathizer."

We'd been joking around, but now his smile faded. "What's that supposed to mean?"

"That's what they're called," I said. "I saw it on the news last night, on George Putnam."

"Well, that shows how much you know, Eduardo, because some of these people weren't even born in Mexico. They were born in America, the same as us."

"They ain't the same as you and me, Gene. We're white and they ain't."

"Being white don't make us saints or heroes."

"God made us different for a reason." I'd heard somebody important say that.

"God? Since when did you get religion?"

"Not being religious don't mean I don't believe in God," I said.

"Eddie, you dumb shit, believing in God doesn't make us better than *Chicanos*. They're Catholics. They believe in God, too." Gene was too smart for his own good sometimes, like I said before.

So, I was pissed at Gene for getting me involved, but glad he respected me, thinking I was a good guy for testifying for Chuy and his family, even if I looked like a Mexican sympathizer, too.

In a big city, with more crime and bent cops, who knows what might have happened to me for fingering Draper and Tremmer. But Richland was a small town, not full of criminals and corruption, and I think Draper knew he'd done wrong and was ready to take his medicine. Right at that moment when he shot Chuy, maybe Draper did believe Chuy had shotgunned Wayne Pruitt earlier that summer. Framing him at SunRose may have seemed the best way, but later he realized it was wrong. Tremmer, though, was far too fucking stupid to figure this out.

They got convicted. Besides my testimony, their defense went tits-up when a guy from the FBI checked the shotgun shells in Chuy's twelve-gauge—same as the ones in the patrol car. I guess Dookie's old man was going for broke, and didn't have a lot of time to plan the cover-up.

Once word got around town, though, all that didn't matter. To Gene and his old man, I might have been Mr. America or some shit, but not to most of the white folks in town, the people who I had to be around, day in and day out. Shit, Dookie had a lot of friends, and so did the Tremmers. And I was the no-good, yellow little bastard who ratted out their dads, got them thrown off the force, put in jail for killing a *Chicano* who had a gun and was probably going to get someone killed sooner or later anyway, maybe himself.

Still, the worst thing was me repeating in court Chuy Muro's words about racism in Richland, about the bad treatment the chukes got from the whites, and about how the Latin folks weren't going to bend with it anymore. Me saying that made it part of the trial record, part of how outsiders would see the town, and how people in town might have to see themselves. They didn't like it.

Back then everybody thought a certain way, knew where they belonged, what was expected. I belonged west of C Street, Chuy belonged east of the tracks, and in between was unmarked no-man's-land. What I quoted in court challenged all that. I had no business on the witness stand testifying against two white cops – and the town – at the age of sixteen with no more brains than a sack full of rocks. That's what people thought.

The first time this shit came down, I was walking into Frostie's Drive-in parking lot for a burger. Keith Conway pulled his black hemi Chrysler in tight behind me, and floored it in neutral. It sounded like the Santa Fe Super Chief coming right up your ass, and I was lucky not to drop my cargo right on the spot. Then Conway leaned full-tilt on his horn.

"Get out of the fucking road, stool pigeon!"

I spun around, half-laughing from the fright, thinking they were just razzing me for fun.

Terry Cochran, riding shotgun, gave me the finger. "Watch your chicken-shit ass, Henley."

I just stood there lock-jawed. This wasn't a joke. These guys meant for me to feel their hatred. I looked across the Frostie's lot. People everywhere were staring at me, some snickering and smiling like they were watching some jackass getting righteous payback. An old Benny Coles tune came back to me:

"So I toss back another whiskey

Knowing only time will tell,

Before my ride collects me

And takes me down to Hell."

I turned and walked away, looking behind me the whole way home.